

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE  
joint with the  
JUDICIARY COMMITTEE  
PUBLIC HEARING

STATE CAPITOL  
HARRISBURG, PA

MAIN CAPITOL BUILDING  
ROOM 140

WEDNESDAY, MAY 14, 2014  
9:30 A.M.

PRESENTATION ON  
PA STATE POLICE EMERGENCY TOWING  
PILOT PROGRAM

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE  
BEFORE:

HONORABLE STEPHEN BARRAR, VA&EP MAJORITY CHAIRMAN  
HONORABLE MARK M. GILLEN  
HONORABLE JOSEPH T. HACKETT  
HONORABLE LEE JAMES  
HONORABLE JIM MARSHALL  
HONORABLE KATHY RAPP  
HONORABLE RICK SACCONI  
HONORABLE CHRIS SAINATO, VA&EP DEMOCRATIC CHAIRMAN  
HONORABLE BRYAN BARBIN  
HONORABLE RYAN A. BIZZARRO  
HONORABLE MARIA P. DONATUCCI

JUDICIARY COMMITTEE  
BEFORE:

HONORABLE RONALD MARSICO, JUDICIARY MAJORITY CHAIRMAN  
HONORABLE BRYAN CUTLER  
HONORABLE SHERYL M. DELOZIER  
HONORABLE JOSEPH T. HACKETT  
HONORABLE MARK KELLER  
HONORABLE MIKE REGAN

## JUDICIARY COMMITTEE

BEFORE (Cont'd):

HONORABLE RICK SACCONI

HONORABLE TODD STEPHENS

HONORABLE THOMAS CALTAGIRONE, JUDICIARY DEMOCRATIC  
CHAIRMAN

HONORABLE BRYAN BARBIN

HONORABLE DOM COSTA

\* \* \* \* \*

*Pennsylvania House of Representatives  
Commonwealth of Pennsylvania*

ALSO IN ATTENDANCE:

HONORABLE RICHARD STEVENSON

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE STAFF  
PRESENT:

RICK O'LEARY

MAJORITY EXECUTIVE DIRECTOR

SEAN HARRIS

MAJORITY RESEARCH ANALYST

LU ANN FAHNDRICH

MAJORITY ADMINISTRATIVE ASSISTANT

AMY BRINTON

DEMOCRATIC EXECUTIVE DIRECTOR

HARRY BUCHER

DEMOCRATIC RESEARCH ANALYST

JUDICIARY COMMITTEE STAFF PRESENT:

THOMAS DYMEK

MAJORITY COUNSEL, EXECUTIVE DIRECTOR

MICHELLE MOORE

MAJORITY ADMINISTRATIVE ASSISTANT

MIKE FINK

MAJORITY RESEARCH

DAVID VITALE

DEMOCRATIC COUNSEL, EXECUTIVE DIRECTOR

DAVID MCGLAUGHLIN

DEMOCRATIC RESEARCH ANALYST

## I N D E X

## TESTIFIERS

\* \* \*

<u>NAME</u>	<u>PAGE</u>
LT. COLONEL GEORGE BIVENS DEPUTY COMMISSIONER OF OPERATIONS PA STATE POLICE.....	11
MAJOR EDWARD HOKE DIRECTOR, BUREAU OF PATROL PA STATE POLICE.....	30
CAPTAIN PATRICK BRINKLEY DIRECTOR, BUREAU OF RESEARCH AND DEVELOPMENT PA STATE POLICE.....	51
JOHN WICKER CEO, AUTORETURN..... Accompanied by:	65
MATT STECK GOVERNMENT AFFAIRS CONSULTANT	
KEN FISHER OWNER, EAGLE AUTO SERVICE & COLLISION CENTER.....	81
MIKE HARNISH TOW OPERATOR.....	104
JOHN PENDLETON CTO, AUTORETURN.....	113
SHANE STALEY TREASURER, PENNSYLVANIA TOWING ASSOCIATION.....	132
RON BRESSLER PRESIDENT, PENNSYLVANIA TOWING ASSOCIATION..... Accompanied by:	136
CATHY TENNIS	

## I N D E X

TESTIFIERS  
(cont'd)

\* \* \*

<u>NAME</u>	<u>PAGE</u>
EDDIE WHITEMAN OWNER, EDDIE'S COLLECTIBLES.....	161
CURTIS D. HOVIS VICE PRESIDENT, HOVIS AUTO WRECKING, INC.....	164
JOHN MALINSKI OWNER, MALINSKI TOWING.....	208
DAVE NORRIS, III OWNER, D&D SALVAGE.....	214
MARK MCCONNELL OWNER, MCCONNELL'S SUNOCO.....	217
JOHN GLASS LEGISLATIVE CHAIRMAN, TOWING RECOVERY ASSOCIATION OF AMERICA.....	222

## SUBMITTED WRITTEN TESTIMONY

\* \* \*

(See submitted written testimony and handouts online.)

## 1 P R O C E E D I N G S

2 \* \* \*

3 MAJORITY CHAIRMAN BARRAR: Good morning,  
4 everyone. I'm Representative Steve Barrar. I'm the  
5 Chairman of the House Veterans Affairs and Emergency  
6 Preparedness Committee, and I'd like to call this Committee  
7 to order. And also this is a joint hearing with Chairman  
8 Marsico.

9 The first order of business here I would ask  
10 Representative Saccone if he would lead us in the Pledge of  
11 Allegiance.

12  
13 (The Pledge of Allegiance was recited.)

14  
15 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

16 We're here today to examine the Pennsylvania  
17 State Police Emergency Towing Pilot Program that is being  
18 conducted in western Pennsylvania. We have with us today  
19 several panels of affected groups and stakeholders in the  
20 pilot program. We are looking forward to some excellent  
21 dialogue on this important emergency towing issue.

22 The hearing today is being conducted jointly with  
23 the House Judiciary Committee and we also have invited  
24 House Members from the affected pilot program areas to join  
25 us today since many of them have expressed great interest

1 in this pilot program.

2 What I'd like to do first is maybe go around the  
3 room -- there are a lot of legislators here -- and have the  
4 legislators introduce themselves starting at the table to  
5 my far left. Representative Hackett, if you want to start.

6 REPRESENTATIVE HACKETT: Thank you, Chair. I  
7 can't think of a better place. Representative Joe Hackett,  
8 161st District, Delaware County.

9 REPRESENTATIVE BIZZARRO: Good morning, everyone.  
10 Representative Ryan Bizzarro, 3rd District, Erie County.

11 REPRESENTATIVE DONATUCCI: Good morning. Maria  
12 Donatucci, 185th, that's Philadelphia County and Delaware  
13 County.

14 REPRESENTATIVE KELLER: Good morning. Mark  
15 Keller of the 86th District, which is Perry and Franklin.

16 REPRESENTATIVE CUTLER: Good morning. Bryan  
17 Cutler, 100th District, southern Lancaster County.

18 REPRESENTATIVE COSTA: Good morning. Dom Costa,  
19 21st District, Allegheny County, City of Pittsburgh.

20 REPRESENTATIVE GILLEN: Mark Gillen, Berks  
21 County.

22 REPRESENTATIVE JAMES: Good morning. Lee James,  
23 Venango County, District 64 and part of northern Butler  
24 County.

25 REPRESENTATIVE MARSHALL: Good morning.

1 Representative Marshall, Beaver County, 14th District.

2 REPRESENTATIVE RAPP: Good morning.

3 Representative Kathy Rapp, Warren, Forest, and McKean  
4 Counties.

5 REPRESENTATIVE SACCONI: Good morning. I'm  
6 Representative Rick Sacconi. I'm from the fighting 39th  
7 District of southern Allegheny and northern Washington  
8 Counties.

9 VA&EP MAJORITY CHAIRMAN BARRAR: Can we get the  
10 staff also to introduce themselves?

11 MR. BUCHER: Harry Bucher, Analyst for Chris  
12 Sainato.

13 MS. BRINTON: Amy Brinton, Minority Executive  
14 Director for Chris Sainato.

15 MR. DYMEK: Tom Dymek, Executive Director for  
16 Judiciary.

17 MR. HARRIS: Sean Harris, Research Analyst for  
18 Majority.

19 VA&EP MAJORITY CHAIRMAN BARRAR: So we know who's  
20 here, go ahead, Tom.

21 JUDICIARY MINORITY CHAIRMAN CALTAGIRONE: Tom  
22 Caltagirone, District 127, Reading.

23 JUDICIARY MAJORITY CHAIRMAN MARSICO: Ron  
24 Marsico, Chair of the Judiciary Committee, 105th, Dauphin  
25 County.



1           MR. O'LEARY: Rick O'Leary, Executive Director  
2 for Chairman Barrar.

3           VA&EP MINORITY CHAIRMAN SAINATO: Representative  
4 Chris Sainato. I'm the Democratic Chairman of the House  
5 Veterans Affairs and Emergency Preparedness Committee. I'm  
6 from Lawrence County.

7           REPRESENTATIVE STEVENSON: Dick Stevenson, Mercer  
8 and Butler Counties, 8th District.

9           VA&EP MAJORITY CHAIRMAN BARRAR: I would ask the  
10 Chairmen here if they would like to make a statement first  
11 starting with Chairman Marsico.

12          JUDICIARY MAJORITY CHAIRMAN MARSICO: Thank you,  
13 Mr. Chair.

14          And thanks for convening this hearing. I look  
15 forward to the testimony. This has been going on for, I  
16 guess a number of months now and we've been hearing reports  
17 of concerns from the towers and also we're looking forward  
18 to hearing the testimony, especially from the Pennsylvania  
19 State Police. So thanks for arranging this meeting.

20          VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
21 Chairman.

22          Chairman Sainato.

23          VA&EP MINORITY CHAIRMAN SAINATO: Thank you,  
24 Chairman Barrar.

25          I, too, am looking forward to this hearing. It's

1       been something that's been talked about and planned for a  
2       while now. It's great to see so many people have come out  
3       today, too. I know this is a very important issue,  
4       especially to many of my towers back in my area and I look  
5       forward to listening and hearing and potentially  
6       questioning all sides on this important issue.

7               VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
8       Chairman.

9               Also with us today is Representative Dick  
10       Stevenson, who is a Member of the House Leadership Team and  
11       who is our Caucus Administrator. Representative Stevenson.

12              REPRESENTATIVE STEVENSON: Thank you, Chairman  
13       Barrar.

14              Again, I'd like to just add my words of welcome  
15       to everyone who's here. We're looking forward to an  
16       informative and helpful hearing today on this critically  
17       important issue to so many people. And hopefully as a  
18       result of this hearing we'll be able to move this issue  
19       forward and reach some resolution.

20              Thank you.

21              VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.  
22       Chairman Caltagirone.

23              JUDICIARY MINORITY CHAIRMAN CALTAGIRONE: Thank  
24       you, Mr. Chairman.

25              I look forward to the testimony and appreciate

1 everybody showing up. Thank you, Mr. Chairman.

2 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

3 I have just a few remarks. And one of the  
4 reasons we wanted the hearing today is one of our big  
5 concerns was the fact that the stakeholder meetings were  
6 held throughout I guess several years now to get us to this  
7 point of a contract being signed for a third-party dispatch  
8 group to come in. During the stakeholder meetings, which  
9 we're all familiar with here as legislators, we have  
10 numerous stakeholder meetings whenever we pass legislation.  
11 My biggest concern is the fact that the towers, the people  
12 that are involved in this contract, the people most  
13 affected by this, were never invited to any of the  
14 stakeholder meetings, which in my feeling warrants this  
15 hearing to be held so, first of all, that we can hear from  
16 the towers, from the State Police, and why this happened.

17 But I also, as a Representative who's taken a  
18 great interest in this industry, was asked to be part of  
19 the stakeholder meetings and was never invited. The first  
20 responders, our firefighters, our EMTs are an important  
21 part of a response when there's a traffic accident out on  
22 our highways. They were never invited to these stakeholder  
23 meetings. Their suggestions, their ideas, their thoughts  
24 and concerns were never taken into consideration. It's one  
25 of the main reasons that I thought we needed to move

1 forward with this hearing.

2 At this time I'd like to get our first panel to  
3 testify, the Pennsylvania State Police. We have Lt.  
4 Colonel George Bivens, Deputy Commissioner of Operations;  
5 Major Ed Hoke, Director of Bureau of Patrol; and Captain  
6 Patrick Brinkley, Director, Bureau of Research and  
7 Development.

8 Thank you for being here today, gentlemen, and  
9 you may begin your testimony when ready.

10 LT. COLONEL BIVENS: Good morning, Chairman and  
11 Members of the Committees. Thank you for the opportunity  
12 to be here. And you've introduced the members, but just  
13 for clarification this is Major Edward Hoke on my right and  
14 Captain Patrick Brinkley on my left.

15 We do appreciate the opportunity to appear before  
16 you today to discuss the emergency towing pilot project  
17 being conducted by our Department. It has always been the  
18 policy of the Pennsylvania State Police to provide  
19 assistance to individuals involved in highway incidents in  
20 a timely, efficient, and fair manner.

21 Each year, troopers respond to thousands of such  
22 calls requiring emergency towing services. These incidents  
23 range from assisting motorists whose vehicles have become  
24 inoperable to those incidents requiring in-depth crash and  
25 criminal investigations.

1           Despite not being statutorily required, the  
2       Pennsylvania State Police has always taken the  
3       responsibility of coordinating towing services very  
4       seriously, as it is critical to the restoration of the flow  
5       of traffic and the protection of the motoring public and  
6       their property. To accomplish this, we have crafted  
7       complex and comprehensive internal policies. These  
8       policies involve such things as inspecting private towing  
9       businesses to determine if they have sufficient equipment  
10      and facilities, accounting for the injured motorist's  
11      belongings and ensuring their safe storage, attempting to  
12      keep motorists from being charged exorbitant rates, as well  
13      as maintaining background standards for those who are given  
14      this critical public safety task.

15           In an attempt to be fair to the towing industry,  
16      the PSP has gone to great lengths to construct protocols  
17      that attempt to achieve equality in how calls for services  
18      are distributed, as well as internal regulations that  
19      attempt to apply these standards consistently as not to  
20      create an unfair business advantage among competitors. We  
21      believe these commonsense measures have aided in the safety  
22      of the motoring public and have been very beneficial to the  
23      towing industry.

24           Over the years, we have developed many positive  
25      business partnerships with towing service providers, and

1 our experience shows most towers to be highly professional.  
2 But the system is simply not sustainable. Adhering to  
3 these complex protocols during emergency dispatch and  
4 response has always been at the cost of efficiency.  
5 Further, we invest significant administrative resources  
6 into the process only to be highly vulnerable to litigation  
7 and criticism of partiality; related lawsuits have resulted  
8 in millions of dollars lost to the taxpayers.

9           Instead of resources being spent on our primary  
10 law enforcement function, they are frequently spent  
11 conducting conflict resolution between motorists and towers  
12 and time-consuming internal investigations, much for the  
13 purpose of consumer protection. Some even result in  
14 discipline to our own members, whose primary function and  
15 training is emergency response, not business management or  
16 resolution of civil disputes.

17           The PSP is a unique organization in that it has  
18 primary jurisdiction in parts of every county in the  
19 Commonwealth. Some of our patrol zones on interstate  
20 highways span several counties. Thus, we rely heavily on  
21 county emergency management services and communication  
22 centers. Because of this relationship, we have considered  
23 the prospect of utilizing county resources for towing  
24 management. However, we recognize that adding the  
25 responsibility of all of the aforementioned administrative

1 requirements of inspection, conflict dispute, litigation,  
2 and dispatching would be a significant increase in their  
3 operational workload and fiscal liability. Further,  
4 actually requiring them to take on all of these tasks in a  
5 uniform manner across the entire State would surely require  
6 comprehensive legislation.

7           Given these challenges, the Pennsylvania State  
8 Police has undertaken an initiative to evaluate the  
9 feasibility of establishing a no-cost contract with a  
10 third-party administrator to manage the process for the  
11 PSP. The private entity is responsible for establishing  
12 and maintaining a list of authorized towing service  
13 providers, ensuring compliance with professional standards,  
14 dispatching towers to the scene of highway incidents, and  
15 resolving disputes. Those providers, who are interested in  
16 participating, pay a maximum of \$35 per call to the  
17 administrator for these services. Providers may absorb  
18 this cost or pass it on to the motorist. Importantly,  
19 those motorists who request a towing provider of their  
20 choice are unaffected by this system, provided their  
21 request is in conformance with current law. Also, this  
22 does not affect towing requests to municipal police  
23 departments.

24           The pilot program was intentionally started in  
25 the challenging terrain of northwest Pennsylvania,

1 beginning in December of 2013. While initially focused on  
2 a small area, it now encompasses eight stations spread over  
3 two troops and involves the participation of 43 towing  
4 service providers. We have worked with individual business  
5 owners, industry-wide representatives, our volunteer  
6 emergency service partners, and legislators to gather  
7 feedback and make changes where necessary.

8           Although the project has not been a seamless  
9 transition in the affected areas, it has shown very  
10 promising results. We are very optimistic about its future  
11 success and we continue to incorporate lessons learned  
12 along the way, particularly as they relate to safety.

13           Our Department has taken on a significant number  
14 of statutorily related initiatives and administrative  
15 duties over the last several decades. Many of these are  
16 well suited to our organizational structure, but our finite  
17 fiscal and administrative resources need to be efficiently  
18 utilized.

19           The Pennsylvania State Police has long been  
20 considered one of the most progressive law enforcement  
21 agencies in the Nation. Consistently, this pilot is  
22 designed to determine if we can leverage competitive  
23 private sector resources to manage a public sector need in  
24 a cost-effective manner. In other words, let business  
25 manage business. But, most importantly, this initiative is



1 designed to allow us to remain focused on our core  
2 function: to provide the highest quality law enforcement  
3 and public safety services possible for the citizens of  
4 Pennsylvania.

5 I thank you for your attention, and we'll be  
6 happy to answer any questions you might have on this pilot  
7 program. Thank you.

8 VA&EP MAJORITY CHAIRMAN BARRAR: I would first  
9 ask the Chairmen if they have any questions.  
10 Representative Stevenson.

11 REPRESENTATIVE STEVENSON: Colonel Bivens, can  
12 you tell us how many towers have signed up with AutoReturn  
13 and do you feel there's adequate coverage in that northwest  
14 area with the towers who have signed on to cover the area,  
15 both towers, EMS, and fire?

16 LT. COLONEL BIVENS: Well, sir, we have a total  
17 of 43 towers, I'm told, that have signed on at this point  
18 and are being used in that eight-station area. I do  
19 believe that we have adequate coverage in that area. One  
20 of the decisions that we made was that we would not rule  
21 out this service or initiate this service in any particular  
22 area until we were confident that we had adequate coverage  
23 and that responses would be made in a timely matter.

24 REPRESENTATIVE STEVENSON: And in your testimony  
25 you indicated that your coverage, the State Police

1 coverage, it's primarily on State highways, I would assume  
2 interstate highways, State roads, and so forth. Local  
3 dispatch is done through local municipalities or 911  
4 centers. Is that what I understood you to testify?

5 LT. COLONEL BIVENS: I gave the example of  
6 interstate highways but we have primary jurisdiction over  
7 many, many highways, anything from dirt roads up through  
8 interstate highways, depending on where they're located, if  
9 they're in a municipality that we have primary jurisdiction  
10 for.

11 REPRESENTATIVE STEVENSON: Can you talk for a  
12 minute about how that dispatching works in terms of how a  
13 call comes to the State Police, whether through direct call  
14 or whether through a 911 center or how that call comes and  
15 then how the process works from there?

16 LT. COLONEL BIVENS: Well, typically in the case  
17 of the necessity for a tow, we would have a trooper on  
18 scene and the trooper would request a tow. The trooper  
19 would contact the dispatcher at the State Police station.  
20 The dispatcher would then proceed through one of two  
21 mechanisms. One is an online process that's very simple  
22 for a civilian dispatcher to enter the basic information  
23 that's required into the system and a tow is dispatched, in  
24 this case by AutoReturn. Or they can pick up a phone and  
25 there's a phone number that they can call and have the

1 dispatch of that towing service done that way.

2 REPRESENTATIVE STEVENSON: Thank you, Colonel.

3 Mr. Chairman, I have other questions, but I'll  
4 let other Members ask.

5 VA&EP MAJORITY CHAIRMAN BARRAR: Great. Thank  
6 you.

7 Chairman Marsico.

8 JUDICIARY MAJORITY CHAIRMAN MARSICO: Thank you,  
9 Mr. Chair.

10 Representative Stephens touched on some of the  
11 questions I had but I wanted just to follow up on that  
12 dispatch. Now, they call 911, right?

13 LT. COLONEL BIVENS: I'm sorry?

14 JUDICIARY MAJORITY CHAIRMAN MARSICO: You said  
15 the State trooper would call the dispatcher.

16 LT. COLONEL BIVENS: The State Police dispatcher  
17 at our station.

18 JUDICIARY MAJORITY CHAIRMAN MARSICO: Yes. Is  
19 the county emergency 911 involved in this process at all?

20 LT. COLONEL BIVENS: No, sir.

21 JUDICIARY MAJORITY CHAIRMAN MARSICO: Can they  
22 be?

23 LT. COLONEL BIVENS: There would be no---

24 JUDICIARY MAJORITY CHAIRMAN MARSICO: Or should  
25 there be?

1           LT. COLONEL BIVENS: The way it works now there  
2 would be no reason for them to be. It would be an extra  
3 step in the process.

4           JUDICIARY MAJORITY CHAIRMAN MARSICO: So if  
5 there's an emergency at the crash, are they contacted at  
6 all or is it just you guys then---

7           LT. COLONEL BIVENS: Certainly---

8           JUDICIARY MAJORITY CHAIRMAN MARSICO: ---the  
9 State troopers then call the EMTs, et cetera?

10          LT. COLONEL BIVENS: No. The 911 center would  
11 certainly be involved in the dispatch---

12          JUDICIARY MAJORITY CHAIRMAN MARSICO: I've got  
13 that.

14          LT. COLONEL BIVENS: ---of EMS and fire  
15 department---

16          JUDICIARY MAJORITY CHAIRMAN MARSICO: If there's  
17 a crash.

18          LT. COLONEL BIVENS: ---if they're needed.

19          JUDICIARY MAJORITY CHAIRMAN MARSICO: If there's  
20 injuries, et cetera---

21          LT. COLONEL BIVENS: Yes, sir.

22          JUDICIARY MAJORITY CHAIRMAN MARSICO: ---they  
23 would be called. But does it make sense to call them and  
24 let them do the dispatch to the towing operators, et  
25 cetera? I'm just asking the question. I'm not quite

1       sure ---

2               LT. COLONEL BIVENS:  Anyone can do the dispatch.  
3       Who does the dispatch isn't the issue to us.

4               JUDICIARY MAJORITY CHAIRMAN MARSICO:  Right.  I  
5       understand.

6               LT. COLONEL BIVENS:  The issue is all of the  
7       other things on the front end that I talked about briefly  
8       and I can go into greater detail if you like but there's a  
9       lot of work that goes into, first of all, qualifying the  
10      tower for service, inspecting the premises, doing  
11      background checks on those towers, and mapping their  
12      location so that the dispatchers can identify the nearest  
13      available and that kind of thing.  And so once all of these  
14      other steps are in place, we collect the fee structure, for  
15      example, from that tower and all of that is put in place.  
16      Now, the dispatch occurs.  The dispatch is one very small  
17      piece of a much larger issue for us.

18              After that tow occurs, the other issue that we  
19      get involved with is conflict resolution because we have  
20      individuals who are not satisfied at times.  And again the  
21      vast majority of towers, I want to be very clear the vast  
22      majority of the towers are very professional and we don't  
23      get complaints but there is a significant percentage that  
24      we do get complaints on and then we're required to follow  
25      up and try and mediate those complaints.  We work with the

1 individual, we work with their insurance company, we work  
2 with the towers to try and come to some resolution. In  
3 other cases, the complaints are between towers. One tower  
4 feels that they should have gotten the tow versus a  
5 different tow. So that ties up our people spending time  
6 mediating that and resolving it for the future.

7 And there are a myriad of other issues that we  
8 get into that ultimately at times lead to litigation that  
9 again cost the taxpayers because we're now incurring legal  
10 fees and ultimately at times paying out civil awards over  
11 the way that whole process has been structured and the way  
12 those tows occurred.

13 JUDICIARY MAJORITY CHAIRMAN MARSICO: I guess the  
14 question is though can the 911 folks at the county level,  
15 can they do the job that the company is doing that was  
16 contracted?

17 LT. COLONEL BIVENS: They could do one small  
18 piece of what the company does. Again, this company is  
19 contracted to do all of those other steps. So it should  
20 not be a trooper involved in mediation of those issues. It  
21 should not be a trooper inspecting the station to begin  
22 with. All of that would be done by AutoReturn.

23 The phone call itself is not the issue. I can  
24 have a PCO, a police communications operator, from the  
25 State Police make the call or I can have a 911 dispatcher

1 make the call. That's not the issue for us. Or I could  
2 have AutoReturn make the call. The issue for us is all of  
3 the other work on either end of that process that creates  
4 administrative work for all of our people and takes  
5 troopers off the road significant amounts of time.

6 JUDICIARY MAJORITY CHAIRMAN MARSICO: Okay.  
7 Thank you, Mr. Chair.

8 VA&EP MAJORITY CHAIRMAN BARRAR: Can I just jump  
9 in here? I know Chairman Sainato has a question.

10 You talked about the issue of conflict  
11 resolution. Two years ago we passed House Bill 110 of 2012  
12 which basically gives the conflict resolution authority now  
13 to the Office of the Attorney General in their Office of  
14 Consumer Affairs, doesn't it?

15 LT. COLONEL BIVENS: It gives them the ability to  
16 enforce that one small act. That act doesn't even begin to  
17 address the issue. That act, it was a step in the right  
18 direction but doesn't begin to go nearly as far as even our  
19 own internal policies on establishing who can be a tower  
20 for the State Police and how some of the issues are  
21 resolved. It basically gives an individual the right to  
22 have access to their vehicle. It says that the rates have  
23 to be posted and essentially...

24 VA&EP MAJORITY CHAIRMAN BARRAR: But that's all  
25 addressed in Act 110.

1           LT. COLONEL BIVENS: Again, that one small piece.  
2 None of the rest of what I described to you is addressed in  
3 that act.

4           VA&EP MAJORITY CHAIRMAN BARRAR: How many  
5 complaints have you sent to the Office of Consumer Affairs  
6 in the Attorney General's Office since its passage?

7           LT. COLONEL BIVENS: I don't know how many we've  
8 sent. We've handled quite a few in that interim because  
9 again it reflects on the State Police. So if we called the  
10 tower and the motorist calls us, we will attempt to resolve  
11 that. If the motorist is still dissatisfied, they can  
12 certainly call the Attorney General's Office and file a  
13 complaint, but again, many of the things that they would  
14 complain about are not covered by that act and the Attorney  
15 General has no ability to enforce anything that's not  
16 covered by that act.

17           VA&EP MAJORITY CHAIRMAN BARRAR: Thank you. I  
18 disagree with you.

19           But Chairman Sainato.

20           VA&EP MINORITY CHAIRMAN SAINATO: Colonel, I have  
21 a quick question. Are these all Pennsylvania companies?

22           LT. COLONEL BIVENS: No, sir, they are not.

23           VA&EP MINORITY CHAIRMAN SAINATO: What is the  
24 breakdown? I know we're on the border there in western  
25 Pennsylvania.



1           LT. COLONEL BIVENS: In terms of towing companies  
2 that---

3           VA&EP MINORITY CHAIRMAN SAINATO: Yes.

4           LT. COLONEL BIVENS: I really don't have that  
5 information, sir. We could certainly get that. But what I  
6 would tell you is that long before we used AutoReturn we  
7 were also using out-of-state companies for tows in the  
8 border areas of Pennsylvania. So nothing has changed  
9 there.

10          VA&EP MINORITY CHAIRMAN SAINATO: Are they  
11 registered in Pennsylvania, though, the out-of-state? They  
12 would meet all the rules---

13          LT. COLONEL BIVENS: Yes, sir.

14          VA&EP MINORITY CHAIRMAN SAINATO: ---and  
15 regulations?

16          LT. COLONEL BIVENS: That is a requirement for  
17 them to do those tows.

18          VA&EP MINORITY CHAIRMAN SAINATO: Okay. Because  
19 I just heard that they were not and that's why I want to  
20 ask that. And you're saying that they are registered in  
21 Pennsylvania.

22          LT. COLONEL BIVENS: That is my understanding,  
23 sir.

24          VA&EP MINORITY CHAIRMAN SAINATO: Well, wouldn't  
25 it take them longer to have to service the needs? I mean

1 if you're in Grove City that's 25 miles from the State  
2 line. If---

3 LT. COLONEL BIVENS: Sir, and I wouldn't expect  
4 that we would be bringing an out-of-state tower great---

5 VA&EP MINORITY CHAIRMAN SAINATO: Yes.

6 LT. COLONEL BIVENS: ---distances into  
7 Pennsylvania. I would expect that they would be given tows  
8 when they happen to be the closest service, closer than any  
9 Pennsylvania tower and they can assist in getting that  
10 roadway opened up.

11 VA&EP MINORITY CHAIRMAN SAINATO: All right.  
12 Thank you, Colonel.

13 VA&EP MAJORITY CHAIRMAN BARRAR: Let me see.  
14 Let's start down at this table with the legislators down  
15 here, Representative Hackett for a question.

16 REPRESENTATIVE HACKETT: Thank you, Mr. Chairman,  
17 for the opportunity to ask a question but it's going to  
18 have to be a statement today, I hope you don't mind, just  
19 to get things off and running.

20 A little bit of background, I'm 26 years law  
21 enforcement and have a pretty good knowledge of all aspects  
22 of law enforcement throughout this Commonwealth and  
23 actually through the Nation through my background. So I  
24 just want to be clear here. I do think it's unfair here at  
25 today's hearing that we have these three gentlemen,

1 Colonel, Captain, and Major sitting in front of us when I  
2 truly believe, and if they're not here today, that general  
3 counsel for PSP should be here to answer some of these  
4 questions and not hide behind these fine men in uniform.  
5 That's my statement. That's what I'm upset about and I  
6 guess you can see that in my voice.

7           The second thing is I don't think the  
8 Pennsylvania State Police should be in the towing business.  
9 I'll come out and say that for you guys. You need to be  
10 back in the business of locking up the bad guys, which is  
11 what you do best. And we want to put your funds there. I  
12 think that's where we're at. I think the local towing  
13 issues that apply should be within those municipalities in  
14 which they occur, but we can't get there.

15           And Chairman Marsico, and Dick, you asked great  
16 questions. And I think what you were trying to get at was  
17 how does the system work? Someone calls 911. It goes to  
18 our county 911 centers. They need a tow truck. From there  
19 that call says hold on, you're in State Police territory.  
20 By the way, this happens with crimes in progress, too.  
21 They hit that hold-on button, they transfer the call to the  
22 Pennsylvania State Police local dispatch. Where I live it  
23 would be Media. A trooper or a civilian employee would  
24 answer that phone and say how can we help you? I'm getting  
25 beat up at such-and-such location. Now the person told the

1 story twice.

2 Now, Pennsylvania State Police dispatch their  
3 trooper to that location whether it's a tow or if it's a  
4 crime of violence in progress. There's a delay here.  
5 There's a safety issue. Then what happens is that trooper  
6 then travels through three municipalities that have all  
7 police officers working in those municipalities that don't  
8 even hear that dispatch call where the Pennsylvania State  
9 Police have dispatched their officer or their trooper.

10 That's the basis of the problem. That then can  
11 help us address this towing issue that we have if we leave  
12 it back in the local hands. If an incident happens in a  
13 community that the Pennsylvania State Police patrol, the  
14 911 should have at hand who that contracted tower is and  
15 call the tower for the State Police.

16 You mentioned common sense in a lot of your  
17 statements there, Lieutenant [sic]. I'm hoping through  
18 this hearing we can move forward and start putting some  
19 things into action. And I feel sorry for these three guys  
20 up here because it's not them that are making those rules  
21 and all. It is general counsel and they need to come out  
22 and they need to talk to us in front as a committee.

23 Thank you for your service, guys.

24 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
25 Representative.

1           Anyone else at that table, questions? In the  
2 front row here?

3           Representative Saccone.

4           REPRESENTATIVE SACCONE: Thank you, Mr. Chairman.

5           So when you put this contract out for bid, how  
6 many companies responded?

7           LT. COLONEL BIVENS: There were three, sir.

8           REPRESENTATIVE SACCONE: And were any of them  
9 from Pennsylvania?

10          LT. COLONEL BIVENS: No, they were not.

11          REPRESENTATIVE SACCONE: All were out-of-state  
12 companies. Are there Pennsylvania providers for this  
13 service available?

14          LT. COLONEL BIVENS: I'm not aware of any  
15 companies that provide this specific service. Are you  
16 aware of any?

17          MAJOR HOKE: No, we're not aware to our knowledge  
18 of any Pennsylvania firms that provide this type of  
19 service.

20          REPRESENTATIVE SACCONE: Okay. Thank you very  
21 much.

22          VA&EP MAJORITY CHAIRMAN BARRAR: Anyone else?  
23 Jim Marshall.

24          REPRESENTATIVE MARSHALL: Thank you,  
25 Mr. Chairman.

1           I have several questions but I'll limit at the  
2 beginning just to the statement that you made about the  
3 front-end costs. I guess the initial information I got was  
4 that the company AutoReturn was hired to dispatch these  
5 calls but you're saying that there's more to it?

6           LT. COLONEL BIVENS: Yes, sir.

7           REPRESENTATIVE MARSHALL: So not only they  
8 dispatch the calls but they're going to do the background  
9 checks?

10          LT. COLONEL BIVENS: They're going to do all of  
11 the other physical checks of the location. We would still  
12 do just the background check for criminal history on the  
13 towers. Everything else would be conducted by AutoReturn.

14          REPRESENTATIVE MARSHALL: Well, I can see that  
15 you're already doing thousands of volunteer coach  
16 background checks so I would think that background checks  
17 for towing industry wouldn't be that onerous. So that's  
18 good to hear.

19          The physical check, is it like an inspection?  
20 What would that involve?

21          LT. COLONEL BIVENS: It's an inspection of the  
22 premises. It's also checking everything from ensuring that  
23 the tower has proper and adequate liability insurance. The  
24 background is part of it, looking at the equipment to make  
25 sure that the equipment is up to standards. So if they

1 claim to be a heavy-duty towing service or a medium towing  
2 or a light-duty towing, that they have the appropriate  
3 equipment to do all of that, that their location is where  
4 it's claimed to be, that the rates are posted. There's a  
5 whole list of things that they would do as part of that  
6 inspection and then sign that tower up and again map them  
7 into their dispatch tool. And I believe you'll hear more  
8 about that when they testify, how they go about then  
9 selecting the tower for a dispatch based on all of that  
10 information.

11 REPRESENTATIVE MARSHALL: So previously you would  
12 use troopers for that?

13 LT. COLONEL BIVENS: Yes, sir.

14 REPRESENTATIVE MARSHALL: Okay. That's all I  
15 have right now. Thank you, Mr. Chairman.

16 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

17 Representative James.

18 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.

19 Colonel, thank you for your service, gentlemen.  
20 It would be good if all this could be resolved amicably. I  
21 don't know if that's possible or not but flash-forward if  
22 you would. Explain to me how engaging a company from 3,000  
23 miles away to do dispatching is going to make the  
24 dispatcher currently working for the Pennsylvania State  
25 Police life any different, and in particular the conflict-

1 resolution issue that you brought up?

2 LT. COLONEL BIVENS: Well, sir, first of all, in  
3 terms of having this end amicably, I hope you're right as  
4 well. We have a very good relationship with the towers and  
5 I do hope to maintain that, regardless of how this project  
6 proceeds.

7 In terms of the conflict resolution, that's  
8 separate from the dispatch portion of this. So the  
9 conflict resolution is after the tow has occurred, the  
10 dispatcher is not involved with that. In this case  
11 AutoReturn would be. If AutoReturn isn't, then a trooper  
12 is involved with that. And again, we're taking the  
13 trooper's time away from other law enforcement duties to  
14 get the complaint from whoever it is. And again in some  
15 cases it's another tower or it may be a motorist or it may  
16 be their insurance carrier. And they get that information,  
17 they go to the tower, they try to resolve this, determine  
18 whether there's any merit to the complaint. If there is,  
19 there's action that may have to be taken. If it doesn't  
20 appear that there is, then again try to mediate a  
21 resolution. Either way, it's very time consuming for that  
22 trooper. At a minimum, it's a shift off of the road for a  
23 trooper that could be otherwise doing law enforcement  
24 functions.

25 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,



1 Representative.

2 Representative Rapp.

3 REPRESENTATIVE RAPP: Yes.

4 VA&EP MAJORITY CHAIRMAN BARRAR: Go ahead.

5 REPRESENTATIVE RAPP: Thank you, Mr. Chairman.

6 Thank you, gentlemen, for being here today.

7 I just have a question if you could clarify the  
8 fee. From what I understand, the providers who are  
9 interested in participating pay a maximum of \$35 per call  
10 to the administrator for the services, but then I'm reading  
11 from a letter that was written that the third-party  
12 dispatch will require the tow responders to collect a  
13 \$22.50 administrative fee from the local motorist for each  
14 dispatch and then that dispatch will be an automated  
15 dispatch from California. Is that correct? So they're  
16 paying a \$35 fee but they're collecting the \$22.50 from the  
17 motorist?

18 LT. COLONEL BIVENS: No, ma'am. I think I can  
19 clarify that. When I say a \$35 fee, that's the maximum fee  
20 and that's what AutoReturn under contract would allow that  
21 tower to collect from a motorist. The tower remits \$22.50  
22 to AutoReturn for their service. The remainder of that  
23 money, I'm told, may be retained by the tower or not  
24 charged at all by the tower up front. But if it is charged  
25 by the tower, it is retained by the tower.

1           And I don't want to speak for them; I would let  
2           them explain this formula to you, but AutoReturn has  
3           determined that there will be a certain percentage of tows  
4           where the tower does not get full reimbursement or maybe  
5           any reimbursement. And so there's a piece, the difference  
6           between the \$22.50 and the \$35 that they're allowed to  
7           retain to put toward that percentage of non-reimbursed  
8           towing.

9           REPRESENTATIVE RAPP: Okay. Thank you.

10          VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
11          Stevenson.

12          REPRESENTATIVE STEVENSON: Thank you again,  
13          Mr. Chairman.

14          I just have a few more followup questions if I  
15          can, Colonel.

16          In my earlier question I asked about the number  
17          of towers and you said 43. Have there also been adequate  
18          responses from EMS services and from fire companies in the  
19          region of the pilot program to service the needs of any  
20          emergencies there?

21          LT. COLONEL BIVENS: I'm not aware of any issues  
22          with the responses from EMS or fire department, but again,  
23          that's not something that's included in this pilot project.

24          REPRESENTATIVE STEVENSON: In what you're  
25          involved with.

1           LT. COLONEL BIVENS: Nothing has changed with our  
2 relationship---

3           REPRESENTATIVE STEVENSON: All right.

4           LT. COLONEL BIVENS: ---with those folks.

5           REPRESENTATIVE STEVENSON: The pilot program  
6 itself, it is a pilot. What is the term of the pilot and  
7 what is the evaluation process that you're going through to  
8 determine whether or not to broaden this program to the  
9 rest of the Commonwealth of Pennsylvania?

10          LT. COLONEL BIVENS: Well, sir, the pilot was  
11 determined to be contained within a two-troop area, Troops  
12 D and E, so Butler and Erie troops in the northwestern  
13 portion of the State. We've just recently deployed the  
14 AutoReturn model in much of Troop D's area, so there's not  
15 been adequate time yet to evaluate that. We have not put a  
16 firm time limit on when that evaluation will occur because  
17 there have been delays in the rollout of the pilot.

18          And what I would say to you is that, again,  
19 because it's a pilot, there are mistakes that are being  
20 made along the way and we're trying to learn from those  
21 mistakes. And so there were mistakes in the rollout in  
22 Erie Troop. We acknowledge those. There were mistakes on  
23 the part of the State Police; there were mistakes on the  
24 part of AutoReturn. We've tried to learn from those and do  
25 a better job as we roll it out into Butler.

1           And we want to ensure that we can address all of  
2 the concerns of the towers, the emergency responders, the  
3 citizens before we would expand that or consider expanding  
4 it any further. If we can't address all of those concerns,  
5 we would not expand it any further and we would end the  
6 pilot.

7           I will tell you that with what I've seen so far  
8 it has generally been very positive. There have been some  
9 issues. We're trying to deal with those issues. I wish we  
10 could go back in time and take away some of the mistakes  
11 that were made early on. We can't do that obviously but I  
12 want to make sure that before we go any further, if we go  
13 any further, that we don't repeat those mistakes.

14           REPRESENTATIVE STEVENSON: Can you address what  
15 some of those adjustments or corrections are that you've  
16 made?

17           LT. COLONEL BIVENS: Well, as an example, and  
18 Representative Barrar alluded to it earlier about some of  
19 the meetings, we did meet with some individual towers.  
20 When we rolled this out in the Erie Troop, we did not have  
21 a general meeting if you will, something that was open to  
22 anybody that wanted to attend. That was a mistake; we  
23 should have. And we have done that in Butler before we  
24 rolled anything out in Troop D's area. That was one of the  
25 things that we learned from.

1           You know, there have been some other issues that  
2 have been brought to our attention, concerns about the  
3 length of the contract that AutoReturn was present to the  
4 towers and some of the clauses within that contract. There  
5 were concerns about some of the tactics that were alleged  
6 to have been used by representatives of AutoReturn in  
7 dealing with some of the towers. I have personally spoken  
8 with the CEO of AutoReturn and we both agree that some of  
9 those things should not have occurred. I'm not sure if all  
10 of them did occur, but either way, that's not how either of  
11 us wants business to be conducted. Again, we think that  
12 there are lot of good towers, a lot of good small  
13 businessmen out there that we need to deal with on a  
14 professional level and try to come to some amicable  
15 agreement of how to proceed here.

16           REPRESENTATIVE STEVENSON: Thank you again,  
17 Colonel. Thank you all for your time.

18           Thank you, Mr. Chairman.

19           VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.  
20 Could I just do a followup to Dick's question about how you  
21 plan to make the final determination on the pilot program  
22 to see if it's working or not. Will you assemble some type  
23 of a panel to discuss this and go through the information  
24 and data that you've received?

25           LT. COLONEL BIVENS: Yes, sir.

1           VA&EP MAJORITY CHAIRMAN BARRAR: Would you  
2 consider then reaching out to the towing association and  
3 the first responders? The first responders from these  
4 areas have sent us numerous petitions complaining about  
5 this new system and the delay in response time. I mean I  
6 really think if you're going to make a determination, you  
7 should have them as part of your panel or board that would  
8 make that assessment from the towing association and also  
9 then from the first responders to get their input of how  
10 the system is working. And I hope you would take that into  
11 consideration when you make your final determination on  
12 this.

13           LT. COLONEL BIVENS: Representative, I agree with  
14 you and I think we should have that dialogue with them. We  
15 have seen many of those complaints that you're referring  
16 to, and in some cases there are some legitimate concerns.  
17 In other cases, quite honestly, there's been a bit of  
18 hysteria created here as well. And so what we've also seen  
19 are complaints that have been filed indicating that because  
20 of AutoReturn there was a delayed response. Interestingly  
21 enough, the complaint was filed in an area where we've not  
22 even deployed AutoReturn and it's still being done by  
23 normal dispatch procedures. So there may have been a delay  
24 but it wasn't related to this pilot program.

25           The nice thing that we have seen from AutoReturn

1 is that there is an ability to track the dispatch time, the  
2 response time, the time on scene, and all of that can be  
3 graphed and provided to us so that we can evaluate where we  
4 have issues with delayed response. Prior to having that  
5 software in place in these areas where the pilot has been  
6 initiated, we have no ability to do that, so we're left to  
7 then go back and address anecdotally those complaints and  
8 hopefully through our people at the station level or the  
9 troop level identify issues. Here we have firm data that  
10 we can look at when we're dealing with the AutoReturn  
11 areas.

12 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

13 Representative Costa.

14 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

15 Gentlemen, thank you for coming. And I, too,  
16 agree with my colleague, Representative Hackett, that you  
17 guys shouldn't be here. It should be your counsel.  
18 There's no person that has more respect for the  
19 Pennsylvania State Police than I do. As a former law  
20 enforcement officer and chief of police, Colonel, I  
21 respectfully disagree with the dispatch being a minor part  
22 of this. You and the two gentlemen next to you, as well as  
23 I, started out standing on a highway on a rainy day or a  
24 snowy day with an accident closing the complete lane,  
25 bringing people down the southbound lane of a northbound

1 travel thing and all you need is one rogue to get on the  
2 brim and ride up. And we're bringing tow trucks, we're  
3 bringing public safety personnel down to the accident scene  
4 and we have no way of immediately contacting.

5 I do agree that I think the dispatch should be in  
6 the hands of the local 911 centers. I know you're saying,  
7 well, you know, it's a cost factor, it's this, it's the  
8 added burden, but I think you need that instant  
9 communications to avoid what could be a catastrophe in  
10 this. And I'm hearing all kinds of things. I've talked to  
11 people who have signed up with AutoReturn.

12 If I have a tow shop somewhere and I'm getting  
13 ready to set up business, State Police comes out, they make  
14 sure I've got all my i's dotted, my t's crossed, and then  
15 I'm permitted to open. Now, it's my understanding that  
16 AutoReturn, there's a 90-day grace period for me to set up  
17 my yard, for me to do the fence. Why is that? This  
18 Pennsylvania State Police wouldn't let me start until that  
19 was all done, until all my t's were crossed, my i's were  
20 dotted. I don't understand that.

21 Are the requirements that the PSP had, are they  
22 the same requirements that AutoReturn is putting on these  
23 towers? Obviously not if that's the case. And who's  
24 watching AutoReturn in this and who's going to watch them  
25 if this pilot program turns into a statewide thing?



1           LT. COLONEL BIVENS: Let me address a couple of  
2 things. First of all, the requirements, and Captain  
3 Brinkley could address that, if not identical they're very  
4 similar. In terms of that grace period, while there's a  
5 grace period, they can sign up; they cannot begin receiving  
6 dispatches for tows until they have complied with all of  
7 those rules. So, for example, the secure storage area,  
8 they can't take any tows until they have that in place so  
9 they have to be in compliance before any of that occurs.

10           The point that you made about the dispatch, your  
11 point is well taken. By my remarks I don't mean that it's  
12 not important that dispatch is done properly and timely and  
13 everything else. What my point was that in terms of the  
14 time consumption, the amount of resource consumption from  
15 the Pennsylvania State Police, the dispatch is minor in  
16 terms of that resource consumption compared to all of the  
17 other steps in this process that were required either on  
18 the front end or the back end to deal with.

19           REPRESENTATIVE COSTA: Well, you said that you're  
20 going to look at considerable cost-savings to the PSP,  
21 correct, by taking us to a private entity. I mean how many  
22 troopers do we have tied up doing this right now in the  
23 other areas outside of the pilot area? And what do you  
24 anticipate your cost-savings to be? Because if the PSP is  
25 going to save money, then we have to look at our ability to

1 use that money either in the general budget or something,  
2 or putting more troopers in the academy class. If you're  
3 going to put troopers back on the road, as you say, do you  
4 have any idea how much you anticipate on saving by going to  
5 a private firm to handle this?

6 LT. COLONEL BIVENS: The cost-savings, sir, is  
7 more on the litigation side. As far as the troopers, it's  
8 time saving and so it allows those troopers -- typically,  
9 the troopers that are doing these investigations are our  
10 vehicle fraud investigators so they can be doing other  
11 types of vehicle fraud investigations or they can be doing  
12 investigations of complaints against towers. And so it  
13 really comes down to how much of the other work do we have  
14 them do, and in some cases, how much of a criminal  
15 investigator's time do we take away from, whether it's drug  
16 investigations, gun violence investigations, whatever the  
17 case might be, to allocate that they take a day and go  
18 handle this complaint that we've got from a motorist about  
19 one of the towers or again from one tower against another  
20 tower, whatever the case might be.

21 REPRESENTATIVE COSTA: Okay. So we're not really  
22 saving dollars; we're just saving time?

23 LT. COLONEL BIVENS: The dollars we are saving,  
24 sir, are with the litigation.

25 REPRESENTATIVE COSTA: Right. That's what I

1 mean.

2 LT. COLONEL BIVENS: We do incur significant  
3 costs. It varies from year to year but some years we've  
4 paid out over \$1 million. We had other years where we've  
5 paid out far less than that. But we do incur costs almost  
6 every year because of litigation. We're successful in some  
7 of that litigation but we incur significant legal costs in  
8 fighting it.

9 REPRESENTATIVE COSTA: Okay. Thank you, Colonel.  
10 It's always good to see you.

11 LT. COLONEL BIVENS: Yes, sir. Thank you.

12 REPRESENTATIVE COSTA: Yes, sir.

13 VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
14 Saccone.

15 REPRESENTATIVE SACCONE: Thank you, Mr. Chairman.

16 So I just want to be clear in my own mind. So  
17 if, for example, AutoReturn didn't do this and the 911s  
18 began dispatching, who would then still take care of the  
19 inspections of the towers and who would take care of the  
20 conflict resolutions? Would the county then have to assume  
21 the responsibility for all those other---

22 LT. COLONEL BIVENS: Yes, sir. If the county  
23 didn't, then the State Police would be no further ahead  
24 than we are right now. We would be still doing all of  
25 that. We would still be the entity being sued when someone

1 disagrees with a decision that we've made. And so if the  
2 911 centers were to take on this function, all of that, in  
3 my opinion, should go along with it but now the counties  
4 are assuming that liability and they're assuming all of  
5 that work to qualify those towers and to mediate those  
6 complaints.

7 REPRESENTATIVE SACCONI: So ultimately the  
8 taxpayer is still on the hook for those expenses---

9 LT. COLONEL BIVENS: Yes, sir.

10 REPRESENTATIVE SACCONI: ---as opposed to having  
11 it sourced out to a private company that---

12 LT. COLONEL BIVENS: Yes, sir, and get rid of  
13 that liability from the taxpayer.

14 REPRESENTATIVE SACCONI: Thank you. Thank you  
15 very much.

16 VA&EP MAJORITY CHAIRMAN BARRAR: When lawsuits  
17 are paid out, does that come directly from your budget?

18 LT. COLONEL BIVENS: Depends on the amount of the  
19 lawsuit, sir. Certain awards are capped. We pay into a  
20 fund that all state agencies do. Up to a certain award  
21 it's paid out of that fund, but when it exceeds an amount,  
22 then the State Police is required to pick that up out of  
23 our budget.

24 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Thank  
25 you.

1 Representative Marshall.

2 REPRESENTATIVE MARSHALL: Thank you,  
3 Mr. Chairman.

4 Colonel, on follow up on Representative Saccone,  
5 the litigation that you're involved in, do you believe that  
6 it's primarily due to the dispatch and then not the other  
7 front end costs of this program to you?

8 LT. COLONEL BIVENS: It's not primarily the  
9 dispatch. The dispatch kind of precipitates the issue at  
10 times. So in other words, if you have one tower who  
11 believes he's not getting or she is not getting a tow job  
12 that they should have and someone else gets it, then that  
13 dispatch could lead to the litigation. However, in most  
14 cases where the litigation comes from is the complaints  
15 that come in and any effort on the part of PSP to sanction  
16 any tower, remove them from a tow list or take any other  
17 sanction almost invariably leads to litigation. And I  
18 understand that. It's a loss of revenue for that tower,  
19 but we have no other means to deal with that other than to  
20 suspend them if that's warranted for infractions of the  
21 rules that we've put in place as part of the agreement that  
22 we had with that tower. The rules, if you read them, seem  
23 to be fairly commonsense, but when you get the attorneys  
24 involved. Determining all the nuances of those, you can  
25 imagine where this goes.

1           REPRESENTATIVE MARSHALL: Well, thank you. I'm  
2 not an attorney but I would think that anyone involved in a  
3 scene might be brought into court or into some form of  
4 liability whether they're dispatching. So I would think  
5 that the trooper on scene might be just as involved as in  
6 the dispatch.

7           But I will say that the liability, if you did go  
8 with AR or some other company then, you would think that  
9 you would have less litigation because they're choosing the  
10 towers.

11          LT. COLONEL BIVENS: Yes, sir.

12          REPRESENTATIVE MARSHALL: So they would then have  
13 some liability in this. So in that case, then they might  
14 be going to court over these issues. Would that be correct  
15 or would you---

16          LT. COLONEL BIVENS: Well, sir, I'm also not an  
17 attorney but I think that's very possible, yes, sir.

18          REPRESENTATIVE MARSHALL: Okay. So then we would  
19 expect to see them in court over these issues. They  
20 wouldn't have any clause or any indemnity in their  
21 contracts that they wouldn't be liable for any of these---

22          LT. COLONEL BIVENS: Again, I would ask  
23 AutoReturn to address the specifics of the contract. I do  
24 believe there is some indemnification. I don't think that  
25 necessarily takes care of all liability, and as I

1 understand it, there's an arbitration clause in there, too,  
2 to deal with some of the disputes. With that said, an  
3 attorney would have to tell you how binding that is and  
4 what other liability there is for them.

5 REPRESENTATIVE MARSHALL: Thank you, Colonel.  
6 And I would think that all of us have the greatest respect  
7 for PSP and your troopers and your administration and this  
8 is basically information gathering.

9 LT. COLONEL BIVENS: Thank you, sir.

10 REPRESENTATIVE MARSHALL: Thank you for your  
11 service.

12 VA&EP MAJORITY CHAIRMAN BARRAR: In your request  
13 for proposals, I think one of the main reasons you did cite  
14 was the fact that you are sued by, I guess, towers. You're  
15 not sued by consumers in this; you're mostly sued by  
16 towers. Are they the type of suits you're talking about?  
17 What is the reason for their filing lawsuits against you?

18 LT. COLONEL BIVENS: There are a variety of  
19 lawsuits that have occurred but some of the larger ones  
20 have been because they were removed from a towing list and  
21 their services were not being utilized by PSP.

22 VA&EP MAJORITY CHAIRMAN BARRAR: And I know  
23 myself I've complained about the lack of clarity and the  
24 fact that every barracks commander tends to enforce what is  
25 a field regulation. Is it 6-2---

1 LT. COLONEL BIVENS: Yes, sir.

2 VA&EP MAJORITY CHAIRMAN BARRAR: ---that they  
3 come under? Okay. I had a barracks commander tell me that  
4 in his barracks basically he said to me I'm god in this  
5 barracks and I'll interpret the regulations the way I  
6 choose to. And I think that's the primary reason that  
7 you're sued because every barracks commander seems to be  
8 free to interpret the regulations to their ability and I  
9 know myself just from where I live in Delaware County that  
10 that has been a point of contention with many, many towers,  
11 the lack of clarity and consistency in the enforcement of  
12 the regulation. And it's one of the things I know we need  
13 to clean up that I've actually had a meeting with the  
14 commissioner about. So---

15 LT. COLONEL BIVENS: And, sir, that would  
16 surprise me that one of the station commanders would make  
17 that statement, but just for clarification, the station  
18 commander in the end cannot make that decision. It goes to  
19 the troop commander who's got a much broader -- there are  
20 15 county troops across the Commonwealth so it goes to that  
21 individual. We have also implemented a requirement that  
22 the troop commander coordinate with the Office of Chief  
23 Counsel in an attempt to make sure that there is  
24 consistency in the way those rules are applied across the  
25 Commonwealth.



1                   VA&EP MAJORITY CHAIRMAN BARRAR: I think in 2008  
2 -- I don't have that memo in front of me; it was sent to me  
3 from your chief counsel basically giving the department  
4 directions on how to not be sued. And I read that memo.  
5 Did we get copies of that for everyone? That was the one  
6 we asked for 40 -- Lu Ann, did you get that copy of that  
7 memo from the chief counsel?

8                   MS. FAHNDRICH: [inaudible].

9                   VA&EP MAJORITY CHAIRMAN BARRAR: Okay. I'll have  
10 to try find that. I apologize.

11                  LT. COLONEL BIVENS: And I'm not familiar with  
12 that memo, sir, but I will tell you there's a different  
13 administration in place, different chief counsel. And so  
14 regardless, I'm not familiar with it, but regardless of  
15 what was in that memo, I can tell you that the process has  
16 been amended in the interim.

17                  VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.  
18 Representative Gillen.

19                  REPRESENTATIVE GILLEN: Thank you, gentlemen, for  
20 your distinguished service. My wife had the misfortune not  
21 long ago of being in an accident but had the good fortune  
22 of being in one of your coverage areas. So thank you for  
23 aiding her and your distinguished service.

24                  You had mentioned in your testimony the mistakes  
25 that were made was not a seamless transition going to

1 AutoReturn company. In fact, you had even mentioned some  
2 tactics of the company and you spoke directly, as I recall  
3 your testimony, with one of the leaders of that company.  
4 Could you just walk us back in time with regard to the  
5 vetting process that this company went through, how they  
6 were chosen, and the decision-making process that evolved  
7 to the point where they were selected?

8 LT. COLONEL BIVENS: I'm going to ask Captain  
9 Brinkley to talk a little bit about that.

10 CAPTAIN BRINKLEY: The process actually started  
11 back in 2011, and as we worked our way through evaluating  
12 the various options that we had available with respect to  
13 handling towing services, the concept of using a third-  
14 party vender became the most viable option from our  
15 perspective, the most beneficial option from our  
16 perspective.

17 We identified a number of companies throughout  
18 the United States that provide this type of service and put  
19 out a request for proposals on the PSP website. We were in  
20 contact with DGS prior to that RFP going out. It did not  
21 go through the normal DGS process based on their advice,  
22 which is it didn't have to go through the normal DGS  
23 vetting process. We posted it on our webpage, the PSP  
24 website, because it was a no-cost contract. There was no  
25 cost to the Commonwealth in getting this stood up.

1           The responses to the request for proposals, we  
2           had three different companies that responded to those  
3           requests, AutoReturn being one of those. Based on a  
4           scoring matrix that we put together, we scored those  
5           proposals and AutoReturn was the selected vender that we  
6           thought would best meet not only our needs but the needs of  
7           the towing service providers and the emergency service  
8           provider community at large with respect to the services  
9           that they were able to provide. So that was basically the  
10          process that we went through to identify AutoReturn as  
11          being the preferred company, at least for the pilot.

12                 REPRESENTATIVE GILLEN: With regard to the  
13           vetting specifically, did you look at the companies, or  
14           this particular company AutoReturn, with regard to changes  
15           in the litigation environment that occurred as a  
16           consequence of them taking contracts, tactics specifically  
17           with regard to this company versus other companies? What  
18           sort of investigation occurred given the fact that they  
19           have significant purview over what is happening in  
20           Pennsylvania in an emergency environment?

21                 CAPTAIN BRINKLEY: Right. We looked at the  
22           companies' overall history in providing these types of  
23           services, reached out to other agencies, entities that were  
24           currently using the companies that submitted request for  
25           proposals to get feedback from those entities on the

1 companies' performance before making a decision on which of  
2 the three that submitted proposals we were going to go with  
3 for the pilot. So it did go through a rather extensive  
4 vetting process of ensuring that the company that we  
5 brought in was going to meet our standards.

6 REPRESENTATIVE GILLEN: What role did towers have  
7 in this exhaustive process with regard to their input and  
8 their feedback?

9 CAPTAIN BRINKLEY: Well, that was one of the  
10 areas that admittedly -- and Colonel Bivens touched upon  
11 this earlier -- that early on in the process the outreach  
12 to the towing community was rather limited. Prior to  
13 rolling out the pilot initiative in Troop E, AutoReturn did  
14 reach out to a small group of towers in that area to let  
15 them know what was happening, what was coming.

16 But we did do some other outreach with respect to  
17 other entities. The pilot was initiated in December of  
18 2013. In 2011 we had talked a little bit earlier about the  
19 vetting process that we were going through. There was  
20 outreach at that point to legislative members, the  
21 Insurance Federation of Pennsylvania, the Pennsylvania  
22 Towers Association, a number of entities to let them know  
23 that we were looking at different options for handling this  
24 in a different fashion, getting the PSP out of the towing  
25 business.

1           Prior to launching the pilot in December of 2013,  
2   in August there was an extensive legislative outreach  
3   initiative that was undertaken by our Legislative Affairs  
4   office. They contacted it was a total of over 40 different  
5   legislative contacts to let them know what we were doing,  
6   that we'd be launching this pilot in December of 2013, and  
7   a number of those contacts were made in person. In  
8   November about a month prior to launching the pilot, we  
9   sent out a number of outreach letters to all of the Troop E  
10   tow operators that we had been doing business with up until  
11   that point to let them know that the pilot would be rolling  
12   out in December. And on December 3rd we rolled out the  
13   pilot in Troop E.

14           Prior to the rollout in Troop D, recognizing that  
15   mistake had been made with respect to the limited outreach  
16   to the towers prior to rolling out the Troop E pilot, we  
17   hosted an informational session at Butler County Community  
18   College in January of this year prior to the rollout in the  
19   Butler area. We invited in any and all towers. It was  
20   publicized heavily. It was their opportunity to come in to  
21   hear about the program, hear about how it would impact  
22   them, and let them ask questions and address some of their  
23   concerns. We also invited folks in from the emergency  
24   services community, volunteer fire companies, EMS providers  
25   to voice their concerns as well and hear a little bit about

1 the program.

2 So that was one of the improvements that we made  
3 moving forward, that we were a little limited on the  
4 outreach in Troop E but it was much more extensive once we  
5 rolled into the Troop D area prior to implementing the  
6 pilot there.

7 REPRESENTATIVE GILLEN: Thank you for that  
8 testimony.

9 And finally, Colonel, with regard to the tactics  
10 that were employed, could you amplify a little bit, perhaps  
11 give us a little window inside the conversation you had  
12 with the company AutoReturn? Were there any surprises, any  
13 conclusions that you drew on after that conversation?

14 LT. COLONEL BIVENS: Some of the concerns that  
15 were brought to my attention were things like voicemails  
16 that had been left or messages that had been delivered to  
17 individual towers telling them that one of the other towers  
18 in their area was signing up and you'd better sign up as  
19 well or you won't get the business; they're going to take  
20 it all. And there were variations of those kinds of  
21 complaints.

22 I will tell you that it was not something that I  
23 was hearing was widespread, but even one of those  
24 complaints, if true, should not have occurred. And there  
25 were probably a few other things out there as well but

1 those were probably some of the more egregious and that was  
2 the reason for my discussion with AutoReturn, to ensure  
3 that we would not have anything like that, that there  
4 should be truthful information conveyed to the towers. We  
5 needed to establish a relationship, not intimidate towers  
6 into participating.

7 And again, I will tell you that the leadership of  
8 AutoReturn was in complete agreement. I got no pushback on  
9 that.

10 REPRESENTATIVE GILLEN: Thank you.

11 Thank you, Mr. Chairman.

12 VA&EP MAJORITY CHAIRMAN BARRAR: Are there other  
13 questions from the Members?

14 REPRESENTATIVE SACCONI: Sorry, Chairman. Thank  
15 you for indulging me my third question.

16 So could you tell me when you have these  
17 contracts with the third party like this, there's always a  
18 concern that it opens up charges of favoritism and other  
19 minor forms of corruption or the perception of corruption.  
20 So what are some of the methods you employ to preclude this  
21 from happening in the contract? Have you had to deal with  
22 this so all towers are treated fairly?

23 LT. COLONEL BIVENS: To this point all towers  
24 that wanted to sign up have been permitted to sign up as  
25 long as they meet the minimum standards. So I'm not aware

1 of any allegations of favoritism to this point. I do know  
2 that AutoReturn mentioned to us that there were a couple of  
3 issues brought to their attention where they have two  
4 towers in close proximity to one another, and so, for  
5 example, one of them because of the algorithms in their  
6 dispatch program was getting the majority of the  
7 dispatches, they're working to more evenly distribute that  
8 business between two towers that are in roughly the same  
9 spot. But I'm not aware of any other issues.

10 Now, the issue of favoritism has come up, and  
11 again, that feeds into the whole litigation issue in the  
12 past where there have been allegations that a trooper  
13 specifically requested a certain towing service and then  
14 there are allegations made about why the trooper may have  
15 requested that specific towing service. And then we get  
16 into another whole internal investigation to try and  
17 determine the merits of the complaint. If warranted, we  
18 take discipline and you see how this snowballs on and on  
19 and then we still have the civil side to deal with in that  
20 particular type of a complaint.

21 REPRESENTATIVE SACCONI: Thank you very much.

22 VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
23 Rapp.

24 REPRESENTATIVE RAPP: Thank you, Mr. Chairman.

25 Colonel, you've mentioned that you have 43 towers



1 on your list. Have there been towers that have been  
2 dropped from your list from the area, D and E?

3 LT. COLONEL BIVENS: I'm not aware of any but  
4 that might be a question better directed to AutoReturn as  
5 they're maintaining that list, ma'am.

6 REPRESENTATIVE RAPP: So they maintain the list.  
7 So you're not aware at this point in time.

8 The meeting in Butler, was that well attended in  
9 the area?

10 CAPTAIN BRINKLEY: Yes, very well attended.

11 REPRESENTATIVE RAPP: Very well attended. Okay.  
12 And I see that you did have a meeting in Warren County as  
13 well. Was that well attended?

14 CAPTAIN BRINKLEY: That was actually hosted by, I  
15 believe, one of the volunteer fire departments up in that  
16 area. From what I understand, that was fairly well  
17 attended also.

18 REPRESENTATIVE RAPP: Okay. And how would I get  
19 the information regarding whether or not AutoReturn has  
20 dropped towers from the list?

21 LT. COLONEL BIVENS: They'll be testifying  
22 immediately after us and the CEO will be here as I  
23 understand so---

24 REPRESENTATIVE RAPP: Thank you.

25 LT. COLONEL BIVENS: Yes, ma'am.

1 REPRESENTATIVE RAPP: Thank you, Mr. Chairman.

2 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

3 Representative Costa.

4 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

5 I appreciate it.

6 Colonel, I'm sorry. I maybe missed the -- I  
7 asked you a barrage of questions. This is worse than  
8 budget time, isn't it?

9 But anyway, the one question I had is basically  
10 who is going to monitor AutoReturn if indeed they wind up  
11 getting a contract and we go statewide? Who's going to  
12 make sure that they're doing what they're supposed to be  
13 doing? They're inspecting these places and the inspections  
14 aren't slighted one way or another, not to say that they  
15 would, but checks and balances, trust but verify.

16 LT. COLONEL BIVENS: Yes, sir.

17 REPRESENTATIVE COSTA: Do we have any idea who's  
18 going to be doing that?

19 LT. COLONEL BIVENS: Yes, sir. That'll fall to  
20 Major Hoke's shop under Bureau of Patrol and they would be  
21 responsible for any future rollout beyond the pilot program  
22 and then maintaining the program as it would go forward.

23 REPRESENTATIVE COSTA: Okay. Thank you very  
24 much, gentlemen.

25 LT. COLONEL BIVENS: Yes, sir.

1                   REPRESENTATIVE COSTA: Appreciate it.

2                   VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
3 Marshall.

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

6                   According to your timeline, 2011 you said the  
7 process started and a number of legislators may have been  
8 contacted. I'm not sure who but earlier in your testimony  
9 you had mentioned that you didn't believe that this was  
10 really a venue really that the General Assembly would be  
11 involved in anyway, that the PSP would make this decision?

12                  LT. COLONEL BIVENS: Well, sir, I believe what I  
13 alluded to was that if we were going to move to the 911  
14 centers taking on all of this responsibility, that the  
15 legislature would have had to get involved to put  
16 legislation in place to standardize it statewide. I think  
17 that's the only place I mentioned the legislature.

18                  But in terms of the outreach, yes, in fact we  
19 could certainly supply you with a list of contacts that  
20 were made with the legislature. I believe quite a few  
21 people in leadership in affected committees, as well all of  
22 the Representatives and Senators from the areas where the  
23 pilot project has been initiated.

24                  REPRESENTATIVE MARSHALL: And was the Governor's  
25 office involved or included?

1                   VA&EP MAJORITY CHAIRMAN BARRAR: Colonel, could I  
2 ask you one second to pull the microphone a little closer  
3 to you? Some people have said they can't hear. Thank you.

4                   CAPTAIN BRINKLEY: I can actually answer that  
5 question yes, we did have a meeting with the Governor's  
6 Policy Office in August of 2013, several months prior to  
7 the initial pilot rollout.

8                   REPRESENTATIVE MARSHALL: But two years after the  
9 process started?

10                  CAPTAIN BRINKLEY: No, no. The meeting with the  
11 Governor's Policy Office was in August of 2013. The pilot  
12 rolled out in December of 2013.

13                  REPRESENTATIVE MARSHALL: But earlier in your  
14 testimony did you say that the process started in 2011 or  
15 did I misunderstand you?

16                  CAPTAIN BRINKLEY: Correct. In 2011 we started  
17 evaluating various options for towing services, the  
18 administration of emergency towing services for the PSP.  
19 That evaluation process began in 2011.

20                  REPRESENTATIVE MARSHALL: Okay. Thank you.

21                  VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

22                  Colonel, I have a question for you. In the  
23 contract between AutoReturn and the towers, it does have a  
24 section in there that deals with the salvors. The salvors'  
25 requirements and duties are written in State law.

1 LT. COLONEL BIVENS: Yes.

2 VA&EP MAJORITY CHAIRMAN BARRAR: They are  
3 protected; their job title is protected. Does the  
4 AutoReturn contract in any way alter or change the  
5 relationship that the salvers have with the State Police at  
6 this time?

7 LT. COLONEL BIVENS: No, it does nothing to  
8 supersede State law, so all of that would still apply.  
9 It's only if the salvers involved in towing operations,  
10 then they would participate through AutoReturn.

11 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.  
12 Currently, the Pennsylvania State Police with your field  
13 regulation you do not have the authority to establish any  
14 type of a fee or pricing schedule over the towers, am I  
15 correct?

16 LT. COLONEL BIVENS: Correct.

17 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. But in  
18 your request for proposal, you basically ask the AutoReturn  
19 then to establish a clear and uniformed rate structure. Is  
20 that not a conflict in the law, that you're giving  
21 AutoReturn the authority to establish a rate schedule when  
22 there's nothing in the law that gives you the authority to  
23 do that?

24 LT. COLONEL BIVENS: No, sir, I don't see a  
25 conflict there and we're not establishing a rate schedule;

1 we establish caps. And the way that was done was that  
2 there is a requirement that the fee schedules for the  
3 various towing services be provided to us. We simply took  
4 those fee schedules for a regional area, averaged those,  
5 and then in fact added to that and set that as the maximum  
6 amount that could be towed for those specific services.

7           There are many exceptions to those published  
8 services, so, for example, with recovery operations where  
9 the costs can be quite high, there's an ability of towers  
10 to go outside of that fee schedule and recover for time and  
11 materials, for example, for a major recovery. So it was  
12 merely working with the figures already provided by towers  
13 in those areas to establish a process whereby a single  
14 tower could not charge an exorbitant fee that's far beyond  
15 what the other towers in that area charge for the same  
16 service.

17           VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Right now  
18 I understand that your field regulation requires an  
19 extremely strict qualification process for a tower to  
20 become a State Police tower according to your own  
21 regulations. Are you aware if AutoReturn is adhering to  
22 the exact same policies that you had enforced in your field  
23 regulation 6-2? Is AutoReturn making the new towers coming  
24 in to towers that never qualified to be State Police towers  
25 now all of a sudden are qualifying to be towers under the

1 AutoReturn policy at this time? It's pretty obvious that  
2 in the pilot program a lot of the towers that never could  
3 work for you now are working for AutoReturn. Does that---

4 LT. COLONEL BIVENS: They are being required to  
5 meet those standards, sir, and it may not have been that  
6 they couldn't work for and take care of PSP tows in the  
7 past; they chose not to for whatever reason and they now  
8 have decided that they would like to. And they do have to  
9 meet those standards.

10 VA&EP MAJORITY CHAIRMAN BARRAR: Where is the  
11 check and balance done between AutoReturn and the State  
12 Police to make sure that towers are not being permitted to  
13 tow for the State if they did not meet your field  
14 regulation requirements?

15 LT. COLONEL BIVENS: AutoReturn is required to  
16 verify that they do meet. They have people working in  
17 Pennsylvania who are conducting those inspections, and then  
18 they are working in close consultation at this point,  
19 particularly with Captain Brinkley's shop over in R&D and  
20 to a lesser degree Major Hoke's shop in Bureau of Patrol so  
21 that we're aware as they acquire additional towing services  
22 they're keeping us abreast of who's joining and any issues  
23 that develop.

24 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you. Any  
25 of the other Members who would like to ask questions that I

1 didn't get to? Is there anyone?

2           Gentlemen, I thank you for your testimony. I'm  
3 going to ask you if you would consider staying around for  
4 the duration of the hearing because I think when we hear  
5 testimony from the towers, from AR, there might be  
6 additional questions. Are you okay hanging around for  
7 that? I know we took pretty long on this, over an hour.

8           LT. COLONEL BIVENS: We're going to stay for as  
9 long as we can, sir. I will have several command members  
10 of our department who will be here for the entire hearing.  
11 I'll stay as long as I can but I do have other commitments.

12           VA&EP MAJORITY CHAIRMAN BARRAR: I figured that.  
13 I was hoping but if you can identify -- or if we ask for  
14 them, make sure that they would please jump up---

15           LT. COLONEL BIVENS: Major Martin and several  
16 other commanders---

17           VA&EP MAJORITY CHAIRMAN BARRAR: I'm very  
18 familiar with the Major.

19           LT. COLONEL BIVENS: ---will be here.

20           VA&EP MAJORITY CHAIRMAN BARRAR: Good. Good.  
21 Okay. Great. I thank you for your testimony.

22           LT. COLONEL BIVENS: Thank you.

23           VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Thank  
24 you, everyone. Thank you.

25           Our next testifier is Mr. John Wicker, CEO of



1     AutoReturn.

2                 Mr. Wicker, thank you for being here today.  If  
3     you could introduce your panel of who's with you and you  
4     can begin your testimony at any time.

5                 MR. WICKER:  Okay.  Thank you.  I have to my  
6     right Matt Steck, our Government Affairs consultant; John  
7     Pendleton, who's manning the laptop over here, our CTO;  
8     we've got Mike Harnish, who's a tow operator in our  
9     network; and we have Ken Fisher, also a tow operator in our  
10    network.  And both these were tow operators for the  
11    Pennsylvania State Police prior to the pilot.

12                So I have a statement.

13                Good morning, Mr. Chairman and distinguished  
14    members of the Committee.  Thank you for allotting me time  
15    to come and speak with you today.

16                I am John Wicker, CEO and Founder of AutoReturn.  
17    Though I live in California now, my roots run deep in  
18    Pennsylvania.  In the 1730s, my forefathers emigrated from  
19    Switzerland and settled in Lancaster.  My Pennsylvanian  
20    relatives fought in Civil War.  My grandmother grew up in  
21    that house right there, and for those of you on the panel,  
22    there's a PowerPoint slide that shows this.  My grandmother  
23    Dorothy Jackman, Momo, grew up there.  Momo and my  
24    grandfather Papap, Howard Jackman, both went to Peabody  
25    High School.

1               Next slide.

2               He went on to play for Pitt and won the Rose Bowl  
3 in 1937.

4               Next, he then joined the Navy and spent World War  
5 II on a destroyer in the South Pacific stationed out of  
6 Pearl Harbor.

7               Next slide.

8               My mother Elaine Jackman was born at St. Francis  
9 Hospital, and my brother David was born at Magee-Womens  
10 Hospital. My Aunt Donna and Uncle Jeff Jackman still live  
11 in Beaver Falls, having spent their careers as  
12 schoolteachers in Black Hawk District where Uncle Jeff was  
13 also the swim coach.

14              I might have been born in Pennsylvania myself if  
15 not for the fact that my dad was stationed at Norton Air  
16 Force Base when my mom was pregnant with me. We did return  
17 to Pennsylvania briefly but my dad became a Federal systems  
18 development contractor after leaving the Air Force and  
19 ultimately we settled in the Virginia suburbs of Washington  
20 D.C. I went to Virginia Tech, received a computer science  
21 degree, and eventually moved to San Francisco at the age of  
22 30 because it's the innovation hub of the world and a top  
23 destination for technologists. I live there now with my  
24 lovely wife Nathalie and our young boys, Blake and Jack.

25              By the end of my short time with you today, I'd

1 like you to have a clear understanding of what Auto Return  
2 is and what our company is not; to understand our mission,  
3 our intentions, and what we stand for. I'd also like for  
4 you to firmly grasp what we are doing here in Pennsylvania.  
5 Our primary goals are to help the State Police and  
6 contribute to public safety while saving taxpayer dollars.  
7 I hope to dispel any misinformation, to establish the  
8 facts, and tell you a bit about how well the pilot program  
9 has worked in Erie and elsewhere.

10 I want to begin by giving you a sense of why we  
11 started AutoReturn and the problems we solve for people.  
12 Before AutoReturn, I built a career focused on making  
13 business more efficient through the application of  
14 technology. So after the .com crash of 2000, my colleagues  
15 and I began looking for an industry where we could make a  
16 positive difference using what we had learned. When we  
17 found that there was a set of problems in law enforcement  
18 towing that is common to all agencies and that by applying  
19 appropriate technology to those problems could make a  
20 difference for public safety, efficiency, and fairness for  
21 the tow operators, AutoReturn was born.

22 The problems in law enforcement towing are not  
23 with the highly capable, local tow operators. I have the  
24 greatest respect for them and what they do, their  
25 commitment to public safety, and their desire to run a

1 profitable business, as we all should. The problems exist  
2 largely because of the manual processes used in the  
3 administration and logistics of law enforcement towing.  
4 Many of the problems stem from the inefficient voice  
5 communications used to execute the majority of routine tow  
6 requests.

7           This inefficient process increases the burden on  
8 police dispatchers, making them order-takers rather than  
9 exception-handlers with the bandwidth to focus their time  
10 and energy on the unusual tows that need special attention.  
11 Because the communications are primarily verbal, details of  
12 the transactions are rarely kept after the tow is complete  
13 and understanding what happened after the fact becomes  
14 nearly impossible. This nontransparent and laborious  
15 process can lead to unfair distribution of towing  
16 opportunities, increased officer wait times, and decreased  
17 public safety.

18           We created AutoReturn to streamline the process  
19 to increase efficiency, increase public safety, increase  
20 the fair distribution of business opportunity, decrease  
21 administration surrounding this important agency service,  
22 while decreasing cost to the taxpayer.

23           That's what Auto Return is; we are a technology  
24 company laser-focused on only one thing: law enforcement  
25 towing logistics. That's all we do. Logistics. Our

1 primary goals are to minimizing tow response times,  
2 allowing troopers to return to patrol duties faster, and  
3 decrease the administrative burden surrounding the towing  
4 program.

5 To be clear, AutoReturn is not a towing company.  
6 We do not own a single tow truck. We are not in the  
7 business of dismantling unclaimed vehicles. We are not a  
8 tow operator and we don't compete with tow operators.  
9 AutoReturn is also not an auto club. We don't decide to  
10 partner with towing companies based on "low bid" contracts  
11 at the expense of service levels.

12 AutoReturn stands for safety, efficiency,  
13 respect, and fairness. We are the only firm that works  
14 with existing tow companies in communities to customize our  
15 model to maximize the effectiveness of these important,  
16 local independent businesses, the tow and impound company  
17 operators for law enforcement towing. Our proven processes  
18 and tools help our towing partners meet police-mandated  
19 service levels, and our transparent practices result in  
20 higher service levels to the vehicle owner. We've created  
21 a comprehensive open and transparent system that lets tow  
22 companies compete evenly and fairly.

23 Let me give you a sense of how our system works.  
24 The AutoReturn system receives tow requests from the police  
25 electronically, and in some cases verbally. The police

1 dispatcher's job is done at this point. The system then  
2 instantaneously allocates the tow request to a police-  
3 authorized tow operator according to the rules set by the  
4 police. Then the system automatically tracks the job, and  
5 assuming the tow progresses normally, no other human is  
6 involved in the communication.

7           If the job shows any signs of difficulty, then  
8 and only then an AutoReturn dispatcher calls the tower to  
9 provide assistance long before a service issue has  
10 occurred. The problems are addressed and the tow gets back  
11 on track. The key benefit of the system is that by  
12 handling the vast majority of tows automatically,  
13 dispatchers have time to address periods of peak demand  
14 like during emergencies. Here's an example:

15           Imagine your area of Pennsylvania covered in over  
16 two feet of snow. Roads need to be cleared. Well, shortly  
17 after we went live in Baltimore County, we faced this exact  
18 situation, a blizzard, the likes of which are not uncommon  
19 in Pennsylvania. On Saturday, January 30th, 2010, with  
20 over two feet of snow on the ground, Corporal Friedman,  
21 who's in charge of their towing program in an area close to  
22 the size of Troop E, was tasked with removing over a  
23 hundred vehicles from roads across the county. He fondly  
24 tells the story of how AutoReturn systems allowed for the  
25 seamless dispatch and tracking of all of these tows, and

1     how those surrounding countries were incurring massive  
2     overtime dispatching the tows and subsequently handling  
3     customers' requests for lost vehicles.

4             So that's how it looks in a region where members  
5     of the towing community are partners in making the system  
6     successful, easy, efficient, and safe. From the police  
7     point of view, the dispatcher simply enters the tow request  
8     into the system and that's it. AutoReturn handles  
9     everything from that point.

10            Let me give you a sense of how the system works  
11     from the point of view of the tow operator. Towers receive  
12     dispatch requests any way they would like. Some take  
13     automated phone calls from good old-fashioned landlines or  
14     cell phones. Others choose to take advantage of increased  
15     capabilities available on today's smartphones, but this is  
16     not a requirement to be part of the program. The tow  
17     request includes the location and other information about  
18     the situation that the tower will need to complete job  
19     safely and quickly. They accept requests and go do the  
20     job. When they return back to their office with a towed  
21     vehicle, we do ask them to enter basic information about  
22     the vehicle so it can be found later -- license plate,  
23     make, model -- and ultimately, information about the fees  
24     and when it left their facility.

25            There is no special software to install or

1 administer. They just use any internet browser to go to  
2 their AutoReturn page online. When the customer shows up  
3 to get his car, the tower bills him for the tow adding a  
4 \$35 administrative fee to the total bill. After and only  
5 after the customer pays the bill, AutoReturn gets \$22.50  
6 for its service fee. The tow company keeps the remaining  
7 \$12.50 from the administrative fee, to cover vehicles that  
8 go unclaimed and other costs. The customer receiving the  
9 tow service pays for administrative costs of the tow, not  
10 the government or the taxpayer.

11 As part of the program, AutoReturn relieves the  
12 State Police of all of the administration around a tow and  
13 any followup inquiries after a tow. This is no small  
14 burden, freeing the State Police to focus on other  
15 activities.

16 So that's the way the Auto Return system works.  
17 I'd like to now turn to how AutoReturn got invited --  
18 actually, I'll skip that. It's in the testimony and you've  
19 heard that.

20 So I'm pleased to announce actually as of  
21 yesterday we are now operating 9 of the 11 stations that  
22 are part of the pilot program. Since the beginning of the  
23 pilot through Monday, we have facilitated 1,003 tows. Our  
24 network grows every week. We are partnering with 43 -- the  
25 pause was we added some recently -- with 43 local



1 Pennsylvania towing companies, with 3 additional companies  
2 who have agreed to join and are providing the required  
3 documentation. Twenty-two of them towed for the PSP prior  
4 to the pilot and 21 companies are new to the program.

5 In our proposal accepted by the PSP, we agreed to  
6 integrate our systems with the "Mobile Office," the laptop  
7 platform in troopers' vehicles, allowing the State Police  
8 to further leverage its existing investment in Mobile  
9 Office and to further reduce burden on communications  
10 officers and to create a direct communication link between  
11 tow operators and troopers in the field.

12 For years, taxpayers in Pennsylvania have paid to  
13 fund the State Police's towing operations. Now with  
14 AutoReturn, as part of this pilot program, the only people  
15 who are paying for towing are those who receive the  
16 service.

17 As I mentioned before, the amount of the fee to  
18 the customer is \$35, which gets split between Auto Return  
19 and the towing company. The tax dollars that were being  
20 spent on police towing operations can now be freed up for  
21 other purposes.

22 Our pilot program has been a success story.

23 Next slide.

24 Starting with Erie, towing companies readily  
25 joined our program, as they were reluctant to miss out on

1 towing opportunities. Here is a chart of the response  
2 times in the pilot area. The green dots or the green pins  
3 represent tow requests that were on scene within 35 minutes  
4 of the request. The yellow represents on scene within 60  
5 minutes and the instances of red are on scene greater than  
6 60 minutes.

7           Where the network is robust, there is proven  
8 success in improving response times. In other areas, the  
9 results have not been quite as good due to lack of  
10 participation. Network coverage is a key factor for the  
11 system to work as designed. Gaining network coverage is an  
12 incremental process not yet complete across the pilot area,  
13 and we are addressing the challenge day-by-day. The  
14 benefit to the citizens so far is that law enforcement  
15 agencies are able to do what they do best -- keep people  
16 safe -- by getting the PSP out of towing logistics.

17           We realize that implementing the AutoReturn  
18 system is a change to the status quo. Everyone  
19 acknowledges that change can be difficult. Both the State  
20 Police and AutoReturn are facing some unfortunate hostility  
21 to this important public safety program. Since December,  
22 there has been a small but motivated group of towing  
23 companies that fear change or want to maintain the status  
24 quo, that have prosecuted a misinformation campaign and  
25 continue to do so even when presented with the facts.

1           Led by these influential operators, a number of  
2 other towing companies in Pennsylvania have refused to  
3 participate in the pilot program. Through spreading  
4 misinformation and untrue allegations, that small handful  
5 of operators has made some tow companies refuse to join our  
6 program. Many have chosen not only to not join, but refuse  
7 to take a phone call from us in lieu of a communications  
8 officer to perform a paid tow services in their area to  
9 assist the public with no contract and no fee going to  
10 AutoReturn causing increased response times and public  
11 safety problems.

12           An example of the misinformation being spread and  
13 untrue are stories that I personally own land in  
14 Pennsylvania in anticipation of opening AutoReturn impound  
15 facilities. People have been told that I own tow companies  
16 and tow trucks. Nothing could be further from the truth.  
17 I am not in the towing business. AutoReturn is not a  
18 towing company. We do not own a single tow truck. We are  
19 a technology company laser-focused on one thing: law  
20 enforcement towing logistics. That's all we do.  
21 Logistics.

22           Another example of the misinformation that people  
23 are being told that we'll come in for one rate, but after a  
24 while, we're going to lower the maximum fee or we'll  
25 require everyone to buy a smartphone. It's not in our

1 interest to do this. We are not an auto club. We do not  
2 gain financially by putting downward pressure on rates  
3 because we are simply providing a logistics support to this  
4 important service.

5 Our opponents are also saying that 911 centers  
6 can do what AutoReturn does more effectively. That is  
7 simply not true. Just shifting the manual, laborious  
8 communication process for allocating tows from police  
9 communications officers to 911 operators will not provide  
10 any of the efficiencies of the AutoReturn approach I just  
11 described. It just makes a different group of people as  
12 overburdened by an inefficient process as the current  
13 group. Somebody would still be responsible for maintaining  
14 a tow company roster, verification of minimum requirements,  
15 site inspections, and following up on requests for  
16 information after the tow.

17 The public conversation has gone on out without  
18 us in a one-sided way so far. This ends today.  
19 Historically, we have not engaged the towing community at  
20 large. We have not had to in the past. Today, we finally  
21 have a public forum so the actual facts can be shared.

22 To begin with, we have worked successfully with  
23 the tow companies who have chosen to participate in the  
24 pilot program to change the dispatch model, simplify the  
25 contract, as well as respond to many other requests from

1 the State Police and the towers to make many other  
2 adjustments during the pilot. We are doing in Pennsylvania  
3 what we have done with all of our other satisfied customers  
4 in Indianapolis, Kansas City, Baltimore County, Concord,  
5 California, San Diego, and San Francisco to optimize the  
6 program for safety, efficiency, and public service.

7 Across the country we have 100 percent agency  
8 referenceability. In 100 percent of our jurisdictions,  
9 response times are reduced. Agencies get increased control  
10 while reducing administrative burden. It's not just us  
11 saying this, our contracts have been renewed at every  
12 occasion, nine times and counting.

13 The fact is that modern logistics drives the  
14 worldwide distribution of goods and services most  
15 everywhere on the planet. Without this technology, we  
16 would get no mail, UPS, or FedEx packages delivered. There  
17 would be no online commerce or fresh food delivery at all  
18 times of the year. Modern logistics is here to stay. No  
19 one can argue that being able to instantaneously contact  
20 and engage a statewide fleet of tow operators in service to  
21 the needs of the public is a bad thing. AutoReturn is  
22 bringing this to law enforcement towing.

23 We at AutoReturn are honored and grateful to have  
24 the opportunity to speak here today, to speak with those  
25 who haven't talked with us before. We intend that everyone

1 listening in the room today leave the meeting with a clear  
2 understanding of the truth and renewed in the values of  
3 respect, fairness, efficiency, and public service, which we  
4 believe everyone here shares.

5 I'm personally very grateful to have had the time  
6 before you, that you've given me the courtesy of your  
7 attention. Thank you to the Pennsylvania State Police who  
8 have allowed AutoReturn to help transform the way police  
9 towing works in the Commonwealth and for how they keep the  
10 public safe.

11 Thank you to the hardworking tow operators who  
12 put themselves on the line every day clearing accidents  
13 from the highways and side streets. We are grateful to be  
14 working with you.

15 Mr. Chairman, that concludes my remarks. My team  
16 and I will be glad to answer any questions you or the  
17 Committee have for us at this time.

18 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

19 Chairman Marsico.

20 JUDICIARY MAJORITY CHAIRMAN MARSICO: Thank you,  
21 Mr. Chair.

22 Thanks for being here. Appreciate your time and  
23 your testimony.

24 In your testimony you mentioned that you have a  
25 lot of satisfied customers in other cities, Indianapolis,

1 Kansas City, Baltimore County, San Diego, San Francisco,  
2 and Concord, California. Well, how many States do you  
3 contract with? Those are all cities. Are you contracting  
4 with those States?

5 MR. WICKER: So the concept of having transparent  
6 view into the location of tow trucks and facilities is a  
7 universal truth and it works both in rural and urban areas.

8 JUDICIARY MAJORITY CHAIRMAN MARSICO: So do you  
9 contract with other States---

10 MR. WICKER: We do not.

11 JUDICIARY MAJORITY CHAIRMAN MARSICO: ---other  
12 State police departments? So this is the first State---

13 MR. WICKER: That is correct.

14 JUDICIARY MAJORITY CHAIRMAN MARSICO: Okay.  
15 Further, how do you select the towers? What is that  
16 selection process like? Is it a rotation with the vendors  
17 that are contracted with?

18 MR. WICKER: So our systems and our processes  
19 agree able to dispatch tow companies in many different  
20 ways, and we do based on the rules set by or the  
21 recommendations of the law enforcement agencies. So one of  
22 the methods is the closest facility to the incident and  
23 that is the method we're using here with some exceptions.

24 JUDICIARY MAJORITY CHAIRMAN MARSICO: Do you  
25 rotate that closest? I mean there could be two towers that

1 are the same---

2 MR. WICKER: That's correct. So I think the  
3 safest way to put it is you can always tweak your towing  
4 algorithm but in the end you set clear rules and  
5 consistently apply them and fairness is achieved. So I  
6 believe your question is if two tow operators are nearby---

7 JUDICIARY MAJORITY CHAIRMAN MARSICO: Yes.

8 MR. WICKER: ---how do you do that? Rotation  
9 would be a very fair method.

10 JUDICIARY MAJORITY CHAIRMAN MARSICO: Okay.  
11 Thank you, Mr. Chair.

12 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.  
13 Representative Stevenson.

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

16 Mr. Wicker, thank you for being here today. As  
17 you know, one of the goals of this hearing is to continue  
18 the dialogue between the towers, the State Police, and  
19 AutoReturn in hopes of reaching a resolution to this issue.  
20 I must say at the outset I'm disappointed in your  
21 characterization of the motives of towers who don't agree  
22 with this process. I think we're all looking for a  
23 solution here. We're not looking at ways to point fingers  
24 or make accusations. Do you understand why many of the  
25 towers are reluctant to sign on with AutoReturn? I think



1 the State Police testimony indicated some of the tactics  
2 used early on were not well received. Are you aware of  
3 that?

4 MR. WICKER: I think the best way to answer that  
5 question would be to let someone from our towing community  
6 who is working with the program. The majority of the folks  
7 that are opposing the program are not part of the program  
8 and have not participated and don't know what it's about.  
9 And frankly my testimony is clear. There is a  
10 misinformation campaign being prosecuted out there and I  
11 wanted to make sure that was on the record.

12 Ken, would you like to share your thoughts?

13 MR. FISHER: I'll try. My name is Ken Fisher. I  
14 own Eagle Auto Service and Collision Center right off  
15 Interstate 79 up in Erie County, and we were invited along  
16 with numerous other towing companies in our region to  
17 attend a meeting concerning the pilot program. We were  
18 already a preapproved State Police towing facility. We  
19 went through all the requirements that everyone else had to  
20 up in the area and we were actively towing for the State  
21 Police. And we went in and we were informed that the pilot  
22 program was going to start up here in Troop E. We were  
23 currently towing for Lawrence Park and Gerard Barracks.

24 So we in no way were coerced into joining this.  
25 We were given the opportunity to either get on the list or

1 not. And looking at the pros and the cons of it from a  
2 business standpoint, there was no reason for me not to get  
3 on there. No one forced me to do this. We went through  
4 the legal documentation concerning liability transfer. We  
5 put it up to our insurance company. We went through the  
6 requirements that we were going to have to follow. We went  
7 through the dispatching changes that we were going to have  
8 to comply with and decided it made sense to at least try.  
9 We had nothing to lose.

10 So no one from AutoReturn put any undue pressure  
11 on us one way or another to join or not, and there were  
12 numerous tow companies in the area that decided not to.  
13 That was their business decision. My business decision was  
14 to get on board and frankly I'm glad I did.

15 REPRESENTATIVE STEVENSON: Mr. Wicker, my  
16 question again is to you. Do you understand why the State  
17 Police talked to you or talked to your company about this  
18 and about some of the comments that were made regarding---

19 MR. WICKER: Sure.

20 REPRESENTATIVE STEVENSON: ---some of the  
21 pressure that was put on towers---

22 MR. WICKER: So I believe what you're referring  
23 to is a conversation where someone from our organization  
24 was making a comment to somebody to encourage them to join  
25 saying the guy down the street has joined. You know, you

1 ought to consider joining from a business perspective. I  
2 think that's a completely reasonable -- well, tell you  
3 what, let me take it a different way. My problem is not  
4 with the majority of the folks in this room. I fully  
5 respect and work with across the country many hundreds of  
6 hardworking tow companies that do their jobs and I respect  
7 that. Our problem is with the misinformation campaign  
8 being prosecuted by a small subset of towers that has  
9 discouraged hardworking, honest tow companies from  
10 participating in what could be a very good thing for them.

11 We are not taking business from tow operators.  
12 We are simply providing a service to the State Police  
13 allowing tow companies to take dispatch requests in a new  
14 and different way, a more efficient way at no cost to them.

15 REPRESENTATIVE STEVENSON: Do you believe there  
16 is a place for trust in the relationship between AutoReturn  
17 and the independent businesses who you work with?

18 MR. WICKER: I think I made that very clear in my  
19 testimony. We stand for, first, public safety. We stand  
20 for efficiency. We stand for respect and a fair  
21 distribution of tows. That's what we stand for.

22 REPRESENTATIVE STEVENSON: In that regard, let me  
23 ask a couple questions about the process itself if I may.  
24 You're dealing with an area of rural Pennsylvania which is  
25 much different from Baltimore County or cities in

1 California and so forth, an area which is somewhat remote.  
2 And my understanding is you use a GPS system to dispatch  
3 these tows in this rural area. Have you found that to be  
4 successful? There are no problems with that?

5 MR. WICKER: Okay. Let me share again our  
6 dispatch approach. So our dispatch approach is very  
7 flexible. In cases where partners choose to use  
8 smartphones and GPS information is available, that  
9 information can only help in the effective dispatch of a  
10 tow request. However, in the absence of that information  
11 or using different dispatch algorithms, a suitable tow  
12 company can be dispatched again more efficiently than  
13 through manual methods. So I believe the method we're  
14 using in rural areas where cell phone reception is spotty  
15 is closest facility to the tow request.

16 REPRESENTATIVE STEVENSON: And how do you ensure  
17 that the proper equipment is being sent to the scene to  
18 make sure that the tower first of all has the equipment  
19 necessary for, say, a heavy tow and how do you make sure  
20 that equipment is being dispatched to that scene?

21 MR. WICKER: I mean in the dispatch request, just  
22 as if the communications officer were making the call to  
23 the tow company, they are providing the same information in  
24 our systems and that information is being relayed. So it's  
25 the exact same way that it's happened always is the details

1 of the required equipment are put in the request.

2 REPRESENTATIVE STEVENSON: Thank you,  
3 Mr. Chairman.

4 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.  
5 Representative Costa.

6 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.  
7 Thank you, gentlemen, for being here.

8 My first concern in this is public safety. You  
9 say that your company is in direct communications with  
10 State troopers, their laptops, and stuff like that. Well,  
11 that's all well and good. As a former police officer, I've  
12 been out on the road and I know these kids. They're new  
13 cars are all decked out, look like fighter pilots, but the  
14 laptop is no good when you're standing on the side of the  
15 road out in the cold. You need radio communications. So  
16 that's a public safety issue for me, for the emergency  
17 responders, for the tow truck drivers that are responding,  
18 and for the officers that are on scene, which I don't know  
19 how in any way, shape, or form you'll be able to work that  
20 out.

21 Secondly, you say you're not in the towing  
22 business but I have information that you have an impound  
23 place in Indianapolis. So are you going to expand to  
24 impounding here in Pennsylvania?

25 MR. WICKER: Would you like me to take those one

1 at a time?

2 REPRESENTATIVE COSTA: Yes, if you would, please.

3 MR. WICKER: Okay. So you are correct. The  
4 beauty of using the laptop capability in the vehicle is a  
5 lot of information about the tow has already been recorded  
6 and it's basically a tow button you get to push with very  
7 little additional information, and that then can get  
8 immediately electronically dispatched based on the business  
9 rules to the appropriate tow operator. It's a very  
10 efficient process. This does not preclude an officer in  
11 the field of course from radioing in to his communications  
12 center and having them enter the request and getting nearly  
13 the same efficiencies. I hope that's clear.

14 Now, on to our impound operations. It is true.  
15 In some municipalities where there is -- this is the  
16 combination -- when there is a high volume of tows in a  
17 very small square area, square miles, oftentimes  
18 municipalities want to control the impound locations and  
19 would prefer to have a centralized impound rather than an  
20 impound spread around that municipality. And in those  
21 cases when cities look for that type of service, we do  
22 provide that. We do that in two places: in San Francisco  
23 that tows 50,000 tows in a 50-square-mile area, and in  
24 Indianapolis, which tows a similar number in a slightly  
25 larger area.

1           REPRESENTATIVE COSTA: Okay. Can you---

2           MR. WICKER: We have no intention of opening  
3 impound facilities as a result of this contract. That's a  
4 fear that's been raised, and so as one of the moves of the  
5 pilot is we actually put that into our contract to allay  
6 those fears. But yet the folks prosecuting the  
7 misinformation campaign continue to bring that up as our  
8 evil, sinister approach.

9           REPRESENTATIVE COSTA: Yes, but don't you think  
10 that you should have brought it up? I know when I ran for  
11 office my negatives came out first. I put them out there  
12 if that's going to be a negative. You said clearly that  
13 you have no business, you're not in the towing business,  
14 you don't do that, and then I have to question you and say  
15 you are. And now you're saying that you are.

16          MR. WICKER: No, I am absolutely no. I have  
17 never towed a vehicle.

18          REPRESENTATIVE COSTA: No, you don't tow a  
19 vehicle. Okay. Semantics. You're using words. You are  
20 in the business of impounding. It's still related to the  
21 towing business in my interpretation of this.

22          MR. WICKER: Representative, with all due  
23 respect, our business is to be efficient and to help local  
24 tow operators be efficient in the execution of tows.  
25 Whether it's to distributed facilities like in Pennsylvania

1 or centralized facilities like we have in San Francisco and  
2 Indianapolis, our job is towing logistics.

3 REPRESENTATIVE COSTA: If I can, Chairman, just a  
4 statement and then I'll close.

5 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

6 REPRESENTATIVE COSTA: All right. Sir, sometimes  
7 public safety is a cost. It's a major cost to all  
8 communities. And for us as a government, to ensure public  
9 safety is above all. I think this pilot program is a slap  
10 in the face to public safety. It's a slap in the face to  
11 our emergency responders. It's a slap in the face and your  
12 arrogance of what you said about these people, these  
13 hardworking towers, because they don't agree with you, just  
14 because they don't agree with you, they're rogues. That's  
15 not the case. Everybody's in business. They've invested a  
16 lot of money. It's not about them with me, okay? It's  
17 about everyone. It's about the Commonwealth of  
18 Pennsylvania and doing things safely.

19 I totally disagree with this pilot program. It's  
20 a pilot but it keeps extending through the State. How much  
21 of a pilot program are we going to have? If I have  
22 anything to do with it, we're going to bring this to a halt  
23 and we're going to move forward in a better way of doing  
24 this structure. I know it's not all you. I know it's part  
25 of the State Police. But public safety is a cost that we



1 in government must incur, okay? And it doesn't mean  
2 farming it out or giving it to another private company.  
3 I'd rather see the \$23,500 that you've made in Pennsylvania  
4 already go to our 911 centers.

5 I totally am astounded by your disrespect to the  
6 other towers just because they don't agree with you.

7 That's all I have to say. Thank you, Chairman.

8 VA&EP MAJORITY CHAIRMAN BARRAR: Chairman Sainato  
9 for a question.

10 VA&EP MINORITY CHAIRMAN SAINATO: Thank you,  
11 Mr. Chairman.

12 Is AutoReturn responsible for the background  
13 checks of the registered towers?

14 MR. WICKER: I believe Colonel Bivens mentioned  
15 in his testimony that the State Police still do the  
16 background checks.

17 VA&EP MINORITY CHAIRMAN SAINATO: Okay. Now, how  
18 do you know when you hire these towers that they are up to  
19 those standards? I mean do you meet with them? Do you  
20 talk with them? I mean what relationships do you have with  
21 them?

22 MR. WICKER: So of the 22 existing Pennsylvania  
23 State towers that were already vetted, they met the  
24 requirements, and the 21 new towers went through the exact  
25 same process that the 22 towers had gone through previously

1 which involved background checks, inspection of facilities,  
2 inspection of equipment, and adequate insurance. Matter of  
3 fact, we assign ourselves as additional insureds on their  
4 policy so we can ensure that the policies are in force.

5 VA&EP MINORITY CHAIRMAN SAINATO: I asked because  
6 I had asked the State Police. I'm going to ask you the  
7 same thing. They're not all Pennsylvania towers. How many  
8 do you use from out-of-state?

9 MR. WICKER: We use two out-of-state tow  
10 operators. They're both in Ohio and they were both part of  
11 the Pennsylvania State Police program prior to the pilot.

12 VA&EP MINORITY CHAIRMAN SAINATO: Okay. And are  
13 you having problems filling all the towers?

14 MR. WICKER: I'm sorry?

15 VA&EP MINORITY CHAIRMAN SAINATO: Are you having  
16 problems filling -- I mean it's a rural area as  
17 Representative Stevenson said and you have towers who are  
18 not signing up.

19 MR. WICKER: Okay. If you can refer to the slide  
20 that's in your packet, and John's going to put this up on  
21 the screen. So I would say that our response has been  
22 directly proportional to network participation. So where  
23 we have a robust network, what we're seeing is very good  
24 response times. Where we're seeing response times that can  
25 be improved are in areas where we have less of a network.

1 But every day, every week the network improves, and if you  
2 were to look at this thing over time, we're seeing more and  
3 more green across more and more of the pilot area.

4 VA&EP MINORITY CHAIRMAN SAINATO: Because when I  
5 look at it here, I mean a lot of it's up in Erie and I'm  
6 down there in Lawrence County and I'm looking and there's  
7 not a whole lot there.

8 MR. WICKER: I believe Kittanning we have three  
9 new towers coming on board and so I expect to see those  
10 areas of yellow and red improve. And that's the purpose of  
11 the pilot is to create improvement. In every jurisdiction  
12 where we're ever gone, we've gone in and improvements have  
13 occurred over time.

14 VA&EP MINORITY CHAIRMAN SAINATO: I ask that  
15 because I know that where I'm at there's a lot of good  
16 towers and my recommendation would be try to work with  
17 these people because they're very good towers. They've  
18 been in business for many, many years. And just from what  
19 I'm listening to and hearing I mean I'm here to listen and  
20 to learn and towers will be coming up, but I still think  
21 that these people have been doing it for many years. And  
22 we ask about the response time. These people are on the  
23 ground. They've been doing it for years. They know where  
24 everything is at. I mean wouldn't that make sense?

25 MR. WICKER: We are trying to work with every

1 single tower. Our invitation extends to every single  
2 Pennsylvania State Police tower, and the ones that have  
3 chosen to work with us are the ones that have resulted in  
4 the response times that you see here. But we continue to  
5 be willing to work with everyone in this room, including  
6 our opposition.

7 VA&EP MINORITY CHAIRMAN SAINATO: What happens  
8 when you have a bad tower? I mean how do you deal with  
9 that I mean if someone's not doing what they're supposed to  
10 be doing?

11 MR. WICKER: A bad tower?

12 VA&EP MINORITY CHAIRMAN SAINATO: Yes.

13 MR. WICKER: I'm not sure I like to characterize  
14 bad tower, but one of the great things about collection of  
15 data is you can evaluate scenarios based on a large pool of  
16 data, not just anecdotal incidents. So if you see a  
17 particular tower who is consistently late for response  
18 times or is consistently turning down tows, then you can  
19 address those issues through coaching. And what we've  
20 found is that coaching has been a very effective method for  
21 us in creating effective networks.

22 VA&EP MINORITY CHAIRMAN SAINATO: All right.  
23 Thank you.

24 Thank you, Mr. Chairman.

25 VA&EP MAJORITY CHAIRMAN BARRAR: Chairman Marsico

1 for questions.

2 JUDICIARY MAJORITY CHAIRMAN MARSICO: Thank you,  
3 Mr. Chair.

4 Going back to the process, when a person who  
5 needs a tow who has a service they could use for free, for  
6 example, if they have a manufacturer's warranty or they're  
7 a member of AAA, do they have an option to use that  
8 service?

9 MR. WICKER: I believe they do.

10 JUDICIARY MAJORITY CHAIRMAN MARSICO: So how does  
11 that work then? Walk me through the process. If I need a  
12 tow, I have a manufacturer's warranty, do I then pay the  
13 \$35.

14 MR. WICKER: No. The \$35 is only paid on a  
15 subset of tows. It's tows where a tow is actually  
16 completed. There is no fee paid for roadside assistance,  
17 what you're referring to as an owner-request tow, those  
18 sorts of tows.

19 And again, this is to protect the tow operator.  
20 The model is if the tow operator is able to collect the  
21 fee, then we collect our fee with the model being to never  
22 have a tow company come out of pocket one penny to be part  
23 of this program. And I don't think that's been clearly  
24 communicated.

25 JUDICIARY MAJORITY CHAIRMAN MARSICO: Okay. Just

1 to follow up, can the customer then designate to where the  
2 vehicle is towed or does AutoReturn make that call?

3 MR. WICKER: In the case of an owner-request tow,  
4 the customer dictates where that tow goes. In the case of  
5 a Pennsylvania Police authorized tow, the tow operator tows  
6 it to their facility.

7 JUDICIARY MAJORITY CHAIRMAN MARSICO: Okay.  
8 Thanks.

9 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
10 Mr. Chairman.

11 Representative Rapp.

12 REPRESENTATIVE RAPP: Thank you, sir, for being  
13 here today.

14 I was looking at your map and I did receive some  
15 correspondence from Lieutenant Krol, who is with the  
16 Pennsylvania State Police. I was specifically interested  
17 in of course my district, which is Warren, Forest,  
18 currently McKean. In looking at your map I see nothing in  
19 Warren County, so is there no one there currently  
20 participating in the program?

21 MR. WICKER: So the Pennsylvania State Police is  
22 rolling this pilot out in stations once we feel there is  
23 sufficient coverage in that station, and Warren County has  
24 not reached that point.

25 REPRESENTATIVE RAPP: And, again, I will share

1 some of the comments that some of the legislators have with  
2 the program because I have several areas in Warren County  
3 going over into Crawford and going over into McKean and Elk  
4 where I can drive 45 minutes with not even cell phone  
5 coverage, so that certainly is a concern of mine.

6 And obviously the charts, the larger the network,  
7 the better the response; the weaker the network, the slower  
8 response. But I do have people attending here from my  
9 district and they do have many concerns that have been  
10 shared here just to let you know up front. And have you  
11 turned down any tow operators that have wanted to work in  
12 partnership with you?

13 MR. WICKER: None that have met the minimum  
14 requirements set by the Pennsylvania State Police.

15 REPRESENTATIVE RAPP: Okay. Thank you.

16 Thank you, Mr. Chairman.

17 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

18 Representative Gillen.

19 REPRESENTATIVE GILLEN: Thank you very much again  
20 for your distinguished testimony.

21 I just had a couple brief questions with regard  
22 to your business model. I think you had mentioned San  
23 Francisco as a city that you operate in, and I think I  
24 recall you saying that you had 50,000 tows in San  
25 Francisco. Is that accurate?

1 MR. WICKER: That's right.

2 REPRESENTATIVE GILLEN: And you control the  
3 impound lots in San Francisco. In Pennsylvania we get  
4 \$22.50 per tow, correct? What would that number be in San  
5 Francisco?

6 MR. WICKER: Excuse me? \$22.50 per tow times  
7 50,000.

8 REPRESENTATIVE GILLEN: No. It's exactly the  
9 same number?

10 MR. WICKER: Oh, I'm sorry. What's our rate in  
11 San Francisco?

12 REPRESENTATIVE GILLEN: Yes.

13 MR. WICKER: It's a completely different model.  
14 The model in San Francisco is we collect the money from two  
15 sources. One is when a customer claims their vehicle and  
16 then vehicles that go unclaimed, we dispose of it through  
17 the California lien laws. And then we pay the  
18 municipality, we pay the tow operator, we pay the labor  
19 force. It's a completely different model. This is what we  
20 call our logistics model.

21 REPRESENTATIVE GILLEN: Okay. It strikes me, if  
22 there's any relationship at all between the \$22.50 and the  
23 impound lot, it strikes me that you would be receiving a  
24 preponderance of your income from the impound lots in San  
25 Francisco?



1 MR. WICKER: I mean I'm not sure I follow.

2 REPRESENTATIVE GILLEN: Well, if---

3 MR. WICKER: I mean the high level business model  
4 is, the logistics model, it's \$22.50 per towed vehicle is  
5 our revenue line. Our cost line is small relative to an  
6 operation where we're running the impound lot where the  
7 revenue per vehicle is in the \$200 plus per vehicle but the  
8 costs are in the \$180 to \$190 range, much higher costs per  
9 vehicle.

10 REPRESENTATIVE GILLEN: The reason I'm asking the  
11 question in terms of how you represented the service that  
12 you offered, if you had something close to \$22.50 and  
13 you're asserting the model is different out there, it'd be  
14 about \$1 million worth of revenue on a 50,000 vehicle  
15 model. But if you just throw out a number \$100 on an  
16 impound lot, I'm sure it's substantively more than \$22.50.  
17 Then it would be a \$5 million revenue stream. It strikes  
18 me that your revenue stream in San Francisco, and maybe  
19 it's a legitimate concern here, is substantively coming  
20 from what would be traditionally the purview or oversight  
21 of tow operators versus the actual tow fee as compared to  
22 the impound lot fee. It strikes me that the service that  
23 you're offering goes far beyond logistics and technical  
24 assistance to an actual arena that tow operators have a  
25 substantive revenue stream in Pennsylvania.

1           MR. WICKER: I'm not sure I follow the question  
2 but I'll try and answer what I think you're asking.

3           REPRESENTATIVE GILLEN: It's partly a statement,  
4 too.

5           MR. WICKER: So our key value in my opinion is  
6 the application of technology and business process to this  
7 industry that needs some. And the application of  
8 technology to the dispatch function does two things. One,  
9 it allows disparate tow operators in a large geographic  
10 area to be sort of combined into one single virtual fleet  
11 that then law enforcement can engage to pick the right  
12 company to fulfill a public safety request.

13           How our technology benefits on the back end is in  
14 the customer service function going through sophisticated  
15 call centers and queues and systems that allow us to track  
16 customer requests. We have queue systems that monitor the  
17 lines so when you wait in line for your vehicle to get  
18 picked up, it's like Hertz Gold Service; instead of  
19 standing in a line in an inefficient release process, our  
20 average customers wait 73 seconds in that other model.

21           Also, the application of following a car through  
22 the lien process if it goes unclaimed and selling it  
23 through a proper regulatory process and submitting fees in  
24 excess of your towing and storage fees to the appropriate  
25 municipal and State agencies is all part of things that

1 systems can play a tremendous effect and have.

2 REPRESENTATIVE GILLEN: The technology is welcome  
3 and we appreciate that. I think the prospect of future  
4 competition is what concerns some of the folks that are in  
5 this room. And based on the San Francisco business model,  
6 it appears there's a significant revenue stream coming from  
7 an arena which would represent competition to some of the  
8 operators in this room.

9 Thank you, sir.

10 VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
11 James.

12 REPRESENTATIVE JAMES: Thank you, Mr. Chairman,  
13 Mr. Wicker.

14 I've been involved since January of this year in  
15 trying to understand what the benefit was to the  
16 Pennsylvania State Police in taking this step to begin with  
17 and I'm still collecting facts. Thank you.

18 Originally, it sounded like it would free up the  
19 time of some of the dispatchers. Perhaps that's not really  
20 going to be much of a benefit to them. But ultimately  
21 today I think we heard that the primary goal was to avoid  
22 upwards of \$1 million annual litigation, which they're  
23 experiencing from tow responders who are dissatisfied with  
24 their service, which gets me around to my question.

25 Are you experiencing any kind of litigation

1 problems in some of your other areas? And if it ends up  
2 costing you \$1 million once it's statewide here, is this  
3 something you're interested in doing or will you terminate  
4 your contract?

5 MR. WICKER: I mean we do have legal expense.  
6 It's managed as part of our business but I actually think  
7 the real questions goes back to is the benefit in the  
8 efficient dispatching? And I believe it really is. And I  
9 said it in my testimony and I guess reading it doesn't  
10 create the energy around it, but having a real-time view  
11 into where the assets are deployed across a State when  
12 there's an emergency only provides data to make better  
13 decisions, and those better decisions result in decreased  
14 response times and increased public safety. And that's  
15 just a truism and it's happened that way everywhere we go  
16 and we continue to see it in this pilot and we're going to  
17 continue to see it as our network grows.

18 REPRESENTATIVE JAMES: Nothing else,  
19 Mr. Chairman. Thank you.

20 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
21 Representative.

22 Representative Hackett.

23 REPRESENTATIVE HACKETT: Thank you, Mr. Chairman.  
24 This is for the gentleman from the towing  
25 business. I'm sorry I forgot your name.

1 MR. FISHER: Ken Fisher.

2 REPRESENTATIVE HACKETT: Ken Fisher. Ken, do you  
3 also tow for local municipalities?

4 MR. FISHER: Yes, that's correct.

5 REPRESENTATIVE HACKETT: Okay. About how long  
6 have you been doing that?

7 MR. FISHER: About two years.

8 REPRESENTATIVE HACKETT: Okay. How long have you  
9 been in business? I'm sorry.

10 MR. FISHER: Well, I have several businesses.

11 REPRESENTATIVE HACKETT: Okay. The towing  
12 business.

13 MR. FISHER: The towing business? Two years.

14 REPRESENTATIVE HACKETT: Two years. Okay. Over  
15 the past two years that you've been towing for the local  
16 municipalities, how do you get your dispatch jobs? How do  
17 you receive them?

18 MR. FISHER: If it's for a local, the individual  
19 that needs towed will actually call us.

20 REPRESENTATIVE HACKETT: Let's talk police tows.  
21 So police tows for those local municipalities, how do they  
22 come about?

23 MR. FISHER: The police departments for the local  
24 municipalities don't call us. They have their own tow  
25 operators in their own municipalities.

1           REPRESENTATIVE HACKETT: So you're not towing for  
2 the local police municipalities?

3           MR. FISHER: No. If somebody's double-parked or  
4 something, no, we do not do that.

5           REPRESENTATIVE HACKETT: No, how about a crash,  
6 an accident for the local---

7           MR. FISHER: If it's a crash if it's in PSP  
8 area---

9           REPRESENTATIVE HACKETT: No, it's not. It's in  
10 the local municipality where they have their own police  
11 department.

12          MR. FISHER: No. If they called us, we would,  
13 but right now we do not.

14          REPRESENTATIVE HACKETT: Okay. But you don't  
15 have a contract with a local municipality---

16          MR. FISHER: That is correct, no.

17          REPRESENTATIVE HACKETT: ---to handle their  
18 police tows?

19          MR. FISHER: No, we do not.

20          REPRESENTATIVE HACKETT: You're only doing State  
21 work there?

22          MR. FISHER: State and private towing.

23          REPRESENTATIVE HACKETT: State and private.  
24 Okay. So then you wouldn't have knowledge of how those  
25 calls are dispatched to the local police---

1 MR. FISHER: I do not.

2 REPRESENTATIVE HACKETT: ---for those tows? Do  
3 you hear any rumor? How do you think they're getting  
4 dispatched?

5 MR. FISHER: I would guess now, I would imagine  
6 that the local police would call their dispatcher and the  
7 dispatcher would call the tow company.

8 REPRESENTATIVE HACKETT: Okay. And your  
9 experience of that maybe hearing stuff on the radio or  
10 seeing some incidents, does that seem to be going okay?

11 MR. FISHER: Could you ask that again?

12 REPRESENTATIVE HACKETT: In the local  
13 municipalities for those police departments being  
14 dispatched, I mean do you see any problems there? Can you  
15 give me any feedback of what the industry is feeling as to  
16 that respect?

17 MR. FISHER: I cannot. I do believe that the  
18 same companies that are towing for PSP tow for the local  
19 municipalities.

20 REPRESENTATIVE HACKETT: Okay. And they don't  
21 have any problems, and again, maybe this might not be---

22 MR. FISHER: I'm not qualified to answer that.

23 REPRESENTATIVE HACKETT: The other tow guy, I'm  
24 sorry, you're also a tower? Do you tow for local  
25 municipalities?

1 MR. HARNISH: No.

2 REPRESENTATIVE HACKETT: Okay. Just a comment,  
3 Mr. Chairman.

4 Mr. Wicker, I do agree with you that Pennsylvania  
5 State Police should not be in the towing business, okay,  
6 but I disagree that the 911 centers aren't doing a bang-up  
7 job at dispatching to the scene tow trucks that those local  
8 municipalities which they represent are asking for. And I  
9 believe that's working quite well. But this is very  
10 interesting. Thank you for your time there, Mr. Chairman.

11 VA&EP MAJORITY CHAIRMAN BARRAR: Mr. Fisher, can  
12 I follow up with a couple of questions if you would,  
13 please.

14 MR. FISHER: Very well.

15 VA&EP MAJORITY CHAIRMAN BARRAR: When you signed  
16 with AutoReturn, your fee schedule towing rates, are they  
17 the same today as they were when you were towing basically  
18 for the State Police?

19 MR. FISHER: We adjusted them slightly. Some  
20 went up slightly, some went down slightly based on the  
21 maximum, the recommendations from AutoReturn. However, we  
22 had already had rates established and I'm not going to say  
23 by the Pennsylvania State Police. They were recommended  
24 rates and guidelines that we followed prior to being with  
25 AutoReturn. They were within 5 percent of our current



1 rates.

2 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Do you  
3 maintain a different rate schedule for non-AutoReturn or  
4 non-State Police tows that you do?

5 MR. FISHER: We do not.

6 VA&EP MAJORITY CHAIRMAN BARRAR: The  
7 administration fee, can you tell us how you administer  
8 that, the administration fee for AutoReturn to get their  
9 \$35.

10 MR. FISHER: If we get a call for a tow, once we  
11 enter the data into the system, if it's a roadside  
12 assistance or if it's just pull them out of a ditch and  
13 away they go, we enter it as such and there is no fee going  
14 to AutoReturn, zero. If we actually tow it back to our  
15 facility or tow it to another garage, the fee is on our  
16 books as \$35. We have an account that once every two weeks  
17 they will do a direct withdrawal from that account, send us  
18 an email. It's all electronic.

19 VA&EP MAJORITY CHAIRMAN BARRAR: So when I get my  
20 bill for towing, when my car is towed in an accident and I  
21 show up at your shop to recover my car, I get charged for  
22 the tow, the storage, an administration fee---

23 MR. FISHER: That's correct.

24 VA&EP MAJORITY CHAIRMAN BARRAR: ---on top of  
25 that.

1           MR. FISHER: That's exactly what it says, yes.  
2 Right, administration fee.

3           VA&EP MAJORITY CHAIRMAN BARRAR: So the consumers  
4 of Pennsylvania are being charged basically \$35 for a  
5 service today that currently they aren't paying for. Is  
6 \$35 a fair fee? Do you do emission inspections at your  
7 facility?

8           MR. FISHER: We do.

9           VA&EP MAJORITY CHAIRMAN BARRAR: And that phone  
10 call to send that data to the State costs you how much?

11          MR. FISHER: I don't know that.

12          VA&EP MAJORITY CHAIRMAN BARRAR: \$1.35 I think it  
13 is---

14          MR. FISHER: I don't know that.

15          VA&EP MAJORITY CHAIRMAN BARRAR: ---to report  
16 that but we're going to allow another company to come in  
17 and charge \$35 for a phone call. Basically you're going to  
18 get a phone call from them telling you to respond to a tow,  
19 where and how, and it just seems like an awful lot of money  
20 to me.

21                 If I can, Mr. Wicker, can we talk a little bit  
22 about your rate schedule? How do you establish that? Is  
23 it a regional rate schedule or is there one rate schedule  
24 for -- I mean Pennsylvania is a large State. Is it one  
25 rate schedule for the whole State of Pennsylvania or will

1 it be---

2 MR. WICKER: Are you talking about the rate  
3 schedule that the towers charge the customers?

4 VA&EP MAJORITY CHAIRMAN BARRAR: Yes.

5 MR. WICKER: It's regional.

6 VA&EP MAJORITY CHAIRMAN BARRAR: How many  
7 regions?

8 MR. WICKER: That is actually continuing to be  
9 worked out. There's no set program right now.

10 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. And then  
11 it says in your contract that there are exceptions allowed  
12 in the fee schedule?

13 MR. WICKER: Yes, there are.

14 VA&EP MAJORITY CHAIRMAN BARRAR: Who determines  
15 that this tow came under an exception?

16 MR. WICKER: The tow operator.

17 VA&EP MAJORITY CHAIRMAN BARRAR: The tow  
18 operator?

19 MR. WICKER: Actually, this is a great  
20 opportunity to share sort of the framework of the rates.  
21 So when we came in and they asked us to put reasonable  
22 maximums in place, we took the information that tow  
23 operators had already provided the Pennsylvania State  
24 Police and we hashed through that data and submitted to the  
25 subset that we approached in I believe it was October or

1 November what do you think about this? And they came back  
2 with feedback that this is too low, this seems high, and we  
3 based the continuing modifications of these rates based on  
4 input from the tow operator.

5 Again, we're not an auto club and I really want  
6 to stress that. Since we're not buying bulk tows and  
7 that's not on our expense line, we're not motivated to push  
8 down the price for tows. Our job is to set reasonable  
9 maximums in place. And here's the key: They only apply to  
10 your standard tow. Extraordinary circumstances is a line  
11 item, extraordinary circumstances, and that applies to  
12 anything that falls outside the ordinary tow. So every tow  
13 operator in this room is free to charge whatever they need  
14 to charge for the vehicle that's down the ditch, down the  
15 embankment and under the tree, whatever that is, and that  
16 is not something we want to get involved in beyond allowing  
17 the tow operator to charge what's reasonable and customary  
18 for that type of transaction.

19 And I think that's another piece of  
20 misinformation that's been spread out there, that we're  
21 trying to---

22 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. So if I  
23 charge a consumer a fee over and above the normal tow rate,  
24 then you don't get involved? You don't dispute that with  
25 them? You don't call them up or they don't get a letter

1 from you---

2 MR. WICKER: No.

3 VA&EP MAJORITY CHAIRMAN BARRAR: ---saying we  
4 think you're overcharging---

5 MR. WICKER: No.

6 VA&EP MAJORITY CHAIRMAN BARRAR: ---on these  
7 fees?

8 MR. WICKER: No. Now, let's be clear. Let's say  
9 that one tow operator had an extraordinary circumstance  
10 every single time, right, that would show up in our data  
11 and we might begin to look at that in an odd way. However,  
12 again, disagreeing with Representative Costa's comments, I  
13 have the utmost respect and work with across the country  
14 tow operators and I believe that extraordinary  
15 circumstances happen all the time and it's not our business  
16 to get involved in that. And tow operators should be free  
17 to charge what is normal and customary for whatever the job  
18 is without interference from some auto return group looking  
19 at their fees and doing a unilateral decision on it.

20 VA&EP MAJORITY CHAIRMAN BARRAR: If a tower is  
21 charging in the exception area above normal times according  
22 to your calculations and you dispute that with them, what  
23 process then do you use to bring that tower back in line?  
24 Is there a due process in place?

25 MR. WICKER: Sure.

1                   VA&EP MAJORITY CHAIRMAN BARRAR: Do you penalize  
2 him.

3                   MR. WICKER: Yes.

4                   VA&EP MAJORITY CHAIRMAN BARRAR: Do you remove  
5 him from the list.

6                   MR. WICKER: Sure. Okay. So we would never look  
7 at a tow and say that's out of line. They put  
8 extraordinary circumstance; we weren't at the scene, we  
9 don't have information, we don't know what happened. So  
10 what could happen, however, is a customer could come and  
11 say, you know what? I don't like that fee. And then again  
12 we try to come to a resolution and if we can't, we use a  
13 simple arbitration process to get that resolved. We again  
14 don't want to get in the middle of tow disputes between  
15 citizens and tow operators.

16                   Matter of fact, I think it's only happened once  
17 since the pilot began and I don't recall the tow company.  
18 It may be here in this room; I'm not sure. But it was a  
19 situation where there may have been some miscommunication.  
20 The great thing is we had all the data. We had every  
21 communication. We had the notes from the dispatcher, from  
22 the police communication officer. We knew the time, we  
23 knew every single thing about the tow. So weeks after this  
24 tow had transpired we were able to go back and have the  
25 actual data of everything that transpired to help us move

1 through this process.

2 And I apologize for not having great command of  
3 the details, but this was a case where a person was on the  
4 side of the road, they needed some gasoline, and the tow  
5 truck operator who showed up did not bring gasoline.  
6 Perhaps the trooper said they would bring gasoline but the  
7 regulations actually say you don't have to carry gasoline  
8 due to safety concerns. I know some people do. But in  
9 this case the person did not and they towed it to a  
10 facility. I believe the charge was \$244. It was two hours  
11 of time or maybe it was three hours. Long and short of it  
12 is we took one look at it and said it seems reasonable to  
13 us and the citizen obviously could go take a further course  
14 of action but we agreed with the tow operator.

15 VA&EP MAJORITY CHAIRMAN BARRAR: So if there's a  
16 consumer complaint, this consumer complaint is settled by  
17 you with an arbitration board?

18 MR. WICKER: If there's a consumer complaint, if  
19 they can't resolve it themselves, it goes through an  
20 arbitration process that we only administer; we don't vote  
21 on. How's that for a way to describe it?

22 VA&EP MAJORITY CHAIRMAN BARRAR: Then how is it  
23 resolved? Who administers it?

24 MR. WICKER: Well, we set the framework in place.  
25 Again, we don't want to be at odds with the tow companies,

1 so our goal is not to get in and say we think this.

2 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

3 MR. WICKER: Right.

4 VA&EP MAJORITY CHAIRMAN BARRAR: If the tower has  
5 a complaint, who do they go to?

6 MR. WICKER: Describe a type of complaint.

7 VA&EP MAJORITY CHAIRMAN BARRAR: I guess if  
8 they're not getting paid, if they feel they're removed from  
9 a towing list, if you're not calling the tower in the  
10 closest available tow---

11 MR. WICKER: Right.

12 VA&EP MAJORITY CHAIRMAN BARRAR: ---where does  
13 that complaint go? Does it go to your arbitration board?

14 MR. WICKER: It certainly can, yes. So at first  
15 it goes to us; we try to resolve it. And then it goes to  
16 arbitration. We've been to arbitration in our history  
17 three times. John?

18 MR. PENDLETON: I mean it's less than five.

19 MR. WICKER: Three times. I nailed it.

20 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Am I  
21 right in asking you to become an AutoReturn tower, the  
22 tower must sign his rights to sue away?

23 MR. WICKER: Okay.

24 VA&EP MAJORITY CHAIRMAN BARRAR: I think  
25 that's---



1 MR. WICKER: Well, I mean---

2 VA&EP MAJORITY CHAIRMAN BARRAR: ---a question of  
3 yes or no, not---

4 MR. WICKER: Actually, I prefer to answer it in a  
5 -- the cost of litigation is painful so there was one way  
6 to -- well, the best way to reduce litigation costs is to  
7 come to agreement. So again we've only been to arbitration  
8 three times so that kind of gives you a sense with over a  
9 million tows we've been to arbitration three times. I  
10 think that gives you a sense of what type of company we  
11 are, how we care about respect and fairness.

12 Yes, you are asked to sign an arbitration clause  
13 to make the process of resolving disputes less costly.

14 VA&EP MAJORITY CHAIRMAN BARRAR: If you fail to  
15 do proper inspections according to your contract with the  
16 PSP, proper inspections of the towers, making sure that  
17 they have their criminal background checks and that they  
18 meet all the requirements of the field regulation -- what  
19 is it, AR 6-2 -- what penalty is there for you in the  
20 contract that you've signed with the State Police?

21 MR. WICKER: Our contract is very brief. It just  
22 refers to different codes, so it would be whatever  
23 administrative rights the State has.

24 VA&EP MAJORITY CHAIRMAN BARRAR: How is the  
25 inspection process working now? Apparently you've brought

1 in a lot of new towers---

2 MR. WICKER: Twenty-one.

3 VA&EP MAJORITY CHAIRMAN BARRAR: ---that have  
4 never qualified for the State Police before but now all of  
5 a sudden qualify.

6 MR. WICKER: Well, I would choose to characterize  
7 it as didn't choose to work with the State Police before  
8 for a variety of reasons. I would not say that they didn't  
9 qualify.

10 VA&EP MAJORITY CHAIRMAN BARRAR: Can---

11 MR. WICKER: But, yes, we've gone through the  
12 inspection process.

13 VA&EP MAJORITY CHAIRMAN BARRAR: Can you give us  
14 that number, the number of how many of the people working  
15 for you currently today that did not qualify before with  
16 the State Police now work for you?

17 MR. WICKER: I can get that number for you. I  
18 don't have that number.

19 VA&EP MAJORITY CHAIRMAN BARRAR: Could you supply  
20 that to the Committee?

21 MR. WICKER: Certainly.

22 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. I  
23 appreciate it.

24 How many out-of-state towers do you have working  
25 in the pilot program?

1           MR. WICKER: I believe someone asked that  
2 question. We have two. They're both in Ohio and they were  
3 both existing Pennsylvania State Police towers prior to the  
4 pilot.

5           VA&EP MAJORITY CHAIRMAN BARRAR: I think a lot of  
6 the towers, especially when you go statewide -- I think  
7 maybe it's more common in the Southeast -- a lot of the  
8 towers tow for the State Police and they also tow for  
9 municipalities around the State and I know in my  
10 legislative district quite a few of the municipalities have  
11 separate contracts with a designated tower. So then that  
12 tower would be required to basically have an AR rate  
13 schedule and also then have a municipal rate schedule which  
14 there may be a difference between the two rate schedules.  
15 The consumer might be paying more or less under your rate  
16 schedule. Is it fair to the consumer that a tower has to  
17 maintain basically two rate schedules?

18          MR. WICKER: I'm not sure how to answer that  
19 question, sir.

20          VA&EP MAJORITY CHAIRMAN BARRAR: An abandoned  
21 vehicle, when a tower in Pennsylvania tows an abandoned  
22 vehicle, and correct me if I'm wrong, from the best of my  
23 knowledge, I think the tower, you would dispatch abandoned  
24 vehicle calls from the State Police, right, that someone  
25 just leaves their car on the side of the road and walks

1 away from it?

2 MR. WICKER: I believe that is a reason code that  
3 is part of the State Police.

4 VA&EP MAJORITY CHAIRMAN BARRAR: Yes.

5 MR. WICKER: Yes.

6 VA&EP MAJORITY CHAIRMAN BARRAR: And under the  
7 current law I think they get \$15 for that tow. Would they  
8 be assessed that \$35 fee from your company if they  
9 successfully complete that transaction of towing an  
10 abandoned vehicle?

11 MR. WICKER: No.

12 VA&EP MAJORITY CHAIRMAN BARRAR: So there's no  
13 way to collect that \$35 fee. So pretty much you're saying  
14 all abandoned vehicles in the State we're not charging for?  
15 There's very little---

16 MR. WICKER: We are not collecting our \$22.50 on  
17 that. We don't believe it's fair to charge the tow  
18 operator an administrative fee if they are not able to  
19 collect the fees from a consumer.

20 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

21 MR. WICKER: And again, I think this is part of  
22 the misinformation campaign that's been prosecuted and I  
23 really relish the opportunity to get this information on  
24 the record to again the hardworking tow companies that are  
25 here hearing from us for the first time.

1           VA&EP MAJORITY CHAIRMAN BARRAR: And that's why  
2 we wanted to have the hearing. Believe me, we hear from  
3 both sides. I mean we've heard from the State Police and  
4 other entities of tower activity that they don't approve  
5 of. We've heard from the towers that there's activity  
6 taking place here. I've complained for years about a lack  
7 of a due process for our towers under the State contract  
8 and under the municipal contract. So the main purpose of  
9 the hearing is to try to get to some of that information.

10           MR. WICKER: I think if you talk to our towers  
11 across the country, what you'll find is that initially they  
12 all feared us. I mean they all feared a new entity they  
13 did not know, they did not understand. They didn't have a  
14 track record with us and it was scary. And we understand  
15 and respect that. And historically we haven't again done  
16 outreach to the towing community at large because we would  
17 again engage the towing community that we worked with and  
18 then they would turn around and become staunch supporters  
19 of ours.

20           As a matter of fact, the headwinds we faced in  
21 Pennsylvania have actually changed our marketing approach  
22 nationwide. We're actually attending the Las Vegas Tow  
23 Show. Actually I'm flying there on Friday. It's Saturday  
24 morning at 10 o'clock. We're addressing for the first time  
25 the public tow companies at large to sort of dispel the

1 rumors. Because again, as I mentioned in my testimony,  
2 it's been a one-sided conversation we have chosen not to  
3 participate in the conversation because we haven't had to,  
4 and now we are.

5 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Thank  
6 you. One last question. I know Chairman Marsico built on  
7 this but while he was asking the question, things were  
8 popping into my brain, questions to follow up on. But the  
9 current call, the 911 center, there's an accident on the  
10 highway. The 911 center is called by the motorist or a  
11 passing motorist sees the accident, calls the 911 center.  
12 That call then in certain areas will then be transferred to  
13 a State Police communications officer who then on their  
14 computer will pull up your software that will locate then  
15 to them the closest tower or is that done in your facility  
16 in California? You get the call from the PCO and then your  
17 people then send a dispatch either by email or phone call  
18 or whatever to the following---

19 MR. WICKER: So I believe in that situation the  
20 police communications officer would dispatch a trooper and  
21 that trooper would arrive and assess the scene and  
22 determine if there were a need for a tow truck.

23 But I want to highlight one point. You guys keep  
24 calling it goes to California. I would say across our  
25 network 90 percent of the tows are handled electronically.

1 And that's really the power and the beauty of the system is  
2 whether it be radioed in by a trooper in the field or  
3 entered into their mobile data terminal in their trooper's  
4 vehicle or a parking control officer enters it in their  
5 systems.

6           Ninety percent of the time the system determines  
7 through a fair process who the right driver is with the  
8 appropriate equipment who's available to take the tow  
9 instantaneously and sends a digital request to that  
10 operator. And if the operator has chosen not to take  
11 digital requests, a phone call goes to that chosen  
12 operator. And that's---

13           VA&EP MAJORITY CHAIRMAN BARRAR: How long between  
14 that?

15           MR. WICKER: Milliseconds.

16           VA&EP MAJORITY CHAIRMAN BARRAR: Okay. So I get  
17 an email or I get a contact on my iPhone says I need you  
18 Route 1202 accident. How do you determine what the  
19 appropriate piece of equipment is if you can't see it?  
20 Does the officer---

21           MR. WICKER: The trooper or the communication  
22 officer does.

23           VA&EP MAJORITY CHAIRMAN BARRAR: He'll say a  
24 light wrecker or heavy wrecker or whatever---

25           MR. WICKER: Correct. Yes.

1           VA&EP MAJORITY CHAIRMAN BARRAR: ---type of  
2 wrecker is needed then at that point?

3           MR. WICKER: Yes.

4           VA&EP MAJORITY CHAIRMAN BARRAR: Okay. So  
5 then---

6           MR. WICKER: I mean I wish---

7           VA&EP MAJORITY CHAIRMAN BARRAR: ---an email  
8 comes in, I don't respond to it. I mean is it two minutes  
9 later---

10          MR. WICKER: Exactly---

11          VA&EP MAJORITY CHAIRMAN BARRAR: ---is it three  
12 seconds later---

13          MR. WICKER: Thank you for the opportunity to  
14 answer that. So we spent a great deal of time thinking  
15 through that process. So instantaneously -- I mean I'm not  
16 prepared for a demo -- but if we were sitting here with our  
17 automated dispatch system and hit the send button, if the  
18 chosen company is set up for the mobile device, that cell  
19 phone rings nearly instantaneously. Is it less than a  
20 second, John?

21          MR. PENDLETON: It's like between one and five  
22 seconds.

23          MR. WICKER: Between one and five seconds the  
24 phone goes off and it makes a loud noise. And that's one  
25 of the annoyances of the existing operators that they want



1 us to get a better volume button that. We'll get that  
2 handled.

3 That operator then has some period of time to  
4 answer that response. I believe it's one minute. Now,  
5 there are two situations that typically transpire. One is  
6 they're holding it in their hand, they see it, and they  
7 don't hit the right button but they actually intend to head  
8 toward the tow. The other situation is it's sitting in  
9 their car, they're outside of their vehicle and something's  
10 happening and they're not getting that thing.

11 So what we've chosen to do at that time is stop  
12 the automation. Now, it's time for a human being to get  
13 involved for a variety of reasons. They could be in a bad  
14 cell zone. There could be no data communication in that  
15 area. So our work flow system basically says if one minute  
16 -- or is it two, John?

17 MR. PENDLETON: In different regions the alert  
18 comes in one or two minutes.

19 MR. WICKER: Right.

20 MR. PENDLETON: And then the second alert---

21 MR. WICKER: So the work flow, if it's not going  
22 according to plan, an AutoReturn dispatcher gets involved  
23 and makes a phone call instantly to that guy. If they  
24 don't answer, they'll call the station center. The long  
25 and short of it is they, using human skills, determine

1 whether that company is capable of responding to the  
2 request or not, and if they're not, they have a map, they  
3 have situational awareness, and based on the business rules  
4 the next person gets dispatched. And the same thing  
5 transpires. The alert comes to their device if they've  
6 signed up for that program. Again, you don't have to have  
7 a smartphone. It could come to your land phone and you  
8 press 1 to accept the tow.

9 VA&EP MAJORITY CHAIRMAN BARRAR: But how can you  
10 tell us that that system is going to result in faster  
11 response time?

12 MR. WICKER: It has everywhere we've gone.

13 VA&EP MAJORITY CHAIRMAN BARRAR: I mean directly  
14 to 911 to the trooper---

15 MR. WICKER: It has---

16 VA&EP MAJORITY CHAIRMAN BARRAR: ---who currently  
17 dispatches -- if I can ask a question---

18 MR. WICKER: Sorry.

19 VA&EP MAJORITY CHAIRMAN BARRAR: ---if the  
20 trooper dispatches the towing operator, the CPO dispatches  
21 the towing operator, it cuts out the middleman. We're  
22 bringing in a layer of bureaucracy into this operation---

23 MR. WICKER: I don't believe the 911 operator---

24 VA&EP MAJORITY CHAIRMAN BARRAR:

25 ---has [indiscernible] results---

1           MR. WICKER: This is my understanding and I don't  
2 want to overstep my bounds here, but I believe the 911  
3 operator sends a trooper to assess the situation, and that  
4 trooper has to determine what the needs are. The passing  
5 motorist isn't going to say I need a 10,000 gross vehicle  
6 weight. They're not going to have that information and  
7 that information the 911 operator is not equipped to  
8 handle.

9           So what we've discovered -- and don't ask me; ask  
10 all of our customers -- response times get better and  
11 continue to get better as we work through whatever the  
12 issues are in the municipality or in the law enforcement  
13 agency. And it's proven everywhere we go. We're not a  
14 threat to towing companies. It doesn't cost the tow  
15 companies a penny. They get to interact instead of with  
16 State Police they're interacting with new forms of  
17 technology which I understand can be scary. But if you  
18 choose to, you can operate with the same phones that you've  
19 used in the past and things are tracked. You can follow up  
20 and there are actually protections for the tow operators.

21           One of the things that our smartphone customers  
22 really like is the ability to take pictures of the vehicle  
23 before they tow it. So the great thing about smartphones  
24 is you've got cameras on them. When you're at the scene  
25 and you've hit the on site button, there is a camera

1 option. You can start snapping pictures of preexisting  
2 damage. People that use that have reduced their claims  
3 expense.

4 So, again, we're in a market that municipalities  
5 across the country are interested in this program. They  
6 want to get out of the towing business. They're coming  
7 more and more to AutoReturn. In the last 18 months  
8 Indianapolis, Kansas City, and Pennsylvania State Police,  
9 I've got a couple more NFL cities that are right on the  
10 horizon I can't announce right now, but the law enforcement  
11 agencies are choosing more and more to move to logistics  
12 and we are the leader in this space and we can do for  
13 Pennsylvania what we were doing for other municipalities.

14 We're not a threat to the towing companies. We  
15 want to work with you, not compete against you. And I'm  
16 finally glad to have an opportunity to have a forum to  
17 speak to folks who I've been unable to contact before  
18 because, for whatever reason, they won't take our phone  
19 calls, they don't want to listen to us. So hopefully this  
20 is the beginning of a constructive dialogue with many of  
21 the people in this room.

22 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

23 Representative Costa, please.

24 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

25 Mr. Wicker, in your direct testimony you stated

1 that you're not a tower, you don't want to be a tower. "To  
2 be clear, AutoReturn is not a towing company. We do not  
3 own a single tow truck." I'm looking in an article and I  
4 pulled it up on my -- the technology in the State of  
5 Washington, May 16th in a protest letter from your attorney  
6 apparently Bernard Vogel---

7 UNIDENTIFIED SPEAKER: [inaudible].

8 REPRESENTATIVE COSTA: Yes. He claims that you  
9 are. "AutoReturn was and currently is a registered tow  
10 truck operator in the State of Washington." Because you  
11 were cancelled out on an RFP and to be able to get into  
12 that contract apparently you had to be a registered tow  
13 truck operator in there.

14 MR. WICKER: Okay.

15 REPRESENTATIVE COSTA: So you are or you aren't?

16 MR. WICKER: No, this is a great example of the  
17 misinformation campaign that's been brought against us.  
18 Give me one minute to respond to this. There was a  
19 requirement in order to bid on the logistics contract to  
20 dispatch the tows in the State of Washington, in Seattle,  
21 that you must be a registered tow truck operator in the  
22 State. And that requirement had been put in place by  
23 existing operators to keep companies like us out.

24 And so what we had to do was obtain a registered  
25 tow truck operator license. And what we actually did to do

1 that was we found a truck, we actually had to spend money  
2 putting the light bar on it and putting badging on it. And  
3 our competitors parade that one picture around, as I've  
4 seen it many times. Matter of fact, I think I saw from the  
5 Pennsylvania State police. Claim that now we're a towing  
6 company.

7 We've never put a driver in that truck, we've  
8 never towed a vehicle with that truck, we don't intend to  
9 tow a vehicle with that truck, and again, we're not in the  
10 towing business. We're not a tower.

11 REPRESENTATIVE COSTA: All right, sir.

12 MR. WICKER: And again, I've shared that with the  
13 folks that continue to share that information with folks in  
14 this deliberate misinformation campaign.

15 REPRESENTATIVE COSTA: Well, then you were  
16 misrepresenting yourself to Washington then?

17 MR. WICKER: Now we're getting into semantics.  
18 Oh, please. We have---

19 REPRESENTATIVE COSTA: I have no further  
20 questions. That's fine, sir. Thank you. If you want to  
21 continue your answer, go ahead, but I have no further  
22 questions.

23 Thank you, Chairman.

24 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
25 Representative.

1           Since the hearing has begun, we've been joined by  
2     at least two other Representatives, Representative Regan  
3     and also Representative Barbin, who I will recognize for  
4     some questions. Thank you.

5           REPRESENTATIVE BARBIN: Thank you.

6           My question kind of follows up on Representative  
7     Costa's. The idea that what you do seems to depend on what  
8     State you're applying to. And one of the questions that  
9     has come up today and I think it's the reason for the  
10    hearing is the fact that you've had this pilot program and  
11    a lot of people haven't been able to participate up to this  
12    point. The question seems to be about liabilities. How do  
13    you manage liabilities that are associated with getting  
14    tows?

15          And I guess what my question is in any of your  
16    other business areas, whether it's Washington or  
17    Pennsylvania or any other State, have you ever provided  
18    services that allow the agencies themselves to operate  
19    whatever your cloud technology is? Because I'm wondering  
20    why the agency isn't the person who's making the fair  
21    decision of what company is called out to do the work as  
22    opposed to you making the decision through your technology.

23          MR. WICKER: Okay. So I'll answer that in two  
24    parts. The first one was people can't participate. Again,  
25    I'll offer it up to everyone in this room or everyone who's

1 in the pilot area. We would like to work with any  
2 qualified Pennsylvania State Police tow operator who is  
3 willing to join the program. We would like to turn all of  
4 these little bullets or these pins to green and no one has  
5 been excluded from the program.

6 Your second question is -- can you repeat it  
7 briefly? I apologize.

8 REPRESENTATIVE BARBIN: The question is has your  
9 technology---

10 MR. WICKER: Oh, yes. Thank you.

11 REPRESENTATIVE BARBIN: ---been allowed to be  
12 used in any other State without you deciding---

13 MR. WICKER: Yes.

14 REPRESENTATIVE BARBIN: ---who the people are  
15 that are called?

16 MR. WICKER: Very good question. So we actually  
17 want to provide that service. It's a small town. It's  
18 called Concord, California, where they were interested in  
19 using our solution and having their own dispatchers run the  
20 program. That's great. We're happy to offer that  
21 solution. What we're finding is law enforcement agencies  
22 across the country haven't been interested in that. What  
23 they're interested in is getting out of the towing business  
24 and having a company whose best practices business model,  
25 whose FAQ database, who are trained and focusing on



1 optimizing the logistics around municipal towing and being  
2 able to leverage the learnings across all of our customers  
3 to create a seamless, efficient response. That's what the  
4 market is saying to us.

5 REPRESENTATIVE BARBIN: Do you have any  
6 competitors that provide that technology without running  
7 the fairness decisions?

8 MR. WICKER: Oh, there are hundreds of software  
9 providers in the towing industry but there is no law  
10 enforcement cloud-based platform anywhere near as robust as  
11 ours. Ours has been developed over nearly a decade. We  
12 compete in various markets and when things go to RFP, we  
13 generally win. We haven't found a competitor out there --  
14 if someone's looking for a fully functioned, full lifecycle  
15 solution, AutoReturn is the best solution.

16 REPRESENTATIVE BARBIN: And, Mr. Chairman, I have  
17 no further questions but I'd like to make the following  
18 comment. One of the problems with this hearing or why  
19 we're having the hearing today is, despite your belief that  
20 you have the most robust platform, the fact of the matter  
21 is nobody else was allowed to participate in a request for  
22 proposal.

23 We're now here looking at the question from the  
24 industry is raising questions. Various law enforcement  
25 agencies are worried that this is going to be extended to

1 maybe other municipalities and we don't have any way of  
2 knowing whether even the people that should have been  
3 involved in the original process were even contacted before  
4 you were provided this pilot project opportunity. And  
5 because it affects so many different issues, I think we  
6 should be looking to some of the other people that have  
7 been doing this for a long time, whether they're county  
8 emergency or the Pennsylvania Turnpike. And I just think  
9 we're running this way too fast without knowing what the  
10 facts are from the people that are involved.

11 But thank you.

12 VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
13 Saccone. After Representative Saccone asks his question  
14 and we finish this up, we're going to take a 10-minute  
15 break. We've been sitting here for quite a while and I  
16 would ask everyone to be back as promptly as possible.

17 So, Representative Saccone.

18 REPRESENTATIVE SACCONE: Thank you, Chairman.

19 Okay. I think it's really important to follow up  
20 on Representative Barbin's question because I asked the  
21 question earlier of the State Police. Were there other  
22 people who responded to the Request for Proposal? And the  
23 testimony was that there were three. So I need to know is  
24 this a no-bid contract or were there other people qualified  
25 that were able to respond and then there was a competition

1 for you to win this? Do you know the answer to that or do  
2 we have to go back to the State Police for that?

3 MR. WICKER: I'm not the right person to answer  
4 that question but my understanding is there were three  
5 bidders and we scored the highest of the three bidders.  
6 But I'm not the right person to ask that.

7 REPRESENTATIVE SACCONI: Okay. Thank you very  
8 much.

9 VA&EP MAJORITY CHAIRMAN BARRAR: I agree with  
10 that. I filed numerous Right to Know requests. Now that  
11 you raise that issue, I probably should have asked for that  
12 in my Right to Know requests so I apologize.

13 But, Mr. Wicker and your panel, thank you for  
14 your patience and testimony here today. Thank you.

15 I'm sorry. Did you have something to say?

16 MR. WICKER: thank you.

17 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Great.  
18 We're going to be back here in 10 minutes if you can, okay?  
19 Be prompt.

20  
21 (A break was taken.)  
22

23 VA&EP MAJORITY CHAIRMAN BARRAR: This hearing  
24 will come to order. And our next testifiers are from the  
25 Pennsylvania Towing Association. Mr. Ron Bressler and

1 Mr. Shane Staley from the PA Towing Association, gentlemen,  
2 if you would, and also Cathy Tennis.

3 Thank you for being here today and you can begin  
4 your testimony when ready.

5 MR. STALEY: I'd like to first start out, Shane  
6 Staley with the Pennsylvania Towing Association, and just  
7 thank you, the Committee, for allowing us the opportunity  
8 to present our thoughts.

9 I'm going to start you out with a timeline of how  
10 things began.

11 Back in February of 2011 I found a Request for  
12 Information posted on the Commonwealth's Procurement  
13 website. The RFI was titled "Emergency Towing Referrals by  
14 the Pennsylvania State Police PSP-TOW 11." The point of  
15 contact listed was Director DeShawn Lewis. On February 19,  
16 2011, I emailed Director Lewis with questions from our  
17 members, which I've attached Exhibit A. I did not receive  
18 a response.

19 On February 25, 2011, I emailed Director Lewis  
20 again with questions from our members, attached Exhibit B.  
21 Later that day, Director Lewis responded with an email  
22 referring me back to the DGS website where the RFI was  
23 posted, Exhibit C. I was told answers to our questions  
24 would be posted there, and that it may take at least two  
25 weeks.

1           With the inability to get any information for our  
2 members, the Pennsylvania Towing Association began its own  
3 investigation into the RFI. Our investigation found that  
4 AutoReturn was one of the main driving forces. We located  
5 an internal company memo from AutoReturn that opened our  
6 eyes to what was really going on, which I've attached  
7 Exhibit D. Among other things, the memo discusses  
8 political relationships and making authorities aware of how  
9 much revenue and profits towing companies were generating  
10 for themselves.

11           On March 24, 2011, Pennsylvania Towing  
12 Association president Ron Bressler sent a letter to  
13 Director Lewis, which I've attached Exhibit E, asking for  
14 the State Police to let our association help them solve  
15 their emergency towing dispatch problems. He also asked if  
16 they would keep us informed of any changes regarding this  
17 RFI.

18           With the RFI deadline approaching and very little  
19 information being made available to the towing industry, my  
20 own company River Drive Service Center responded to the  
21 solicitation in hopes that our response would at least  
22 include us in future discussions regarding the program. It  
23 did not.

24           August 9, 2011, the PTA finally had its first  
25 meeting with PSP regarding the program in Harrisburg.

1 Trooper David Pallone informed the Board that he was  
2 charged with instituting the third-party dispatch program  
3 and that towing-related lawsuits were the driving force  
4 behind it. We informed him that a third-party dispatch  
5 program would be extremely difficult to operate  
6 successfully across Pennsylvania for various reasons. We  
7 also expressed our interest in the towing association  
8 operating the program in order to maintain public safety  
9 and professional standards in the towing industry.

10 Later that month, Trooper Pallone met with Ron  
11 Bressler and myself in Morgantown to further discuss the  
12 program. In that meeting we were told that third-party  
13 dispatching for emergency towing was 100 percent going to  
14 be reality. Trooper Pallone also informed us that he was  
15 advocating the PTA's ability to perform this service.  
16 Trooper Pallone left PSP later that fall and we  
17 unsuccessfully attempted numerous times to find out his  
18 replacement and further information on the program.

19 Over the next two years we constantly monitored  
20 the DGS procurement website without ever finding any more  
21 RFIs or RFPs relating to the State Police third-party  
22 towing initiative.

23 On September 11, 2013, the towing association  
24 became aware that the State Police had posted a  
25 solicitation on their own PSP website regarding third-party

1 towing dispatch. I immediately emailed the listed contact,  
2 Procurement Manager Maggie Boyer in Exhibit F. The next  
3 morning Ms. Boyer responded that the solicitation deadline  
4 has passed and it was now in the review process, Exhibit G.  
5 I returned to the State Police website and the solicitation  
6 had been removed.

7           On September 30, 2013, we found out the  
8 AutoReturn Pilot Program was to begin in western PA. On  
9 November 26, 2013, the PTA Board finally had a meeting with  
10 Ray Krouse of AutoReturn and Lieutenant Wendt from the  
11 State Police. They explained the pilot program and how it  
12 would be rolled out. Lieutenant Wendt informed us that the  
13 third-party towing dispatch was initiated to alleviate  
14 State Police staffing issues and eliminate their handling  
15 of towing related questions and complaints.

16           When asked how the towing association could be  
17 excluded from this initiative, we were told it was an  
18 unfortunate oversight and that we would be included in the  
19 pilot program review. Since then, we have been briefed by  
20 Lieutenant Wendt in monthly meetings at State Police  
21 headquarters regarding the pilot program's status.

22           As a member of the towing community in  
23 Pennsylvania, I have a few concerns. It certainly appears  
24 that the towing association was specifically excluded from  
25 the solicitation from PSP. Why would the solicitation be

1 posted on the Pennsylvania State Police website when it was  
2 originally posted on the DGS website for procurement and  
3 that is where we were directed to check back for further  
4 information? Why would the State Police choose to look for  
5 an out-of-state vendor without even speaking to a known  
6 interested party in Pennsylvania? And how will this  
7 program affect the safety of the motoring public?

8 MR. BRESSLER: Thank you, Mr. Chairman. Thank  
9 you to the rest of the Members.

10 My name is Ron Bressler. I'm the President of  
11 the Pennsylvania Towing Association.

12 Every day of a tower's life is interrupted  
13 several times by an unplanned, unavoidable, unscheduled,  
14 inconvenient hazard that affects the general public. We  
15 are immediately yoked with the full responsibility of how  
16 to solve what has resulted from the decisions of others,  
17 good, bad, or indifferent, none of which we take part in.

18 The Pennsylvania State Police are arguably the  
19 most demanding customer many towers service, yet they hold  
20 the least amount of responsibility as to the liability of  
21 the task to be carried out or the method or means by which  
22 to pay for the services requested.

23 Pennsylvania State Police has the unique ability  
24 to demand services from the private sector's towing  
25 industry without thought of compensation. They are, in



1 effect, a very large company demanding services of many  
2 very small family-owned and operated businesses that must  
3 yield to their demands or face expensive traffic scrutiny  
4 or retaliation.

5 State employees are strictly forbidden to accept  
6 free meals in restaurants or demand free service at the  
7 garage or at the lawnmower shop, but when it comes to the  
8 towing community, there seems to be a different standard of  
9 tolerance.

10 We professional towers take our careers very  
11 seriously. A career in this industry is an enormous  
12 commitment, a commitment of a lifetime, often a  
13 multigenerational passion that is motivated by having a  
14 servant's heart. Quite frankly, we try to help people, all  
15 people. We have no way of predicting traffic incidents but  
16 are expected to have millions of dollars invested and be  
17 poised to clear any incident in a timely manner.

18 We have very few legislative exemptions in which  
19 to quick-clear the unimaginable and are given  
20 responsibility, even to the extent of what may be leaking  
21 on our property, after the casualty arrives in our yard as  
22 a result of clearing an accident. We're additionally held  
23 liable for the accident cleanup and site restoration long  
24 after traffic flow has been restored.

25 We faithfully give up family events, once-in-a-

1 lifetime celebrations to service the motoring public, the  
2 criminals, the poor decision-makers of our society. Should  
3 we not be entitled compensation and respect for this?

4 Our job is also dangerous. As if working along  
5 the side of the road in all kinds of weather and rushing  
6 traffic were not enough, we're also exposed to whatever the  
7 cargo may be, ranging from explosives to radioactive, but  
8 there are many other dangers as well that we fail to  
9 consider sometimes.

10 Last September, I traveled to Chattanooga,  
11 Tennessee, to join many towing family members who had lost  
12 loved ones and whose names were being added to the Wall of  
13 the Fallen. There were 55 names added last year, towers  
14 who were killed in the line of duty, some of which had been  
15 hit by passing vehicles. Some had been killed while  
16 performing a difficult recovery. And even a few who were  
17 shot in their own offices by the disgruntled customer  
18 attempting to get his vehicle.

19 Regardless of the circumstance, you could feel  
20 the hurt of each family member as they walked to the podium  
21 when their loved one's name was called. This was personal  
22 for me as I too last year lost an employee and friend in  
23 the line of duty.

24 I am certain that just like the Pennsylvania  
25 State Police there are few in our industry who are less

1 than reputable, but to paint all towers with a broad brush  
2 of unscrupulous tactics is unfair. I would assert that all  
3 PA towers live with a few of retaliation that could result  
4 from expressing their opinion.

5           The Pennsylvania Towing Association has always  
6 offered our support to the Pennsylvania State Police and we  
7 acknowledge many positive working relationships throughout  
8 the State. We invite their input and their presence to our  
9 statewide trade show and value the tireless efforts of many  
10 of the troopers that work together with our industry to  
11 clear various highway incidents.

12           The Pennsylvania Towing Association respectfully  
13 requests that we as an industry would be viewed not as the  
14 opposition but rather as a stakeholder in the pursuit of  
15 restoration of commerce in the Commonwealth. Using the  
16 AutoReturn pilot program as an example, I feel much  
17 suspicion and unrest could have been mere problem-solving  
18 at a stakeholders' roundtable meeting. However, with the  
19 approach taken, specifically not including the towing  
20 industry, has proven unsettling for all parties involved.

21           With the introduction of new policies or mandates  
22 such as the new salver procedures, it would be highly  
23 beneficial for Pennsylvania State Police to consider the  
24 input of the Pennsylvania Towing Association as we work to  
25 help them achieve their goal. Without the input of the

1 towing industry, we can only speculate as to what State  
2 Police motives are.

3 The Pennsylvania Towing Association has been  
4 instrumental in working with legislators to draft  
5 amendments, we volunteer countless hours working together  
6 with local fire and police agencies all across the State as  
7 we train and practice working together to promote safety  
8 for all the agencies. We value their expertise in matters  
9 that concern their equipment and their procedures. They  
10 too value us.

11 In closing, I can't speak to what has caused the  
12 Pennsylvania State Police to view the towing industry in  
13 Pennsylvania as the opposition. Possibly, it may have been  
14 the actions of a few unprofessional operators in our  
15 industry. But it's just as possible that it could have  
16 been Pennsylvania State Police asserting their authority.  
17 I can only hope we can move past this line of thinking and  
18 come to the realization that we each gain strength when we  
19 can rely on each other.

20 We need to identify that it's the traffic  
21 incident, the snowstorm, the ice, the irresponsible party  
22 that abandoned their vehicle that is the opposition and we  
23 need to work together for a resolution. I hope we can move  
24 forward in a positive direction.

25 I'd like to thank all the towers that are

1 represented here today. We'd like to thank the  
2 Pennsylvania State Police as they do protect us all the  
3 time on the highways. And thank you, Mr. Chairman, and the  
4 rest of the Members.

5 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you, Ron.

6 And all just add my comment to yours is there's  
7 nothing more troubling to me in this whole process as the  
8 fact that the towers were left out of these stakeholder  
9 meetings. I view you as a partner in this whole emergency  
10 response scheme that we have here in Pennsylvania and  
11 you're an important part. The roads don't get cleared  
12 until you show up to do it. Our first responders don't  
13 have the capability; our State Police don't have the  
14 capability. You're the only group of people that have the  
15 capability of clearing our highways and really I think  
16 that's why I'm so involved in this is because it truly  
17 bothers me that you were not part of this negotiation to  
18 stakeholder meetings.

19 We would not move a piece of legislation in this  
20 House until we sat down with all the stakeholders. We may  
21 not agree with you on every piece of input that you have,  
22 but at least you have a right to have your voice heard and  
23 that's why this hearing today to me is so important is that  
24 pretty much to give the towers their day in court because  
25 you were denied it in the stakeholders' meetings. So I do

1 appreciate your testimony and being here today.

2 For a question, Representative Dick Stevenson.

3 REPRESENTATIVE STEVENSON: Thank you,  
4 Mr. Chairman.

5 Mr. Staley, do I understand from your testimony  
6 that you were anxious to present a plan to handle the  
7 dispatch issue with the State Police?

8 MR. STALEY: Yes. We worked to try and develop  
9 something to solve their issue because, as I expressed in  
10 my testimony, we felt the only way that you could do this  
11 statewide and maintain professional towing standards would  
12 be if the towing industry conducted its own program.

13 REPRESENTATIVE STEVENSON: Can you share with us  
14 today what the plan would be?

15 MR. STALEY: It never fully developed. We worked  
16 on it but never, ever had any further input from the State  
17 Police.

18 REPRESENTATIVE STEVENSON: I see. Thank you.

19 And thank you, Mr. Chairman.

20 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you. The  
21 Representatives in the front row, anybody with questions  
22 over at the table there?

23 Representative Barbin.

24 REPRESENTATIVE BARBIN: My question is I'm  
25 assuming that there are members of your towing association

1 that have not been included in the AutoReturn system, and  
2 can you give the Committees some understanding of why  
3 people aren't signing up to be part of this program?

4 MR. BRESSLER: Well, I think individual tower --  
5 I mean we are an association of a bunch of small business  
6 people with varying business minds and varying business  
7 models, each one of us, so I believe that the towers are  
8 making what they feel is the right decision for their  
9 business. I can't represent the towers as a group that way  
10 because each individual has his own business model.

11 REPRESENTATIVE BARBIN: Do you have any ideal  
12 what percentage of the towing association has decided that  
13 they want to participate with the AutoReturn pilot program?

14 MR. BRESSLER: It's a very, very small  
15 percentage. It's a much larger percentage that isn't.

16 REPRESENTATIVE BARBIN: Okay. And is the main  
17 concern of the towing association the fact that they're not  
18 going to be provided a fair shake with the system or why is  
19 it that it's such a small percentage?

20 MR. STALEY: Mostly what I'm hearing is the  
21 concern that the standards of the towing community have  
22 been decreased.

23 REPRESENTATIVE BARBIN: Thank you.

24 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
25 Representative.

1           And I guess this is for anyone in the panel who  
2           wants to answer this. I don't know if you can put a finger  
3           on this. What is the cost for your company to comply with  
4           the field regulation 6-2? I know there are different  
5           requirements for insurance, for background checks, for  
6           fences around your facility, different grades of towers.  
7           Is there any way to put a number to that? I guess all your  
8           businesses are so different.

9           MR. STALEY: I could throw out a few numbers just  
10          from my own business: \$28,000 for cameras for our secure  
11          impound. I have \$53,000 in engineering fees just for the  
12          lot. I have 20 some thousand dollars in the fence. And  
13          that doesn't get into the million dollars worth of towing  
14          equipment and staffing it.

15          VA&EP MAJORITY CHAIRMAN BARRAR: How much  
16          insurance are you required by -- or does the field  
17          regulation require a specific number of insurance that you  
18          must carry or just different types of insurance?

19          MR. STALEY: I'm not sure on what they require.

20          MR. BRESSLER: I have left that up to you. I'm  
21          not sure that it specifies. I'm a turnpike contractor so  
22          that does so I can't speak to nonspecific but I don't think  
23          so.

24          VA&EP MAJORITY CHAIRMAN BARRAR: Do you know if  
25          the AutoReturn contract requires a specific amount of



1 liability insurance?

2 MR. BRESSLER: Do you know what it is?

3 MR. STALEY: I believe it does. I don't know  
4 what that amount is.

5 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Does  
6 anybody have a number what that might---

7 UNIDENTIFIED SPEAKER: It's in your book. In the  
8 field regulation it'll tell you the amount of insurance  
9 that's required for each level of towing that you're doing.  
10 The book---

11 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. So light  
12 wrecker, a medium wrecker, and a heavy wrecker---

13 UNIDENTIFIED SPEAKER: I think \$500,000 and I  
14 think it's a million, million five or---

15 UNIDENTIFIED SPEAKER: It's \$3 million  
16 aggregate---

17 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

18 UNIDENTIFIED SPEAKER: ---isn't it?

19 UNIDENTIFIED SPEAKER: Yeah.

20 UNIDENTIFIED SPEAKER: \$3 million aggregate for  
21 the [inaudible].

22 UNIDENTIFIED SPEAKER: [inaudible].

23 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

24 UNIDENTIFIED SPEAKER: But I believe it starts  
25 about a half-million dollars liability coverage.

1           VA&EP MAJORITY CHAIRMAN BARRAR: Okay. One of  
2 the questions I had asked the people from AutoReturn, one  
3 of the towers that testified on his behalf, was about a  
4 dual-rate schedule, a rate schedule for -- I guess if you  
5 have a towing operation that is partially in the pilot  
6 program but you could still operate outside of the pilot  
7 program, right, you would have two different rates, a set  
8 of rates for the rates that you tow for the State Police, a  
9 set of rates that you tow for AutoReturn, and if you do  
10 municipal towing, you would have a set of rates for those.  
11 Am I correct in thinking that?

12           MR. STALEY: It would be very easy to see that  
13 occur.

14           VA&EP MAJORITY CHAIRMAN BARRAR: And technically  
15 every one of them could be different?

16           MR. STALEY: Yes.

17           VA&EP MAJORITY CHAIRMAN BARRAR: And I'm trying  
18 to get to where's the fairness for the consumer in that  
19 type of a system? I mean it seems very unpredictable. You  
20 don't know what you're being charged and under our  
21 legislation that was passed two years ago it said you had  
22 to post your rate so you would pretty much then in your  
23 office you would have to have posted inside your office  
24 three different rate schedules, which I would assume if I  
25 was your consumer and I came in and saw you were charging

1 me a different rate because you towed me for AutoReturn or  
2 different, I'd kind of be pretty upset with you.

3 MR. BRESSLER: Correct.

4 VA&EP MAJORITY CHAIRMAN BARRAR: 911's ability to  
5 dispatch, is that one of the issues that you said you  
6 explored was the dispatching being done directly from 911  
7 and there would be no cost at all to our taxpayers, our  
8 consumers would receive no cost?

9 MR. STALEY: Yes. That's been a topic a lot of  
10 our members have brought up and it appears that that would  
11 be an easier way. That's amicable with all parties  
12 involved to handle it. My own business, the municipal  
13 towing that we do through the 911 system for the county is  
14 very straightforward and they almost never give you the  
15 wrong information. I can't say anything bad about it. It  
16 does well.

17 VA&EP MAJORITY CHAIRMAN BARRAR: Are you  
18 currently dispatched now from the 911 system or are you  
19 dispatched from a police communication officer?

20 MR. STALEY: State Police we're dispatched  
21 through a PCO, a communication officer. For my local  
22 police it's through the 911 center.

23 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. So they  
24 would have the capability.

25 Ron, did you---

1           MR. BRESSLER: I can also speak to that. My  
2 business operates out of the three different counties so  
3 we're dispatched in a barrage of ways. We get 911 from  
4 Berks County, we get 911 from Lancaster County, we get 911  
5 from Chester County. Occasionally we're dispatched from  
6 Fire Ban and sometimes we're obviously dispatched by the  
7 Turnpike Commission. And so there are lots of other  
8 dispatch ways. If you do municipal towing in more than one  
9 location, if you're doing municipal towing or whatever in  
10 more than one location, we're already using a bunch of  
11 different dispatch centers and it's all familiar.

12           MR. STALEY: I'd like to point out one other  
13 thing that the individual companies sitting right here at  
14 this table right now have probably 200 years of experience  
15 in towing and I mean even the police presence that was here  
16 I doubt has that much experience in towing-related  
17 accidents. And I'd like to hit home the point that I mean  
18 we should have been included. We're the number one  
19 stakeholder I would say.

20           VA&EP MAJORITY CHAIRMAN BARRAR: Oh, I would  
21 agree. I would absolutely agree. Do you expect to see  
22 response times -- I think AutoReturn made a very large  
23 boast saying that they expect to see the response time of  
24 the tower greatly reduced. Do you see that as a  
25 possibility with the current system that they have?

1           MR. STALEY: I don't see how it could reduce it  
2 at all. At absolute best case scenario I think it has to  
3 add a minute. It's got to add something. It can't reduce.

4           VA&EP MAJORITY CHAIRMAN BARRAR: I have a hard  
5 time understanding how it would be reduced.

6           First responders, I think you've had contact with  
7 first responders through this. Our firefighters, our  
8 emergency response people have all expressed concerns to us  
9 that they think this is going to lead to much longer times.  
10 Most of our firefighters are volunteers. That means they  
11 will have to spend more time out at the accident scene.  
12 What are you hearing from first responders?

13          MR. STALEY: Honestly, I've had a couple  
14 conversations with them as basically what's going on,  
15 what's happening, and I believe Curt is going to be able to  
16 address that a lot better because he's in the affected  
17 pilot area.

18          VA&EP MAJORITY CHAIRMAN BARRAR: And maybe you  
19 can clear up the abandoned vehicle issue that I've raised  
20 with AutoReturn about how the charge would be -- how many  
21 abandoned vehicles are towed off our highways today? Do  
22 you have any number on that?

23          MR. STALEY: I don't have a number on that  
24 although everything that I was led to believe when the  
25 abandoned vehicle would be towed, you would still have to

1 pay the fee to AutoReturn, whether the vehicle was claimed  
2 or not and that's why there was the difference between the  
3 \$35 and the \$22.50 to compensate for the ones you weren't  
4 getting paid for.

5 VA&EP MAJORITY CHAIRMAN BARRAR: And you  
6 currently get \$15 for towing an abandoned vehicle.

7 MR. STALEY: We're supposed to.

8 VA&EP MAJORITY CHAIRMAN BARRAR: You're supposed  
9 to?

10 MR. STALEY: Yes.

11 VA&EP MAJORITY CHAIRMAN BARRAR: Why don't you?

12 MR. STALEY: I don't know how to track it.

13 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

14 MR. STALEY: It's very difficult to ever know  
15 what \$15 you're collecting.

16 VA&EP MAJORITY CHAIRMAN BARRAR: Yes. Okay. And  
17 I guess my last question for you is the contract requires  
18 you to give up your right to sue. I question whether  
19 Pennsylvania law is even legal to force someone into a  
20 contract that requires them to give up their right to sue.  
21 I don't know if your association has looked into that.

22 MR. STALEY: Our main concern with that, yes,  
23 giving up your right to sue but it was almost barely  
24 touched on about their arbitration panel and is this  
25 something that would be developed in the future? And they

1 didn't really say who was going to be on this panel. Was  
2 it going to be the towing community? Was it going to be  
3 AutoReturn? Definitely that's a major concern of ours.

4 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. I'm  
5 looking to see if I have another question.

6 Okay. Any of the other Members with a question?  
7 Representative Costa, please.

8 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

9 Young lady, thank you, and gentlemen, thank you  
10 for being here.

11 I guess the question that I have for you is being  
12 approved on the State Police current list an automatic  
13 approval by AutoReturn or do they have to go through your  
14 application again? In other words, if I did everything the  
15 State Police wanted and I got licensed by the State Police  
16 or granted the ability to tow and they came to me and said  
17 we'd like you to tow, put an application or is it just  
18 automatic that you would be called?

19 MR. BRESSLER: We can't answer that.

20 MR. STALEY: I'm told that the list is presented  
21 to AutoReturn of current police towers and my assumption  
22 from those conversations is that you would just have to  
23 fill out the contract with AutoReturn and you would be  
24 approved.

25 REPRESENTATIVE COSTA: Okay. So you'd have to

1 agree to their contract?

2 MR. STALEY: Right.

3 REPRESENTATIVE COSTA: Yes. And I do agree that  
4 when you said the \$15 is hard to track, I was talking to a  
5 couple of folks here. I think that we need to look at  
6 maybe a statewide database so that we can keep track of a  
7 lot of the things that you folks do. I commend you for  
8 coming out and this is about as full as I can see the room  
9 has been since budget time. And it's commendable. I guess  
10 when your feathers are ruffled and your careers and your  
11 stuff is at stake, you want to be heard. And I'm glad that  
12 Chairman Barrar and Chairman Marsico and everybody actually  
13 had this hearing and I'm proud to be part of it and I thank  
14 you very much.

15 Thank you, Chairman.

16 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
17 Representative.

18 Representative James.

19 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.  
20 Thank you, panel.

21 Just for clarification, do the Pennsylvania  
22 Towing Association, this group here, does it represent  
23 towers all across Pennsylvania, the entire State?

24 MR. BRESSLER: We do have members all across the  
25 State, yes.



1           REPRESENTATIVE JAMES: Would you say you have  
2 consensus then from that group that you're not in favor of  
3 proceeding down the road we're going? Is that a fair  
4 statement?

5           MR. BRESSLER: Well, it's kind of an unfair  
6 question because it's such a small part that's been the  
7 pilot area and we have many more members on the other end  
8 of the State so I'd hate to---

9           REPRESENTATIVE JAMES: Well, that's actually  
10 exactly why I asked. I wondered what kind of response you  
11 were getting from eastern Pennsylvania. I mean they know  
12 about this, right?

13          MR. BRESSLER: Yes, everybody's scared and  
14 nervous.

15          REPRESENTATIVE JAMES: Okay.

16          MR. BRESSLER: And I'm sure they're watching  
17 today to try to figure out what business decision they can  
18 make out of that.

19          REPRESENTATIVE JAMES: And I'm going to repeat  
20 myself here---

21          VA&EP MAJORITY CHAIRMAN BARRAR: Go ahead.

22          REPRESENTATIVE JAMES: May I?

23          VA&EP MAJORITY CHAIRMAN BARRAR: Yes.

24          REPRESENTATIVE JAMES: This morning's testimony  
25 revealed that one of the chief goals if not the goal of the

1 State Police was to avoid future costs of litigation with  
2 members of your association. Can you comment on that in  
3 any way? I mean why is this happening? What's causing  
4 this?

5 MR. BRESSLER: I have no way of knowing what  
6 those lawsuits were about. I can only speculate and that's  
7 all I'm going to do, but surely if they were -- I don't  
8 know what they were but if they were inappropriate actions  
9 of the State Police or something, I can't imagine they  
10 could be exempt even with a contract. If they were  
11 inappropriate, again, it's tough for me to comment because  
12 I don't have the background on the cases.

13 REPRESENTATIVE JAMES: Mr. Staley?

14 MR. STALEY: I don't have background on the cases  
15 either. Along that line I think it's interesting that one  
16 of the State Police's main concerns was to transfer their  
17 litigation risk to AutoReturn, and AutoReturn is poised to  
18 be a great dispatch program. The State Police indicated  
19 that dispatching was a minor part of what they were trying  
20 to do, yet that's what AutoReturn excels at according to  
21 their testimony, so I'm not why that fit is a good fit to  
22 transfer the litigation. Does it transfer it? I guess if  
23 you sign away all rights to sue, it does, but---

24 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.  
25 No more questions.

1 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

2 One of my concerns in the past has always been  
3 the lack of a due process ability on behalf of the towers  
4 when the State Police take you off the towing rotation list  
5 because of a complaint or an issue they may have with you.  
6 Does the due process contained in the contract or if there  
7 is any due process contained in the contract with  
8 AutoReturn, does that give you a better voice than you  
9 currently have now?

10 MR. BRESSLER: I don't believe so. I believe  
11 we're pretty much in the same position we were but I don't  
12 believe that gives us a level of insulation at all.

13 MR. STALEY: I think it would be worse in the  
14 fact that the police would have the ability to say it's  
15 AutoReturn's decision.

16 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. At least  
17 now you do have very little but some remedy to go into  
18 court. Under AutoReturn you can only appeal to arbitration  
19 from what I've read in the contract. Is that right?

20 MR. STALEY: Yes.

21 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Which  
22 still limits your ability for any type of due process  
23 hearing if you were suspended from them.

24 MR. BRESSLER: Correct.

25 VA&EP MAJORITY CHAIRMAN BARRAR: So,

1 Representative Costa for a followup.

2 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

3 I'm not sure if you can answer this but if we,  
4 this legislative body, gave the legislative approval for  
5 the towing organizations to take that \$35 or \$22.50,  
6 whichever, that AutoReturn is getting and it would probably  
7 amount to anywhere between \$3 and \$5 million and  
8 transferred that into the State Police fund and it would  
9 cover their legal expenses plus their other expenses as far  
10 as inspections, do you believe your members would have an  
11 objection to that? So in other words we're reinventing the  
12 wheel here it seems like and I don't think it's necessary.

13 If it's a matter of that \$35, I'd rather see it  
14 go to the PSP to maintain what they do. I understand they  
15 want out of it and they say the major reason is litigation.  
16 Well, if we give them the money to cover litigation and we  
17 give them the money to cover their inspections and stuff, I  
18 think it's a much better idea than reinventing the wheel  
19 and putting a lot of our businesses in jeopardy.

20 So do you believe that your people would go along  
21 with something like that rather than an AutoReturn type of  
22 deal?

23 MR. STALEY: Yes. I know that most of the people  
24 I talk to are not in favor of AutoReturn so pretty much---

25 MR. BRESSLER: And I'll say that I believe all

1 the towers would much rather do anything if they had any  
2 control in steering in it. I mean we'd much rather work  
3 together as towers to work for what would work better for  
4 our industry because we're stakeholders. Everybody in this  
5 room is a stakeholder.

6 REPRESENTATIVE COSTA: Okay. Well, thank you.  
7 I'm speaking for myself and hopefully for a lot of the  
8 Members here. I would rather see the money, if we're going  
9 to collect anything, go to the Pennsylvania State Police.  
10 I would rather see that the process that we're doing now  
11 continue and I would rather see that everybody would -- we  
12 don't need to reinvent this wheel. It may be a simple  
13 solution to this.

14 Okay. Thank you very much.

15 VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
16 Saccone for questions.

17 REPRESENTATIVE SACCONI: Thank you, Mr. Chairman.  
18 You testified just a few minutes ago that you  
19 said, and correct me if I'm wrong, your members might not  
20 be signing up for the program because the standards were  
21 decreased. That's the term you used.

22 MR. STALEY: Yes.

23 REPRESENTATIVE SACCONI: My question is I'm under  
24 the assumption that the State Police standards are higher  
25 than the municipal standards so how are the standards

1 decreased?

2 MR. STALEY: Decreased from what the State Police  
3 standards were. The main example was that, in order to be  
4 a light duty tower, you were required to have a rollback  
5 and a conventional wrecker for recoveries. And now you are  
6 only required to have a rollback.

7 REPRESENTATIVE SACCONI: Okay. I see that. And,  
8 sir, your association, because the pilot program just  
9 encompasses a small area of Pennsylvania, most of your  
10 members aren't in this, but are some of your members  
11 currently operating in this system, this pilot program? Do  
12 you represent some of the members that are in the system  
13 now?

14 MR. BRESSLER: We have membership that is in the  
15 system, yes.

16 REPRESENTATIVE SACCONI: And what do they say  
17 about it? They're your members also. What's the feedback  
18 from them?

19 MR. BRESSLER: I haven't heard any negative  
20 reports.

21 REPRESENTATIVE SACCONI: Okay. And I don't want  
22 to get off track but \$15 to tow an abandoned vehicle, does  
23 that even pay for the gas to go out there? I don't  
24 understand that.

25 MR. STALEY: I don't understand it either.

1 MR. BRESSLER: Diesel prices---

2 REPRESENTATIVE SACCONI: That doesn't make any  
3 sense to me. I want to be fair. At the same time you  
4 can't keep track of how many abandoned vehicles and whether  
5 you got the \$15 or not with all the technology we have for  
6 accounting and so forth?

7 MR. STALEY: I can keep track of what I turn in  
8 but when I get the \$15 check, it's a \$15 check.

9 REPRESENTATIVE SACCONI: It doesn't say---

10 MR. BRESSLER: With no tracking.

11 REPRESENTATIVE SACCONI: There's no tracking.  
12 Okay. All right.

13 And one last question or comment. I have full  
14 faith that our 911 centers. I'm from Allegheny County.  
15 Our 911 center is top-notch. I know that they could handle  
16 this but I worry about when people say there's no cost  
17 because I am sure, I'm confident that if we turned over all  
18 this to the 911 centers they would say, well, there's a  
19 cost to this; we've got to increase costs. I know the  
20 towers told me it's a small amount compared to what they do  
21 now. They do exponentially more of these than the State  
22 Police does but there has to be a cost associated with it  
23 if they would pick that up.

24 MR. STALEY: I would think there is a cost as  
25 well, the cost currently the State Police are paying so to

1 speak, and they're trying to transfer it. I would argue  
2 they're not transferring that cost to AutoReturn and then  
3 ultimately to the motorist. I guess we're just shifting  
4 the cost around to alleviate -- they wanted to be out of  
5 the towing business.

6 REPRESENTATIVE SACCONI: I got you. Thank you  
7 very much for your testimony.

8 VA&EP MAJORITY CHAIRMAN BARRAR: Are there other  
9 questions from Members?

10 I'd like to thank the panel for being here today  
11 and we're going to move on to our next panel. Thank you.

12 MR. STALEY: Thank you.

13 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Our next  
14 panel of testifiers if they would -- and you're going to  
15 have a tough time getting all at the table. I'm hoping we  
16 have just have a couple of spokespersons. Mr. Curtis  
17 Hovis, President, Hovis Auto Wrecking, Inc.; Mr. Eddie  
18 Whiteman, Owner, Eddie's Collectibles in Erie County;  
19 Mr. Mark McConnell, Owner, McConnell's Sunoco, Lawrence  
20 County; Mr. John Malinski, Owner, Malinski Towing, Butler  
21 County; Mr. Dave Norris, Owner of D&D Salvage, Westmoreland  
22 County; and Mr. Dan Donald, Moore's Auto Wrecking, Beaver  
23 County.

24 People who are going to answer the questions,  
25 it's just two of you?



1 UNIDENTIFIED SPEAKER: Only two testifiers.

2 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

3 MR. HOVIS: Predominantly, Ed and myself are  
4 going to do most of the testifying.

5 VA&EP MAJORITY CHAIRMAN BARRAR: Good.

6 MR. HOVIS: The other gentlemen are  
7 representative of various counties, and in the event you  
8 want to ask them how's it going in their county, they would  
9 be better able to speak specifically to that county what  
10 they see the effects to be.

11 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

12 MR. HOVIS: So for the question-and-answer side  
13 it would relate to those gentlemen, but for the  
14 presentation side, it's Eddie and myself.

15 VA&EP MAJORITY CHAIRMAN BARRAR: Great.

16 MR. HOVIS: Okay.

17 VA&EP MAJORITY CHAIRMAN BARRAR: When you guys  
18 are set up, you can begin your testimony when you're ready,  
19 okay?

20 MR. WHITEMAN: Sure. No, I'll go first. Let's  
21 get this fired up here.

22 MR. HOVIS: I'm with you.

23 VA&EP MAJORITY CHAIRMAN BARRAR: Make sure that  
24 microphone is close to you so we can hear you well.

25 MR. WHITEMAN: Thank you. Good afternoon. I'm

1 glad to be here today so I can give you what an AutoReturn  
2 vendor goes through.

3 MR. HOVIS: By the way, he is an AutoReturn  
4 vendor.

5 MR. WHITEMAN: I am what you want to refer to as  
6 the algorithm. I'm the guy that doesn't get the calls  
7 because my competition is 100 yards closer to more  
8 prospective areas than myself.

9 The issue was brought up and I was told that the  
10 system does not have the ability to show a rotation. The  
11 old system we rotated. The dispatcher runs a log. Every  
12 State Police barracks runs a tow log. It's a handwritten  
13 log. It goes in order of who towed what car, when they  
14 towed it. Kind of antiquated but it works. If you accept  
15 a call, they put your name down, the date, and what was  
16 towed. Then the next time, the next vender would get it.  
17 Very fair, worked out perfect. If the vender wasn't  
18 available, no answer, then back to me. And I think that's  
19 what it is.

20 I mean I'm 48 years old. My first tow call I was  
21 four years old with my father, family business. I don't  
22 know anything but this business.

23 I proudly can say that I bleed blue for this  
24 industry and for the police, the first responders that we  
25 work with. It's relationships that have been lifetime

1 built, the trust of knowing what my move is going to be,  
2 what their move is going to be. We know each other. It's  
3 a well-oiled machine. Now, we've got dirt in the clog.  
4 It's not smooth. We need to make it happen.

5 Am I little upset about the way things have  
6 happened? Yes. The reason I am, it's not about me or the  
7 money. It's about the industry of the people that have  
8 sacrificed so much and are left wondering is this company  
9 coming to take our business? We obviously heard Mr. Wicker  
10 lie to us about owing a towing company and storage  
11 facilities. How do we know that they aren't going to come  
12 here?

13 Ray Krouse, a representative, asked me questions  
14 about a towing storage facility that an insurance company  
15 uses. What am I supposed to think? Is that what he wants?  
16 They want more. They want a bigger piece of this pie and  
17 they're willing to do what it takes.

18 I'm going to show you some stuff right now that's  
19 going to kind of blow your mind. We talk about  
20 professionalism, we talk about higher standards and  
21 regulations, and we talk about following the rights of  
22 everyone. We'll start off with some locations. I'll show  
23 you what I do. I'm fortunate enough to be able to have a  
24 facility where I can store my automobiles indoors, most of  
25 my stuff, and it's very nice. It's safe. Nothing is

1 stolen, nothing is taken from people's cars. We have fire  
2 alarms, cameras, ADT, the whole nine yards. It's a very  
3 nice layout. And I'm very fortunate that I was able to do  
4 that.

5 Now, let me bring it on board here with a couple  
6 things that AutoReturn has brought to the table for you  
7 guys to tell you how great it is. Yes, I put the nail in  
8 my coffin with this company, but you know what---

9 VA&EP MAJORITY CHAIRMAN BARRAR: Excuse me, Ed.  
10 Can I interrupt you for a minute? Because we are streaming  
11 live, when you walk away from your microphone, they're not  
12 picking this up on TV.

13 MR. WHITEMAN: [inaudible]?

14 VA&EP MAJORITY CHAIRMAN BARRAR: No. If you can  
15 stand back by your seat---

16 MR. HOVIS: Get up there, Vanna.

17 VA&EP MAJORITY CHAIRMAN BARRAR: ---as close as  
18 you can to the microphone.

19 MR. HOVIS: This is our Vanna. Go, Vanna.

20 VA&EP MAJORITY CHAIRMAN BARRAR: Yes. If you can  
21 sit by the microphone and have your assistant display the  
22 pictures for us would be great.

23 MR. WHITEMAN: This guy here, the State Police  
24 refused to let him tow, Paul's Towing. He was implicated  
25 in a stolen car ring, turned State's evidence so he wasn't

1 prosecuted. That's the facility, that's the equipment that  
2 is towing your cars right now. That's disgusting. That's  
3 unheard of. That shouldn't even be happening. There's no  
4 level of professionalism there. It's horrifying.

5 All right, Vanna. Let's go next. This here  
6 shows a storefront---

7 VA&EP MAJORITY CHAIRMAN BARRAR: Can I ask you  
8 one question? You're showing us pictures of towing  
9 facilities---

10 MR. WHITEMAN: Facilities in Erie.

11 VA&EP MAJORITY CHAIRMAN BARRAR: And I'm just  
12 curious to know how you know that they are all AR towers.  
13 Is it just common knowledge---

14 MR. WHITEMAN: I made up a log into the AR system  
15 and pull up their vendor list.

16 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. Good.  
17 Then you do AR---

18 MR. WHITEMAN: And they're showing as current  
19 vendors so they do list themselves.

20 VA&EP MAJORITY CHAIRMAN BARRAR: Okay. I want to  
21 make sure before we go on with this---

22 MR. WHITEMAN: Right. This is part of my other  
23 algorithm here. This is a satellite location to the vender  
24 that's 100 yards away from me. They allowed them to move  
25 into a facility with just a fence around it in a

1 residential area without the proper zoning. How would you  
2 like cars and stuff in your house, next door to your  
3 church? Would you care for that? No. It doesn't meet the  
4 regulations, unmanned, unattended facility. We can't have  
5 that. That's not part of the State regulations, but it's  
6 allowed and it's going on right now. That's terrible.

7           This property here is a tower. His brother, a  
8 retired State trooper. He was able to have the ability to  
9 kind of bend the rules. This is his parents' house. This  
10 house is a registered geographic location. It's one of  
11 those dots on the map that says, hey, I can have a towing  
12 company here. A gate across the driveway, unheard of.  
13 Where are the ADA regulations on these buildings? This is  
14 terrible. Our people should not be subjected to towers  
15 like this, absolutely ridiculous.

16           We have one more facility. This is an auxiliary  
17 storage lot that is used as another geographic location,  
18 beautiful facility, nice fence, wooden shed, no  
19 electricity, no security, and it is shown up on their map  
20 as a usable spot to estimate calls from that. We can't  
21 have that. That doesn't meet the requirements what the  
22 State puts in place.

23           I've been doing this my entire life, and when we  
24 see people who will just diminish what we have worked hard  
25 at to bring stuff like this to the table, that's unheard

1 of. It hurts me to see the levels brought down to this  
2 just to make this work. And these are numbers that they  
3 can change and play with. I don't care for that.

4 We're going to move on to another situation.  
5 We're talking about salvage, statute 757309, processing of  
6 non-repairable or salvage vehicles, subsection (e), police  
7 officers and authorized personnel, their departments or any  
8 government agency or municipality shall not assess any,  
9 accept payment, consideration of any kind or portion of  
10 fees outlined in this chapter from any salver or person  
11 processing the fees, the law.

12 Here's a screenshot, AutoReturn screenshot of  
13 what's going on. There's a couple things on here that's  
14 really interesting. I'd like to number one start with a  
15 dispatch time. 3/6/2014 4:39 a.m., when does it get  
16 dispatched to me? At 12:16 p.m. We've got a lapse of  
17 almost eight hours there in the timeline on this. There's  
18 an additional note here. It says, "Agency, this tow was  
19 created by AutoReturn user. Please do not use agency  
20 notes. Further instead the agency should be contacted  
21 directly by phone. 3/6/2014 12:32 p.m., [inaudible]  
22 municipality, "system finally back online but extremely  
23 slow." Show me the efficiency.

24 Now, let's move over here to administration fee.  
25 I charge \$110 for salvage vehicles. That's part of the

1 contract rate. I'll get into the three parts of towing  
2 shortly here. But there's a \$35 administration fee put on  
3 here and automatically placed a \$125 tow fee. That was  
4 generated by our friends at AutoReturn. That can't happen.  
5 They're breaking the law. They need to be held accountable  
6 for that.

7 As a tower in Pennsylvania, there's three parts  
8 of towing. We have a contract tower which handles your  
9 State vehicles. We have the emergency tower, which  
10 basically we should be wrapping up here talking about. And  
11 number three, the salver. When you call me out as a  
12 salver, you do not get the opportunity to dig into my  
13 wallet or the consumers of Pennsylvania. There is no value  
14 in AutoReturn, no value at all.

15 VA&EP MAJORITY CHAIRMAN BARRAR: Can I have that?

16 MR. WHITEMAN: Absolutely.

17 VA&EP MAJORITY CHAIRMAN BARRAR: I can't read it.  
18 I'm going blind. I'm getting old.

19 MR. WHITEMAN: There is no value in AutoReturn to  
20 the consumer. I'm just appalled that it got this far this  
21 fast.

22 And we talked about the corrosion about when we  
23 started. In November a gentleman from AutoReturn walks  
24 into my business, hands me a letter from the commanding  
25 officer of the Pennsylvania State Police. It says,



1 "Mr. Whiteman, you will cooperate to the fullest of your  
2 ability with this pilot program for 90 days." Well, guess  
3 what? Ninety days is up, out of Erie. Sorry. Let's go  
4 somewhere else. Don't put a gun to my head.

5 Also, they told me your neighbor signed. You  
6 will not tow another car unless you sign. I can't believe  
7 that that could be held like that. That's horrible.

8 We've got some health and safety issues. Their  
9 dispatch system, you're right. You talk about the  
10 telephone, you want to get an automated phone call, push  
11 one, you get an automated voice says, hi, can you take a  
12 call here? Push another number. Really? That doesn't  
13 tell me anything. Their great dispatch, the marvelous  
14 robust system, it comes in a text form.

15 And now there's a timing program put into this  
16 text form that comes on my phone. While I'm driving, I'm  
17 supposed to accept that call. As a commercial driver, I  
18 cannot do that. That's against the law. But they're  
19 requesting me to accept the call as I'm driving. As I  
20 approach a scene, there's another button that says that I'm  
21 supposed to hit a button that's on scene. Do you know  
22 what? When I'm approaching a scene, that's one of the most  
23 dangerous areas that you'll ever run into in your life.  
24 You've got slow traffic, you have personnel walking around,  
25 ambulances. You've got people that are confused and dazed

1 that are just walking into traffic. You know, we can't  
2 have this.

3 Ron Perry told me, he says when you're  
4 approaching, even like you're a quarter-mile, half-mile  
5 away, just hit the button while we're still driving. I'm  
6 not worried about hitting a button. I'm not going to hit a  
7 button.

8 My times are very good. You've seen an average  
9 of 35 minutes. That's a shame. That's absolute insanity.  
10 I respond to most of my calls within 10 to 20 minutes  
11 depending on the distance I have to travel in my area.

12 And as a salver, I've got up to 30 miles of  
13 responsibility that I have to cover. If I don't, I'm  
14 arrested on a misdemeanor charge for not doing my duty to  
15 the State. This is not right. I don't believe that we can  
16 continue to do this.

17 Are there changes that needs -- the wheel is in  
18 place like we've discussed. That wheel is rolling. We  
19 need to put a radial tire on it. We need to make that  
20 wheel run smoothly. We need to have a centralized  
21 depository system for automobiles. There's a section that  
22 says that we must report all cars that sit on our property  
23 15 days. When it hits the 15th day, within 24 hours report  
24 it to the department. There's no procedure. How do we  
25 report it to the department? It's not laid out. It's not

1 designed. This is ridiculous.

2 Let's take this wheel. We can all sit down  
3 together. We're very smart and intelligent people and we  
4 can work together and make a system that will work.

5 As far as money goes, yes, we need to figure  
6 something out for our 911 systems. Why don't we do  
7 licensed towing companies like most States? Buy a towing  
8 license. That way we aren't worried about who paid this  
9 month, who paid that month. Here's your upfront fee. You  
10 want to tow in the State of Pennsylvania, here's your  
11 number, pay it or don't. These are the requirements you  
12 must meet. Play the game right, get rid of the gypsies and  
13 the people that are just running around with one pickup  
14 truck with that sling on the back or trying to put  
15 something on a trailer.

16 Actually Ron Perry told me, he says I don't care  
17 what I've got to do to make this happen. If I have to put  
18 a pickup truck with a trailer on it to tow a wrecked car  
19 off the street to make this happen for us, we're going to  
20 do that. This is the kind of crap that we've been putting  
21 up with. We don't need to put up with it anymore.

22 Thank you.

23 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

24 MR. HOVIS: Look, I don't know if I can follow  
25 that. You all heard me for a long time because the

1 gentleman from AutoReturn I admire his business prowess and  
2 he's a very smart man and he's built a heck of a company,  
3 but I'm that rogue tower. But let's define what that rogue  
4 tower is. That rogue tower that has stood up not for  
5 himself but for all the people in my district and in my  
6 area. I have worked with these people all my life and so  
7 has my father since 1952. We deserve some respect.

8           We're going to lay out some information today and  
9 my presentation is going to shoot a whole lot of holes in a  
10 lot of things that they presented. But, ladies and  
11 gentlemen, this is the truth. This is the truth that came  
12 from these people beside you, these towers, not from me.  
13 Nobody can amass this information on their own. Nobody can  
14 come up with this information on their own and still have a  
15 business running. This wasn't because of me. It wasn't  
16 because of one rogue tower. It was because a group of  
17 towers, 115 of them, and 78 fire companies, that's what  
18 this is about.

19           Yes, we're a little smarter. We didn't come like  
20 they normally did so they can push people around. We came  
21 together, put a unified front on it and put a spokesman in  
22 place. Unfortunately, it's me, but you know what?  
23 Sometimes you've just go to fight. If it puts an X on my  
24 back like Eddie just got on his and I never tow for the PSP  
25 again, then I guess I don't. I'll give it up since 1952.

1           But we're here to fight and fight for a reason  
2 because it's right for our businesses, it's right for our  
3 fire responders, and it's right for us.

4           So if you flip to the beginning of this book, and  
5 I apologize for it being a book, but you're going to see  
6 some really revealing things. I know this is a little  
7 different venue than the way you've been doing it, but  
8 ladies and gentlemen, there is some stuff in here that'll  
9 boggle your mind and shake your toes. It's going to be  
10 fun.

11           Let's start with, first, we are family-owned  
12 businesses. This short page at the beginning kind of sets  
13 out who we are. We are family-owned businesses. We are in  
14 your neighborhood, we are your constituents, and we've done  
15 a good job for a long, long time.

16           The material that's in here is going to be very  
17 clear. It's going to address what the initially stated  
18 objective was, which was told to Representative Stevenson,  
19 which was to free the patrolmen up to go back out on the  
20 street as soon as possible. That was the initial thing  
21 that was sold to us probably because they didn't want to  
22 hurt our feelings and say we're really after you because we  
23 think you're a bunch of scumbags, like Major Hoke said in  
24 his dirt request. Instead, that's what they come out with.

25           Well, it didn't take long for us to figure out

1 and them to figure out that the troopers don't get back on  
2 the street quicker. In fact, we have evidence later we'll  
3 show you it's slower.

4 We are family-owned businesses, and yes, we are  
5 small businesses, but every one of us in this room is a  
6 businessman that prides ourselves on our integrity. The  
7 reason our businesses are succeeding is because we work  
8 hard. There's a lot of businesses that don't. We are  
9 prepared to change every day. There's been references to  
10 change and we do. That's why we still survive. But one  
11 thing we can't change is integrity by which we function our  
12 businesses. That's first.

13 Second, as part of running your business your  
14 must find a partner or partners in life that share that  
15 equal integrity so that you feel comfortable in what your  
16 family-owned businesses are and how you run them.  
17 Otherwise, you're putting everything that your family has  
18 worked for -- I've got third-generation towers over here,  
19 third-generation towers over here, they're putting  
20 everything they have at risk or a large part of it because  
21 in our business there isn't a whole bunch of cash. There's  
22 just enough to make it so you need the towing and storage.  
23 You need to tow. You need the PSP. You need the  
24 municipality. You need AAA. You need everything to make  
25 it work. Take away 20 percent of it, 30 percent of it, all

1 of a sudden you can't make a truck payment. All of a  
2 sudden you lose your truck. All of a sudden your kid can't  
3 go to the activities they usually go to because you're  
4 cutting back. That's the threat that we're under.

5 But integrity is the key. This information is  
6 going to show, and they kind of wanted to gloss over it,  
7 but without a doubt, verifiably, and they absolutely knew  
8 about it, they used coercive tactics to try to force towers  
9 to join their program.

10 Now, Ken is a heck of a guy from Eagle Towing in  
11 Erie and I've talked to him several times. He's an honored  
12 vet. And sure, he didn't have a problem when he signed up.  
13 Do you know why? Because he willingly stepped forward and  
14 signed up. But show them that you object to that and all  
15 of a sudden you're a rogue tower, you're a scumbag, you're  
16 whatever it is, you're a bad apple. And there's no room  
17 for objection. Just step in line and comply.

18 Well, we're going to show in this information  
19 that they used coercive tactics. As soon as you decide  
20 you're not going to participate, they'll do whatever they  
21 can, use whatever methods they can to convince you or force  
22 you to comply. Integrity, that means a lot.

23 Now they switched their justification to bad  
24 tows. Well, it's bad towers. It's not about dispatch  
25 anymore, which we all heard from the beginning. It's about

1 bad towers. Let me tell you what. In every organization,  
2 whether it's the towing industry or the State Police or  
3 any, they're bad towers, but do we discipline them all  
4 because of the actions of a few? No.

5 Let's talk about the actions of the State Police.  
6 Since 1994 to 2012 over 150 State troopers have been  
7 arrested, anywhere from murder to rape to burglary to  
8 protection of child prostitution rings, documented  
9 evidence. That does not make this gentleman right here a  
10 bad man. In fact, everybody sitting here is a good guy.  
11 They work hard for their living. There are some bad ones  
12 but that doesn't make you take this man's gun off him or  
13 his taser and put it in a truck for fear that he's going to  
14 act bad with it. No, you figure out how to get rid of the  
15 bad troopers but you let him do his job and you let him  
16 protect the public health and safety. That's what we're  
17 dealing with at AR. It's a bad system and it decreases  
18 health and safety.

19 Health and safety, there isn't a person with  
20 common sense in this room, especially those that are in law  
21 enforcement, that can honestly say that when a call  
22 originates from 911, goes to the State Police barracks, the  
23 trooper is dispatched, the trooper makes an evaluation,  
24 calls the PCO on radio, the radio guy pulls down a program,  
25 types in the information with delays as Eddie has seen and



1 as we'll talk about in a minute, sends it to California,  
2 California then picks a tower, that that system is faster  
3 and/or safer than the PCO getting a call, picking up the  
4 phone, dialing speed dial and talking to one of my peers in  
5 this room with the trooper a click away on a mike asking  
6 him how, what, when, where.

7           You have got to be unbelievably naïve to believe  
8 that that automated system is faster and you get better  
9 information of that than you do through a personal one-on-  
10 one communication. What happens when they don't get a hold  
11 of somebody? Well, he said, oh, well, we go to a live  
12 communication. Well, why'd you do that? I thought  
13 automated was the real thing. Because that part doesn't  
14 fail and automated can. And the delays that they have in  
15 that system, we'll show you later how that affects response  
16 time.

17           They also said in the dirt request to their inner  
18 barracks staff that we're unregulated industry. I disagree  
19 with that. The legislature disagreed with that. You guys  
20 passed the Towing and Storage Act in 2012. Now, we can all  
21 agree or disagree that there is or isn't enough information  
22 within that act or enough regulation. But you know? It is  
23 regulated. And our suggestion is if we do need regulation  
24 to relieve the PSP of the burdens that they have, then we  
25 as towers do not object to our legislature, through a fair

1 and just legislative process wherein we are participants  
2 and the State Police are participants to sit down through a  
3 legislative process and augment that Towing and Storage  
4 Act.

5 Now, by doing so what will happen that'll give  
6 where he said the Office of Attorney General doesn't  
7 enforce because it's so small, we'll augment it. If you  
8 want to, adopt some of the PSP regulations and other things  
9 and now the Office of Attorney General will enforce it  
10 according to what's in that statute. There's no reason we  
11 can't incorporate a lot of FR 6-2 into that and/or anything  
12 else the legislature, through a legislative process, deems  
13 necessary, not somebody who's hired as a third party.

14 I think Chairman Barrar asked this question. How  
15 can you not have the authority to control pricing but yet  
16 at the same time hire someone to control pricing? Boy,  
17 that's a tough one. I didn't get that. As I understood in  
18 law school you can only pass on the rights. If you're the  
19 trunk of the tree, you can only pass on the rights that you  
20 have. It's hard to believe that they can abdicate that to  
21 a third party from California or any other third party to  
22 control rates.

23 But this isn't about rates. This is going to be  
24 about health and safety in a few minutes. Everybody in  
25 this room invests in their family business. A lot of the

1 State Representatives sitting up there came from family  
2 businesses. In fact, AutoReturn, Mr. Wicker, invested in  
3 his business. He is probably a really good guy. Ken  
4 sitting over there from AutoReturn, I know he's a good guy.  
5 We all invest in our business.

6 What is the role of government? Now, I'm just a  
7 farm boy coming from Clintonville, PA. I'm passionate  
8 about this. But let me tell you what we always thought the  
9 role of government was. The role of government was to  
10 provide a stable environment so that the person or  
11 businesses could plan their life and go about their life.  
12 The stable environment gives us as businessmen the  
13 opportunity to invest and the opportunity to plan for the  
14 future. Without that stability, we will not invest. We  
15 will be worried. We'll put our money under the mattress.

16 Now, what does that mean for health and safety?  
17 You know, in the middle of winter in Pennsylvania is not  
18 San Diego, California. We do have storms and snow just  
19 like they had in Baltimore. But what does that mean? If  
20 we don't invest, you don't have the equipment. You don't  
21 have the surplus response equipment that has been paid for  
22 by the towers to utilize and service the State of  
23 Pennsylvania. We have to have a stable environment by  
24 which to invest.

25 We as towers, and we will tell you why in a few

1 minutes, we can't do business with AutoReturn. Lowering  
2 standards is one, trust and credibility is two, and  
3 regulation without representation is three. And there's a  
4 dozen other ones because everybody here has their own  
5 reasons. But I tell you what, when you talk to them, those  
6 are a lot of the real ones.

7           Small businesses can rely upon our legislature,  
8 the role of government to provide a stable environment so  
9 that we can go forward. We might not like it. I didn't  
10 say I would. Some guys in here would like it, some guys  
11 wouldn't, but you know what, we can trust it. Credibility  
12 once again is key. We'll show you in a few minutes why we  
13 have none with the company that we're talking about today.

14           Let's just give one thought to a plausible  
15 scenario and how to handle this. Just keep this in mind  
16 because everybody is saying, well, how do we fix this?  
17 Augment the Towing and Storage Act if you deem it's  
18 necessary through the legislative process and of all the  
19 policyholders and the participants in that legislative  
20 process. If we have a seat at the table and we can come up  
21 with reasonable, logical regulations through  
22 representation, one.

23           Two, use the insurance equality officers that are  
24 currently out in the marketplace for the salvers and  
25 inspecting all your inspection stations. They already

1 checked me for wreckers and fence for salver. They already  
2 checked my garages and service stations, of which most of  
3 these people are automotive-related either repairing so the  
4 guys are already at the facility. He's already there. Oh,  
5 well, there might be a little cost but safety is going to  
6 mean a lot here. There's a little cost for safety.

7 Safety's first. But we can use them to do that. So now  
8 the PSP doesn't have to inspect cars. We've augmented the  
9 Towing and Storage Act and now the Office of Attorney  
10 General is responsible for the enforcement of that.

11 They think that the PCOs won't be bothered.  
12 Let's talk about what happens and we'll get into all those  
13 in a minute. Somebody's towed. PSP dispatches. A car is  
14 dispatched and a trooper is there. The person has no idea  
15 how they're supposed to call or whom so what do they do?  
16 They call the barracks. We'll get into that. They'll call  
17 the barracks and the PCO will do just what they did in this  
18 example. They'll give them the number to AutoReturn to  
19 call and complain now or they can give the number to the  
20 Attorney General's office. No difference there, right?  
21 The one agency handles the complete issue relevant to  
22 enforcement or the other agency handles the complete issue  
23 relevant to enforcement. It seems like the State Police  
24 are still getting what they want.

25 Now, let's go to the dispatch side. Let's turn

1 it over to 911. Mr. Wicker talked about how in the 911  
2 side, well, you know, it's obsolete, it's this, it's that.  
3 Well, let me tell you what, ladies and gentlemen, they  
4 dispatch the ambulances to your house, they dispatch the  
5 fire trucks to your house or to the schools, they dispatch  
6 more wreckers than the PSP ever do in the State of  
7 Pennsylvania, and they dispatch the police all over  
8 Pennsylvania. And they do a fine job and they have control  
9 or connection with all the emergency assets within the  
10 county. I have a hard time believing that they're not  
11 capable of dispatching 200,000 or 240,000 PSP tow calls in  
12 the State of Pennsylvania.

13 Is there an incremental cost? According to our  
14 guys that we talk to at the 911s, they said we can easily  
15 handle it. Maybe there's an incremental cost but safety  
16 matters. So what do we get for that? We get a live  
17 dispatch that I can actually talk to somebody that comes  
18 quicker, which we'll get into that, so we can save lives on  
19 the road. People die in seconds on the road, not in  
20 minutes.

21 That's my opening statement. I'm sorry it was  
22 long, but this really means a lot to us.

23 Let's go to Section 1. We talked about the  
24 changing rationale. You can see the documentation from the  
25 PSP. They're relevant to the changing rationale.

1     Importantly, we sent a statement to them very early on  
2     which Dick Stevenson and other Representatives got. We got  
3     the same boilerplate response back. We're going to do  
4     this; it's the best thing. It's the same thing they just  
5     regurgitate. They never paid a single attention to what we  
6     said, just like they never cared what the PTA or the  
7     Pennsylvania Towing Association have to say.

8             You can look through number two. It talks about  
9     response time, but number three is interesting. It's a  
10    dirt request we call it, and you know what? It's unfair to  
11    Mr. Hoke because it was an interoffice thing and I  
12    understand that. But if you're going to put that out  
13    there, people are going to look at it if we can get a hold  
14    of it. And he's a fine man and there's no disrespect to  
15    that gentleman, but pay attention to what is says within  
16    that thing because this is going to come up later and this  
17    will be one thing that I think will affect every State  
18    Representative and every State trooper in the room because  
19    we all have family, we all have loved ones.

20            And in that thing he asks for examples of such  
21    intentional conduct could include overcharging, charging  
22    for services when not rendered, duplicate billing, tow  
23    company assisting another, exorbitant storage fees, blah,  
24    blah, blah, and it gets down to employing of felons, just  
25    to name a few. We'll get into that but remember that

1 because you're going to be surprised.

2 Let's go to Section 2, tow responders. You can't  
3 define a program by any one part. You have to define a  
4 program by the whole, right? So what's a program supposed  
5 to do? Well, it's not my fault. The PCO didn't type in  
6 enough information. Well, it's not my fault if the trooper  
7 didn't tell him enough and the PCO didn't type it in.  
8 That's why you went the wrong way. It's not my fault that  
9 the internet lines were slow. Look, we're not here to talk  
10 about that. We're here to talk about a system. If you  
11 have internet slow over here, PCO doesn't like to type,  
12 doesn't type as much, that's all part of the system. The  
13 other part of the system is convincing the Pennsylvania  
14 towers that they should willingly participate in a program.  
15 Now, if they aren't able to convince the towers to  
16 participate in that program, the system failed because we  
17 are an integral part of the program.

18 So the phone line goes down. It's unreliable.  
19 This is unreliable, so on and so forth down the line.  
20 You've got to put it all together and if every one of those  
21 is off, sooner or later, one time or another, the system  
22 starts to fall apart. They can talk what they want. This  
23 is towing and recovery in the State of Pennsylvania, not  
24 municipal towing in San Diego where you're talking about a  
25 lot of traffic violations and stuff like that. This is



1 accident recovery. Most of our towing aside in  
2 Pennsylvania. It requires response times.

3 There are 115 tow companies that signed this  
4 petition most of which were prime towers or former PSP  
5 towers that met all the criteria. Most of them have towed  
6 for a long time. There are 74 fire departments assigned  
7 with concerns and there are lots of complaints from the  
8 fire departments in here. That in and of itself would tell  
9 me that the system failed. You'll see, Representatives,  
10 most of those people are listed here in accordance with  
11 their counties and districts.

12 Let's go back to credibility. I won't do  
13 business with a company that I don't trust. And it's been  
14 a secure business philosophy for my company for years. The  
15 problem they have is they've lost the credibility with the  
16 towers on these 115 towers in this room and it's spreading  
17 across the State, not the State Police, but AutoReturn has,  
18 their surrogate.

19 See, as Ken said, so long as you willingly go  
20 along, you're a good guy but as soon as you disagree or  
21 have questions, well, then you are a rogue tower, you're a  
22 bad guy, you're a misinformation person. Hey, you give me  
23 a contract, I don't like what's in it, I'm going to tell  
24 people about it.

25 VA&EP MAJORITY CHAIRMAN BARRAR: I know you want

1 to dispute some of the comments. I would like you to,  
2 because we are limited on time, try to stick to the  
3 comments that were made by AutoReturn or State Police---

4 MR. HOVIS: Sure.

5 VA&EP MAJORITY CHAIRMAN BARRAR: ---and give us  
6 your reasons why you feel their comments weren't accurate,  
7 okay?

8 MR. HOVIS: Okay. Anybody from the Warren County  
9 tow here? Raise your hand, guys.

10 We had a tow meeting in Lander Fire Hall, Warren  
11 County, and in that meeting the State Police invited  
12 themselves to come, which was fine, okay. Within that  
13 meeting Lieutenant Klein, who is a Lieutenant at the Erie  
14 barracks; Trooper Eric Maskelli [ph], who was integral and  
15 part of the implementation team was there to present their  
16 side from Harrisburg; and Corporal Rick Elkson [ph], and I  
17 apologize if I destroy his name, from the Warren barracks.

18 We made our presentation and they come in about  
19 partway through, and I have to say they were all respectful  
20 when they're there. They're good men. And they come in  
21 and they heard us talking about the integrity and the lies  
22 and deceits that are used by AutoReturn to try to coerce  
23 towers to join. Trooper Maskelli, unfortunately for him,  
24 didn't come in until after we'd already talked about the  
25 real details so he didn't hear what the towers actually had

1 to say at that point. In his presentation Trooper Maskelli  
2 said, well, we've heard a rumor about that; it's just  
3 hearsay. Well, we said timeout. Let's talk to the towers.  
4 How many of you guys have been lied to, right, and how many  
5 of you people have been told that your neighbor signed, the  
6 other neighbor signed? Almost every tower in the room  
7 would say I was told that he signed and if I didn't find  
8 that he was going to get all my business. He would go to  
9 that guy and say I was told he signed, back-and-forth, and  
10 you're going to be out of business if you don't sign up.  
11 So that was direct evidence to Trooper Maskelli from  
12 witnesses of what actually happened to them.

13 But it gets better than that. Steve Barnett, who  
14 is from Erie, had a tape-recording from earlier that day, a  
15 voicemail from Ron Perry that did exactly that, threatened  
16 him, threatened his business as we call threats, but used  
17 lying tactics because the guys beside me he said signed up  
18 said we never signed up and he was talking to those guys.  
19 Lieutenant Klein listened to that voicemail at our request.

20 We requested that this man, who we greatly  
21 respect, report that to superiors in Harrisburg, okay? It  
22 was reported to Lieutenant Wendt in Harrisburg according to  
23 Lieutenant Klein and obviously Trooper Maskelli, who's part  
24 of the information team, heard it and heard Lieutenant  
25 Klein talking about it. I don't know if you heard we heard

1 Lieutenant Klein talking about it.

2 In followup conversation with Lieutenant Klein we  
3 ask him did you hear anything back on it? Did you report  
4 it? He said yes, I did. They said they'd get back to me.  
5 I said have they? And he said no, they never have. No one  
6 ever contacted a single tower to ask if those things  
7 actually occurred.

8 Interestingly, at the PTA meeting a month later  
9 Lieutenant Wendt and Trooper Maskelli sat there while  
10 Mr. Wicker from AutoReturn stood up there and denied that  
11 ever happen and said that is just, like he sat here and  
12 say, one tower who signed not wanting to tell the other he  
13 didn't. Well, guess what? Nobody in Warren County signed,  
14 right? So that can't be the case. But Lieutenant Wendt  
15 and Trooper Maskelli sat there and never said a word while  
16 he lied to the Pennsylvania Towing Association.

17 Now he may not have lied; he might not have  
18 believed it, but that is exactly what happened. Maybe they  
19 never said anything to him from the PSP and they didn't  
20 want to talk about it. Maybe he didn't lie. But that's  
21 exactly what happened and that's what everybody in Warren  
22 County -- there's a petition here that says that.

23 If you flip through the rest of them, there's  
24 numerous, numerous of them. Hayden's Garage, they were  
25 told towers had signed up that hadn't. Tom Doyle from

1 Venango, Mr. Perry told him he was a Maryland County State  
2 Police trooper and he wasn't. He was a municipal. I don't  
3 know what that mattered but he seemed to think that was  
4 important. Several towers have been told that and the  
5 information is in here.

6 Credibility is important. Is it reasonable to  
7 ask Pennsylvania companies to willingly sign up and turn  
8 over their third-generation family businesses to a company  
9 that's lost your trust? I submit to you the answer to that  
10 is now. That's one of the reasons not just the other ones  
11 why we don't want to participate, but that's a credibility  
12 issue.

13 This is interesting. Eddie brought up a point  
14 earlier. Credibility is in making sure the system works.  
15 Eddie brought up a point where Ron Perry told him to punch  
16 in while he's arriving on a scene before he gets there.  
17 Unsafe. What does that do? That makes the numbers look  
18 good so when AutoReturn turns them over to the Pennsylvania  
19 State Police, the response times are better. Why do you  
20 think their numbers keep getting better in every community?  
21 Because they teach the towers to cheat. And don't forget,  
22 according to Major Hoke, we're already cheaters.

23 There's an email attached in here. This comes  
24 from the Baltimore Towing Association, was drafted by Ron  
25 Perry. In there he also reports response times to

1 Baltimore County and I'll read it. It says, "I've been  
2 reviewing data reports and I've noticed that many companies  
3 are late by seconds. Please request that your drivers mark  
4 themselves on site when they are within view of the scene.  
5 Also, if the driver arrives at the location specified by  
6 ARES," which is their dispatch program, "and the officer or  
7 vehicle is not in sight, have them mark themselves on site  
8 prior to making inquiries about the location or continuing  
9 to search the surrounding areas."

10 On the face of it that sounds good like you're  
11 telling the towers were out looking out for you, but the  
12 reality is that falsifies response times that these folks  
13 in Harrisburg are supposed rely upon to justify the  
14 existence of this program. He told Eddie to do the same  
15 thing while driving to a scene. It seems to be a common  
16 tactic.

17 It's easy to increase response time if you tell  
18 the towers it's okay to cheat and you don't care if you  
19 supervise them because it makes your numbers look good.  
20 It's kind of self-serving.

21 Let's talk about lowering standards because they  
22 do get low. Lieutenant Colonel Bivens sat here and he said  
23 the only time that a tower can be turned on is when they  
24 meet compliance with the standards. They can sign up but  
25 they can't be turned on. Well, that might be what the

1 State Police believe is happening but the reality is far,  
2 far, far from that. We have some really good examples.

3 Again, credibility. You held us to this standard  
4 all these years and now there's no standard? What are we  
5 supposed to do? We're supposed to sign up with these guys?  
6 There is that statement, as testified by Shane Staley,  
7 Lieutenant Wendt said they already dropped the requirement  
8 for a wrecker on a scene for a light duty tow. Why do you  
9 think that was there? Because a tilt bed is not a recovery  
10 vehicle. A wrecker is a recovery vehicle. Chevron, which  
11 is the world's largest producer of tilt beds, which are  
12 materials in close, says specifically that a tilt bed is  
13 not for recovery but you only need a tilt bed under the new  
14 State Police rules because they need to get this program to  
15 work. They don't care about health and safety.

16 Second, International Towing Institute says the  
17 same thing. It says tilt beds are not for recovery, but so  
18 long as we want the program to work, we don't care. But  
19 tell me, is it just as safe because it is a pilot program  
20 than before? No. It's unsafe. That's why you put the  
21 rules in in the first place.

22 Venango County, yes, my friends in this room from  
23 Venango County are rogue, crazy towers. That's what they  
24 would have you believe. To be honest with you, we're just  
25 Americans, small businessmen that don't like to be lied to,

1 forced, or disrespected.

2 So let's talk about what happened there. They  
3 tried to turn Venango County on. There's a statement here  
4 to that effect. If you get past the towing stuff, I call  
5 this "Might makes right. Who cares about health and  
6 safety?"

7 They wanted to turn Venango County on because  
8 that's what they do. On March 10th, which was Monday, they  
9 intended on turning on Venango County. To do so, they  
10 approached two or three really good families. They  
11 approached B&M towing, which are good people. They  
12 approached Snyder Brothers, which are good people. And  
13 they approached Burt's Auto Repair, which is good people.  
14 I've known two of those people all my life.

15 They went to a tow meeting the Friday before with  
16 us because they weren't sure what this is about. When they  
17 came to the tow meeting with us, they said, you know what?  
18 We're going to join you guys instead of those guys. So  
19 they signed up with us but they were all ready to start on  
20 Monday to be AR towers. They were approved AR towers for  
21 Monday morning. They were going to kick that program off  
22 on Monday morning and this was Friday night. They were the  
23 towers to run the program, no doubt about it.

24 So when they joined us we said, hey, we'll help  
25 you join the PSP the regular way, right? I mean obviously



1 you meet the criteria; otherwise, you wouldn't be able to  
2 tell. Well, Tom Doyle from Venango County Towing, he's  
3 more of a logistics guy when it comes to that, he met with  
4 them. He met with Snyder Brothers, and guess what? He had  
5 only a tilt bed, no wrecker. Well, we knew that was  
6 coming. The second, he didn't meet the insurance  
7 requirements. He no way near had the insurance, and when  
8 he found out it was going to cost him \$2,400 to add the  
9 insurance, but he didn't have them but he was going to tow  
10 on Monday morning. He did not have a pound.

11 I thought Lieutenant Colonel Bivens sat here and  
12 told the State Representatives that nobody could turn on  
13 and tow until they met the requirements. I have no doubt  
14 Lieutenant Colonel Bivens believes that but I know for sure  
15 that AR is not honoring that and nobody's watching them.  
16 What do you think will happen after the program gets  
17 started? If they don't take care of business now in the  
18 pilot program, do you really think they will later?

19 Burt's Auto didn't meet the insurance  
20 requirements, didn't have a pound, only had a twin line  
21 wrecker. B&M didn't meet the insurance requirements and  
22 didn't have a pound. Ladies and gentlemen, once again,  
23 that's bad for health and safety.

24 Mercer County, wait until you see this one. Now,  
25 I'm a little confused in some parts but in Mercer County

1 they turned on half the county. They turned it on with two  
2 towers. They turned it on with Lowery's Towing in Mercer  
3 County and with Brown's Towing in Mercer County with the  
4 assistance of Watson's over in Ohio. The only one before  
5 that was a PSP tower -- well, I guess Watson's was they say  
6 in Ohio and Lowery's but Brown's was not. Brown's towed  
7 for auction sites. He never qualified to be a PSP tower or  
8 never wanted to. So therefore he wasn't a preexisting PSP-  
9 approved tower that just had to sign on the line. This  
10 wasn't a PSP screw-up. PSP had no responsibility for this.  
11 It was AutoReturn.

12           How many of State Representatives here have kids?  
13 I do. How many people in this room have kids? Right? All  
14 right.

15           What's the nearest and dearest thing to you in  
16 your life? The health and safety of your kids. It is for  
17 me. I'd give up my life for them. Don't forget, remember  
18 we talked or made mention the dirt request from Major Hoke  
19 that said employing felons, just to name a few. Brown  
20 Towing, Joe Brown is a heck of a guy. I like him a lot.  
21 His brother, not so good. His brother is one of his  
22 primary towers. His brother is on Megan's list, Tier 3.  
23 His brother goes out and tows for PSP. The PSP have  
24 reported that to their barracks. They're told to stand  
25 down and shut up. Here's what he's convicted of, ladies

1 and gentlemen with kids -- what he pled to, I'm sorry.  
2 Guilty plea, Disorderly Conduct, Hazarded Physical Offense;  
3 guilty plea, Aggravated Assault, Forcible Compulsion,  
4 Felony 2; guilty plea, Criminal Trespass, Structure.

5 How about your kid going to college at Edinboro,  
6 Westminster, Thiel, Slippery Rock, or just traveling to see  
7 a friend at one o'clock at night and they break down or  
8 their tire goes flat or they're in a meeting and they need  
9 towed and this man is the person that picks up your  
10 daughter? Thank you AutoReturn. I don't think I can be  
11 more clear than that.

12 Watson's, whether it was the PSP's fault or not,  
13 the guy is from Ohio, heavy duty out of Ohio. The problem  
14 with that is A) he only has one lot, not two. You have to  
15 have two to be on the PSP lot. B) You have to have a  
16 Pennsylvania sales tax license. I don't speak to that but  
17 almost guarantee you he doesn't. His vehicles are not  
18 registered with the Department of Transportation. As  
19 Lieutenant Colonel Bivens said, they all obviously would  
20 be.

21 The next one---

22 VA&EP MAJORITY CHAIRMAN BARRAR: Curt, can I ask  
23 you a question? Are you going to be able to wrap up in  
24 about two, three minutes?

25 MR. HOVIS: Oh, boy.

1 VA&EP MAJORITY CHAIRMAN BARRAR: Yes.

2 MR. HOVIS: All right. So credibility, whip out  
3 that picture real quick of the tower that they signed and  
4 just show that.

5 UNIDENTIFIED SPEAKER: In Erie?

6 MR. HOVIS: This picture right here shows a tower  
7 signed by AR that was never a PSP tower before. Guess  
8 what? His pound is the alley and his tilt bed is obsolete,  
9 doesn't meet GVW, does not have DOT, PUC, or anything on  
10 the truck, but they are a prime AR tower. In your package  
11 materials, this is another prime AR tower called Always  
12 Towing. Look at the picture. The guy has an Ohio PUC  
13 number on it with Ohio plates but he's towing on Route 28  
14 so that he can put it to the towers down there.

15 It keeps getting better. Dispatch failure,  
16 here's the deal. You have to see this one. This system  
17 takes longer, no doubt, no way about it. We received  
18 anonymously in the mail from somebody from a police  
19 barracks 30 screen prints supposedly consecutive from  
20 AutoReturn's dispatch program. We ran averages on them.  
21 My IT guy did. I have provided them to a necessary party  
22 who has verified and would verify at any time the actual  
23 numbers. I no longer have the information. The  
24 information we were sent said that their average response  
25 time was 15 to 20 minutes. When we did number crunching,

1 their average response time on scene was 50 minutes and 22  
2 seconds.

3           Here's the way it breaks down and this is why the  
4 system of automation isn't as good as a live tow. The  
5 trooper radios in. We talked to a couple of troopers.  
6 They said, man, it takes me about two minutes when I'm on  
7 scene so there's two minutes. The PCOs that we talked to  
8 and the PCOs that called anonymously, which two of them  
9 did, said that it takes them about a minute to dispatch a  
10 tow responder. That's three minutes. I took the high side  
11 of the information we got. They said 15 to 20, which the  
12 person has the documentation to review that says it on  
13 there. I used 20 minutes. Response time on scene from  
14 trooper to the time a tow truck arrives in this area, 23  
15 minutes. Here's the AR system run by their averages.  
16 Trooper said it takes no more than a minute longer. He  
17 said it really isn't much because he doesn't have to fill  
18 out a lot of information. He said later that may change  
19 but not now.

20           Now, obviously this PCO was disgruntled and/or  
21 people that sent us this information was, and they said  
22 that by the time they pulled the program down with the  
23 slowness and they've got to fill it out as well as they can  
24 because otherwise the guy gets lost and the directions are  
25 bad, it'll take about seven minutes.

1           Those you can argue, Mr. Wicker, but here's what  
2       you can't argue about from that. When the PCO presses  
3       dispatch request, it took three minutes and 10 seconds from  
4       the time he pressed, not one second or one half-second like  
5       you said. According to these reports it took three minutes  
6       and 10 seconds from the time he pressed request to the time  
7       AR received that request. It took them three minutes and  
8       48 seconds from there for that tow company, whoever they  
9       picked, to respond to that. That's seven minutes, give or  
10      take two seconds.

11           Then we did the calculations from the time the  
12      PCO, they said 20 minutes for the PCO, we took the average  
13      arrived time after the time that they received the  
14      dispatch. It was 33 minutes, 24 seconds, right from their  
15      documents. That's 50 minutes and 22 seconds versus 23  
16      minutes.

17           Now, here's where this adds all up real quick.  
18      Let's say everything was equal. Well, let's just look at  
19      the difference. That's a difference of 27 minutes. That  
20      response time doubled with a trooper on scene. That's not  
21      good.

22           Fire companies say the same thing. So do towers  
23      and so do the troopers in the field. We just don't want to  
24      talk to them because they know what's really happening.

25           Even if you take out any discrepancy between the

1 trooper in the field and the PCO taking longer, if you just  
2 use the initial time it takes for them to administer it and  
3 the response times, it was 20 minutes and 22 seconds  
4 longer. On a 30-call average, they're talking hundreds.  
5 Add that up times hundreds and see what your liability is  
6 on the interstate.

7           Here's the real kicker. In the notes there were  
8 22 requests for ETA by the PCOs. Let's talk about how it  
9 works now. PCO picks up the phone, knows who he's calling,  
10 you say you're going. How long is it going to take you to  
11 be there? I'll be there in 15, 20. Thanks. Boom.  
12 Trooper on scene. He'll be there 15, 20. Here's the way  
13 it works now. The system is defaulted to 30 minutes. Who  
14 knows? Why do you think the troopers called 22 times?

15           So if he wants an ETA, he calls the PCO, the PCO  
16 turns around and sends that to California, California calls  
17 a tower who's driving a commercial vehicle down the road  
18 and asks for a response time. He then sent it back to PCO,  
19 the trooper. In these 30 responses, they asked for ETAs 22  
20 times. Nine times they failed to respond. There's a 15-  
21 minute shutdown, six re-dispatches, and seven no-responses.  
22 There's an email from Ron Perry sent out to the towers that  
23 confirms this and it says, "We realize that it's  
24 frustrating when our customer service representatives  
25 called to inquire about your ETA. This is usually done at

1 the request of the PASP who are waiting on the scene.  
2 Please be patient with the representatives. They are  
3 trying to perform their duties as required." Yes. They're  
4 calling and asking for ETAs all the time. Why is that?  
5 Because the trooper is used to waiting 15 to 20 minutes and  
6 not 40. That's why he's calling for it.

7 Health and safety, for that issue and that reason  
8 alone this program has absolutely failed. If it takes long  
9 to respond on the interstate, then shame on them. The  
10 administrative efficiencies can be handled by our  
11 legislature through augmentation of the towing act and  
12 through, if the PSP doesn't want to enforce it, having the  
13 people we talked about through inspection of towing  
14 stations and service stations come and by pushing this  
15 issue through, again, the Towing and Storage Act and  
16 they're done. They don't have any issues.

17 VA&EP MAJORITY CHAIRMAN BARRAR: Curt, can we get  
18 out to questions from the legislature?

19 MR. HOVIS: Absolutely. I apologize for that but  
20 I wanted you to hear what these guys have told me for the  
21 last six months.

22 VA&EP MAJORITY CHAIRMAN BARRAR: I can tell this  
23 is an issue you are very passionate about so we appreciate  
24 your passion here.

25 Representative Stevenson for questions.



1           REPRESENTATIVE STEVENSON: Thank you,  
2 Mr. Chairman. And thank you, Curt, for making the trip  
3 with all of your colleagues today. I appreciate it. I  
4 appreciate your testimony.

5           I'm going to get right to the bottom line. We've  
6 heard a lot of testimony today. Is it AutoReturn itself  
7 that you don't want to work with or is it the system that  
8 they're proposing that you don't like?

9           And in addition to that, if that's not the system  
10 you like, what is the system you would like to see in place  
11 in Pennsylvania in terms of the dispatch. I'm not talking  
12 about the legislative changes to the act or any of that  
13 sort of thing, but just a system that would work. We've  
14 heard concerns from the State Police about 911 not being  
15 able to do it because of the administrative work that they  
16 State Police now does in terms of regulating the towers and  
17 so forth.

18           So taking all that into account, how do you see  
19 this issue being resolved? What's your suggestion?

20           MR. HOVIS: Well, first, everybody that's  
21 opposing this system of which are a lot of good towers, the  
22 questions are why, and as the Pennsylvania Towing  
23 Association said, those responses vary but there are  
24 several very clear ones. The first is we don't want to do  
25 business with a company we don't trust. They burnt the

1 bridge. And how do you do business with that now because  
2 you can't trust them to be honest with you?

3 Second, the system is not conducive to health and  
4 safety. As Representative Costa said, I do Interstate 80.  
5 You've got to get me a real live dispatch. Even on the  
6 country roads it's down by the creek, it's across from the  
7 old mill, it's here, there. You don't get that from  
8 AutoReturn. Eddie says he calls the barracks every time he  
9 goes on a tow for the State Police because the information  
10 isn't good, right?

11 MR. WHITEMAN: Correct. Every time.

12 MR. HOVIS: Every time.

13 MR. WHITEMAN: I call the barracks to find out  
14 exactly what equipment I need so I do not leave our  
15 emergency personnel, our troopers out there in any more  
16 danger. It's horrifying being on a highway.

17 MR. HOVIS: So first, the AR company to us, to  
18 me, and to most of the people here is untrustworthy. And  
19 you should see the first contract that backs that up.

20 Second, the system we believe is flawed. You  
21 can't replace a verbal dispatch with real-live  
22 communication with an automated system and say it's better  
23 or safer. You really can't. And how do you know which one  
24 is the one that's going to get somebody killed? Well, our  
25 averages are -- I don't deal on averages. My kids travel

1 that road. So those are two compelling reasons for the  
2 towers.

3 What do we need? We need live dispatch and we  
4 need to have security in our future through regulation  
5 through representation if necessary versus having somebody  
6 from California doing things that they State Police never  
7 could do or never would do.

8 So how do we do that? We rely upon you  
9 obviously, but our concepts are simple and we're simple  
10 folks. Our concepts are we already have the vehicle by  
11 which to drive which is the Towing and Storage Act. Take a  
12 look at it. Get with us, get with the PSP and decide what  
13 we need to do apply additional regulations, if any, to that  
14 act, number one. Put them in there. That leaves it then  
15 up to the Office of Attorney General for enforcement. PSP  
16 can just prefer that to Office of Attorney General if they  
17 have any questions.

18 Number three, we can use the other company I  
19 talked about, the other people to inspect the vehicles, and  
20 we can use 911 to dispatch, which is better anyhow. So  
21 you've got 911 dispatch and you've got the Towing and  
22 Storage Act regulating and the Office of Attorney General  
23 enforcing and you've got the guys, the insurance equality  
24 inspecting your cars in your vehicles. And we've solved  
25 this in-state with our resources rather than send our money

1 out-of-state. I think that's a better scenario. And we  
2 have live dispatch.

3 One of the things that they said, Dick, which is  
4 a real kick, AutoReturn was supposed to be the person that  
5 handled -- this is a real issue. They said AutoReturn is  
6 supposed to be the intermediary between the tower and the  
7 person who got towed. Kathy Newquist out of the Kittanning  
8 barracks area is a very nice lady. I talked to her. Now,  
9 they'll tell you they never had a complaint. Not true.  
10 Kathy Newquist said the information is in here under failed  
11 dispatch, but what happened to her? And it's not the fact  
12 that the charges were wrong; it's a whole process. A non-  
13 PSP, new AR tower towed the lady, right? Towed her son two  
14 hours from where she has.

15 She was told the bill was 300, 350, 400, now  
16 became 450. At the end of the day the bill was right  
17 probably or pretty close but the kick in the pants is this:  
18 The lady didn't have as, in your office, Major said, well,  
19 \$30 is a nominal fee. She didn't have a spare \$35. And  
20 she tried to pay for her car her son was driving the first  
21 time, her debit card failed. She's a teacher's aide. She  
22 doesn't make 200 grand like some people in this room, okay?

23 So what happened? She called the State Police  
24 barracks for help. Whoa, she didn't call AutoReturn.  
25 They're always going to call the State Police. They're

1 always going to handle it regardless. What did they do?  
2 They gave them the phone number for AutoReturn. She called  
3 AutoReturn. Now, this is where it's supposed to be  
4 Pandora. The great AutoReturn is going to handle all these  
5 problems, make everything go away. Hardly the case with  
6 this poor lady. She was very clear in what she said.  
7 AutoReturn told her at the desk we are only a dispatch  
8 company. We do not fix or set rates and we cannot help you  
9 get your car. Sorry.

10 So what did she do? She called back to the State  
11 Police barracks. The PCO, whoever that was, forwarded it  
12 to the supervisor and the supervisor tried two or three  
13 times. His response to her was I've never worked with this  
14 tower before. I can't help you. She had to leave work,  
15 drive two hours, put money in her son's car because he  
16 would no longer accept the debit card so he could go get  
17 cash and pay that guy.

18 Her point wasn't about a lot of it. It was  
19 nobody would take responsibility. I thought that's what  
20 AutoReturn was supposed to do. Obviously it didn't work.  
21 So, Dick, we've got to avoid that.

22 REPRESENTATIVE STEVENSON: Right. I appreciate  
23 your answer and your direction. Thank you.

24 VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
25 Barbin for a question.

1           Curt if I can ask you, we have one more  
2   testifier---

3           MR. HOVIS:   Yes.

4           VA&EP MAJORITY CHAIRMAN BARRAR:   ---and if you  
5   can speed your answers up, we'd greatly appreciate it.

6           MR. HOVIS:   Okay.

7           VA&EP MAJORITY CHAIRMAN BARRAR:   Thank you.

8           REPRESENTATIVE BARBIN:   This is a question for  
9   Mr. Whiteman.

10           I think seeing your photos I just want to confirm  
11   that this is your testimony.  You are a vendor for AR?

12           MR. WHITEMAN:   Yes.

13           REPRESENTATIVE BARBIN:   Okay.  And in AR's  
14   computer-generated package of administration, if somebody  
15   were to come in tomorrow and build a building beside you  
16   that was 10 feet closer to whatever your area is, you would  
17   be eliminated from receiving that work?

18           MR. WHITEMAN:   Well, actually, I have been  
19   eliminated from a majority of the work.

20           REPRESENTATIVE BARBIN:   Okay.  That's the first  
21   question.  I just wanted to get very clear that that's what  
22   happens with the system.  Okay.

23           And the next question is is this system, as a  
24   vendor, does it allow for any rotation of the people close  
25   in your area?

1 MR. WHITEMAN: No.

2 REPRESENTATIVE BARBIN: Okay. Then I just have a  
3 quick comment. No matter what, the testimony has come out  
4 really clearly today is it isn't a question whether this  
5 was good or bad. The State Police are doing an incredible  
6 job for drug problems that we have in this State. They  
7 shouldn't be administering the problem. The only question  
8 that's coming up to us is whether this particular group out  
9 of California with their centralized administration  
10 approach and the computer response as opposed to a 911  
11 response, a county 911 would know who the people are and  
12 whether we should have licensing or not. We probably  
13 should have licensing.

14 But from the testimony the State Police are to  
15 enforce our violent laws, not to administer our tow laws.  
16 And the only question that is is whether we can do better  
17 than the current system because it's a pilot project. It's  
18 not a good system if you get a computer to tell you  
19 something based on garbage in that the guy who doesn't have  
20 as good a program of recovering gets the call because they  
21 put up a building to beat the GPS system. That's garbage  
22 in.

23 And it doesn't make sense for consumers to allow  
24 people to have only one person responding instead of having  
25 four because by four people in an area responding it keeps

1 the price of that tow lower.

2 So no matter what it is or how we got here, this  
3 is a bad system and we need to go back and look at getting  
4 a license for towers and we need to get to a program where  
5 State Police doesn't have to do this. We've got 911  
6 centers in every county in Pennsylvania. We shouldn't be  
7 sending the money to California.

8 MR. MALINSKI: Sir, may I comment? My name is  
9 John Malinski. I represent Butler County. We had one of  
10 the first 911 systems in PA. They dispatch for 13 police  
11 departments, different variations, and I can tell you as a  
12 fact and as a tower we do not have the problem that PSP  
13 does. And I don't understand where their problem is at,  
14 and it's all different. Some are rotation. It's nearest  
15 available, but it's all worked out. And our 911 system has  
16 no problem doing it. Our average response time for Butler  
17 Township is 20 minutes. That's the longest we're allowed  
18 and we're there. What we get is a phone call saying, hey,  
19 okay, this is what we need. I send the trucks out. And  
20 that's it. We're done. I don't have to go back and talk  
21 to somebody on a voice message. And this is the way we  
22 have been doing it for years and we have no problems. What  
23 is the problem now?

24 VA&EP MAJORITY CHAIRMAN BARRAR: Our next  
25 testifier was supposed to be the gentleman from Beaver



1 County Emergency Services. He could not make it today.  
2 Everyone has in their packet, if you look in your packet  
3 from Wesley Hill, Director, his testimony is of course  
4 exactly what you said, verifies what you're saying, that  
5 the 911 emergency calls in Beaver County are handled and  
6 dispatched through the 911 system. So the capability is  
7 truly there.

8 Right now, this Committee is currently in the  
9 middle of rewriting the 911 emergency telephone laws at  
10 this time, and this may be an area that we could look at a  
11 doing the dispatching and talking to our 911 centers around  
12 the State to make sure that they have that capability.

13 I would assume it's pretty much a software  
14 program that would be needed.

15 MR. MALINSKI: I have talked to Steve Bricehouse,  
16 which is the head of our 911 system up there. He said the  
17 program is roughly \$1,000. He said it's pennies on the  
18 dollar to do the dispatching, which he didn't even know if  
19 he really needed an extra dispatcher because the amount of  
20 dispatching they do for some many police departments, fire  
21 departments, and ambulances. So basically they're telling  
22 you they can do it.

23 VA&EP MAJORITY CHAIRMAN BARRAR: And pretty much  
24 everyone who has a telephone or a cell phone is paying  
25 already for a dispatch service.

1 MR. MALINSKI: Correct.

2 VA&EP MAJORITY CHAIRMAN BARRAR: Now we will  
3 charge them twice---

4 MR. MALINSKI: Correct.

5 VA&EP MAJORITY CHAIRMAN BARRAR: ---for the  
6 dispatch service through 911 and then if they're involved  
7 in an accident, they would have to pay a \$35 additional fee  
8 on top of the \$1 to \$1.25 that they currently pay in  
9 Pennsylvania. So of course we would like to rectify that.  
10 I think the system is very unfair to the consumer in  
11 Pennsylvania.

12 MR. MALINSKI: Most of our township, I live in  
13 Centre Township, we are already paying a fire tax to pay  
14 for this kind of stuff.

15 VA&EP MAJORITY CHAIRMAN BARRAR: Yes. Yes.

16 Other questions from the Members?

17 Representative Marshall, did you have a question?

18 REPRESENTATIVE MARSHALL: Thank you,  
19 Mr. Chairman.

20 I appreciate the testimony that we've heard today  
21 from all sides. And as a volunteer firefighter myself, I  
22 know what it's like to be out on the street typically at  
23 night, oftentimes when it's snowing, and even in the best  
24 conditions we have motorists that fail to comply with our  
25 signals and drive onto a scene at a rate of speed that is

1 uncontrollable. Any minute that we spend on the highway is  
2 precious. There are lives involved in this.

3 And I think that it's important to note your  
4 testimony in reducing the amount of time out there at the  
5 scene is critical and that the costs of government is  
6 something that is hard to wrap your hands around, but the  
7 cost of public safety, I mean that's our prime concern,  
8 public safety in the Commonwealth of Pennsylvania. And we  
9 really have to work on the efficiency and maybe we need  
10 broadband radio or maybe we need to consolidate some  
11 services.

12 But we certainly rely on the Kens and the Bills  
13 and the Marys and everyone that's involved in our first  
14 responders that we know. They're our friends, they're our  
15 neighbors. We trust them whether they're towers or EMTs or  
16 firefighters, and certainly I think that we need to keep  
17 these jobs in Pennsylvania if we can. That's certainly our  
18 goal. And the citizens of Pennsylvania need to be involved  
19 in this and I'm glad that you brought so many from western  
20 Pennsylvania appears today. I appreciate that.

21 I was looking forward to some questions to Wes  
22 Hill, our Director of Beaver County, but again, we do have  
23 his testimony. And I thank all that have testified here  
24 today and I thank the Chairman for having this hearing.

25 VA&EP MAJORITY CHAIRMAN BARRAR: Great. Thank

1 you.

2 Curt, this book, and I'm going to draw some  
3 attention to it to the other Members, that you've given us  
4 is incredible. I wish I would have had it for days to look  
5 through. But there's also a section in here that was  
6 provided by a member of the Maryland Legislature basically  
7 outlining numerous concerns exactly what we're getting here  
8 today, and I'm not sure. How long has this been taking  
9 place not in the entire State of Maryland? I understand  
10 it's just Baltimore County.

11 MR. HOVIS: Baltimore County. Yes, the county,  
12 Baltimore County.

13 VA&EP MAJORITY CHAIRMAN BARRAR: Okay.

14 MR. HOVIS: And that was given to Dick Stevenson,  
15 Representative Stevenson, by someone in the Baltimore  
16 Legislature, and we received it in a meeting with the Major  
17 at Dick's office. And in review I enclosed that within  
18 there and highlighted the points as you said,  
19 Representative, those are the same things we're talking  
20 about and the same things they're talking about.

21 VA&EP MAJORITY CHAIRMAN BARRAR: There are  
22 numerous concerns that this has led to 5- to 7-minute  
23 longer response times, that the tow responders are not  
24 allowed to call police officers or the barracks. Instead,  
25 they must call California, that there's missing

1 information, is not when the tower is dispatched, that  
2 there is missed information because they 911 or the  
3 communications officer has to type in the data field to  
4 tell you exactly the detail of the accidents, which I can  
5 imagine could be quite lengthy. I'm a typer like this so  
6 it would take me a week to do it properly.

7 Well, I guess the Members will all take a look at  
8 this if they can.

9 Who else had a question?

10 Representative Costa.

11 REPRESENTATIVE COSTA: Yes, thank you, Chairman.

12 Just a comment. When I first came into this  
13 meeting this morning and reading and following the whole  
14 process along the way, my biggest concern were for the  
15 troopers who are out there responding, the public safety  
16 people, the first responders, your tow people that are  
17 responding to these scenes because I know how deadly they  
18 can be. They can turn instantly and that was my biggest  
19 concern.

20 I have many other concerns after this hearing  
21 today and I trust, especially building a tow truck, to be a  
22 tow driver, to get a contract, I mean I trust that -- in  
23 the City of Pittsburgh when I was the chief, if I had an  
24 applicant or a candidate or a probationary officer and I  
25 found out that they misled me like that, and I believe the

1 State Police is the same way, they'd be gone. This is a  
2 pilot program. They're on probation. I trust the State  
3 Police will look into these whether it be tapes or if you  
4 guys can give them the books, the allegations, and look  
5 into these allegations on both sides, verify stories on  
6 both sides and then make the judgment there if they  
7 continue to go down the road as far as looking for  
8 privatization of this versus a 911 center.

9 So, again, I thank you very much. Mr. Chairman,  
10 I thank you extremely for this very informative meeting.  
11 Thank you.

12 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.  
13 There was one gentleman that was named in your panel  
14 sitting next to you who switched seats. You would like to  
15 make a comment?

16 MR. NORRIS: Yes, I would. My name is David  
17 Norris. I'm 31 years old. I'm a third-generation tower in  
18 D&D Auto Salvage, Towing, and Recovery. I have been  
19 involved in this industry my entire life, and many of these  
20 people in this room, I mean since I was a child and when I  
21 came up through building the business, have helped me, many  
22 mentors in this room. And one thing that I'm not sure was  
23 made clear today, there is a large difference between what  
24 is referred to as a tow operator and a towing and recovery  
25 operator. And basically what I have witnessed so far with

1 this program there are companies that may have been around  
2 our area that were tow companies. I have tow operators  
3 that I would not send on a recovery job. They merely do  
4 hook-and-tow private calls.

5           There is a big difference in training, equipment,  
6 everything, and there are a lot of people in our area that  
7 have chosen to participate in this program that may be  
8 purchasing the equipment to meet the standards even though,  
9 as Curt brought to our attention, is not the case. Even if  
10 they did represent the standards in that manner, these  
11 people do not have the background and experience. You have  
12 the best towing and recovery operators in this room in that  
13 part of the State who are not willing to participate in  
14 this program. So what you have is a poor form of a mockery  
15 of our businesses that are trying to represent us.

16           And again, we have always had a good working  
17 relationship with the police departments, and I don't mean  
18 any disrespect, but if you took the current troopers out of  
19 base and replaced them with State constables, not that  
20 there is anything the matter with them, but the State  
21 troopers are held to a higher standard. They require more  
22 training; they require more testing to perform their  
23 duties. Although these people may represent them, you're  
24 not going to get the same standard and performance that  
25 you're going to get out of the people that are in this

1 room.

2 We are the ones that took initiative and made the  
3 investments originally on our own decision to participate  
4 in towing for the State Police. We are the ones before you  
5 that made that investment and sacrifice in our lives. I  
6 mean I've left my children's birthday parties. I have four  
7 children. Have a beautiful wife. I have to completely  
8 revolve my life around this industry. And at a prior  
9 meeting I was told by the State Police, well, you chose  
10 that. And I said you're exactly right. I did choose to do  
11 that. I chose to be a tow operator. But I feel that we  
12 deserve to be respected more than that for the sacrifices  
13 we've made in our lives and with our families to do this  
14 because people don't understand.

15 On an emergency scene we are the only agency  
16 there that is not government-funded. It's not like the  
17 fire department where we're able to go back and volunteers  
18 come and clean the trucks and replace all the equipment.  
19 This is all ourselves and our families and our sacrifice  
20 and our money and that's why this is so important to us and  
21 that's why many of these gentlemen took the day off today  
22 to be out here. It was not easy for any of us to be here  
23 but this is how important it is to us and this is how  
24 important it is to the general safety of the public and the  
25 State of Pennsylvania.



1                   VA&EP MAJORITY CHAIRMAN BARRAR: I agree with  
2 you. And you're not guaranteed to get paid for the tow  
3 either.

4                   MR. NORRIS: Correct.

5                   VA&EP MAJORITY CHAIRMAN BARRAR: And you don't  
6 have to answer the question, but how many times do you tow  
7 and the person never comes back to reclaim their car?

8                   MR. NORRIS: Absolutely.

9                   VA&EP MAJORITY CHAIRMAN BARRAR: And our new law  
10 gives them access to the car to take their personal  
11 belongings but doesn't require them to pay you for the  
12 service that you provided to the customer and the  
13 Commonwealth. So believe me, we understand fully.

14                   There's a couple other questioners.

15                   Chairman Sainato.

16                   VA&EP MINORITY CHAIRMAN SAINATO: Thank you,  
17 Mr. Chairman.

18                   I'd like to hear from Mark McConnell. Mark,  
19 would you come up and just---

20                   MR. McCONNELL: Does this work here?

21                   VA&EP MAJORITY CHAIRMAN BARRAR: Yes.

22                   VA&EP MINORITY CHAIRMAN SAINATO: Yes. Why don't  
23 you just give us some briefing on what's happening in  
24 Lawrence County and how it's operating?

25                   MR. McCONNELL: Hello. My name is Mark

1 McConnell. I'm from Lawrence County. We have seven towers  
2 previously before the AR. Now, we have two that are still  
3 on the AR. None of the seven is doing it. One of the  
4 towers is doing towing in Mercer County so he's also trying  
5 to cover Lawrence County, which I don't know how he does  
6 that because I couldn't do it. And then the other guy is a  
7 new guy. He's out of Ellwood City so we've got them on two  
8 big ends of the county and they're trying to cover a huge  
9 county.

10 So the ETAs aren't the greatest. There's a  
11 letter in there from the Hickory Township, April 19th. The  
12 call took about 45 more minutes for a towing company out of  
13 Ellwood City to get to Hickory Township. The Pulaski Fire  
14 Departments complained about ETA time. The Shenango  
15 Township Fire Departments complained about ETA time. Over  
16 the past weekend I received two PSP calls after midnight  
17 when the State has one car on for the night. They were  
18 getting backed up with calls. They needed somebody there  
19 in a quick manner. They called and said, Mark, do you have  
20 a wrecker available? I said yes. How many do you need?  
21 He says how quick can you be there? I said I'll have  
22 somebody there in 15 minutes. This was after midnight on a  
23 weekend night. We got somebody up there on a Friday night,  
24 somebody back up there on a Sunday night. We've got a one-  
25 lane traffic problem on 376 with construction. I think

1       there's been six or seven accidents up there within the  
2       past week. I think they're having some response time from  
3       AR towers.

4               I appreciate your time. Thank you.

5               VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

6               VA&EP MINORITY CHAIRMAN SAINATO: Thank you,  
7       Mark.

8               VA&EP MAJORITY CHAIRMAN BARRAR: Chairman  
9       Sainato.

10              VA&EP MINORITY CHAIRMAN SAINATO: Yes, thank you,  
11       Mark. You had told me some of the things that are going  
12       on. I just wanted that for the record because I think  
13       that's so vitally important. I think with everyone's  
14       testimony today the purpose, as Chairman Barrar said, is  
15       we're here to get information. We want to listen to all  
16       sides and we need to put everything on the table because,  
17       as Chairman Barrar, we are doing the 911 rewrite. That's  
18       something this Committee spent a lot of time in the last  
19       year-and-a-half on and that's something we're going to be  
20       spending a lot more time on, too.

21              So I do thank you all for coming. Thank you,  
22       Mark.

23              VA&EP MAJORITY CHAIRMAN BARRAR: Thank you,  
24       Chairman.

25              Representative Rapp. And we would ask the

1 questions to be, if you can, answer them very quickly if  
2 you can.

3 REPRESENTATIVE RAPP: I will be very brief,  
4 Mr. Chairman. Thank you. And, Representative Stevenson,  
5 thank you.

6 And I just have several constituents here. This  
7 was a very informative meeting and I know that my  
8 constituents traveled a long way to be here and I'm hopeful  
9 that we can come to some better resolutions for our towers  
10 across the State of Pennsylvania.

11 So thank you, Mr. Chairman, for conducting the  
12 hearing today.

13 VA&EP MAJORITY CHAIRMAN BARRAR: Great. Thank  
14 you.

15 Representative Saccone.

16 REPRESENTATIVE SACCONI: Thank you, Mr. Chairman.

17 And very quickly, it's a comment more than a  
18 question. And I'm an old investigator. I try to look at  
19 all the evidence. I try to be fair here, listen to all  
20 sides, but I tell you I have some real concerns about  
21 paying attention to the letter of the law but not the  
22 spirit of the law, and I think by AR's own testimony up in  
23 Seattle they were willing to pay attention to the letter of  
24 the law by making a tow truck to qualify them for a towing  
25 company but not the spirit of law when they weren't really

1 a towing company. So I worry about when you say standards  
2 being lowered that if someone is willing to compromise that  
3 by following the letter and not the spirit, we have some  
4 real concerns there that we have to take a look at.

5 So thank you. It was very informative and I  
6 appreciate hearing all of your testimony. And some of my  
7 constituents are here also and they traveled a long way to  
8 get here and I really appreciate that. Thank you very  
9 much.

10 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you. Are  
11 there any other questions from the Representatives?  
12 Anyone? No.

13 Gentlemen, thank you for your testimony. And one  
14 of the good things that came out is I think that teaching  
15 us the difference between a tow and recovery I think is a  
16 huge issue for us to consider or to be educated about  
17 because in hearing the testimony most of us think you just  
18 back up to a car, pull them up there, and drive away. We  
19 don't see the number of times that the recovery is  
20 extremely long. You may have a 10-car pileup. We saw it  
21 with the snowstorms this year, that the length of time it  
22 took to clear, what, 52-some cars off the turnpike back  
23 when we had a couple bad snowstorms. We had 13 this year.

24 So we thank you for your testimony.

25 Our next testifier is Mr. John Glass. I think

1 John and I participated in a covert operation a few years  
2 ago.

3 It's great to have you here, John. You can begin  
4 your testimony when you get settled.

5 MR. GLASS: Thank you. My name is John Glass.  
6 I'm from actually Morristown, New Jersey. I am the  
7 President of the Towing Association of New Jersey since the  
8 beginning of time. Nobody has wanted to take it since me.

9 I'm also Legislative Chairman for TRA, the  
10 national Towing Recovery Association, and that's what  
11 brings me here today, to try to help the towing industry  
12 and try to help you all understand possibly the concerns  
13 that the towing industry has in front of third-party  
14 dispatch.

15 I'm not privy unfortunately to what I will say  
16 what the towers are going through because I am not  
17 experiencing it on a first-hand basis, but we are concerned  
18 what possibly third-party dispatch is doing across the  
19 country.

20 I am a State Police tower myself in New Jersey.  
21 I've been there for 35 years doing municipality work and  
22 State Police towing so I do understand the concept of  
23 towing besides the legislative end of it. But I'd like to  
24 talk mostly on the communication end of it and try to help  
25 answer any questions you have.

1 Incident management has been around since the  
2 early '80s and the intention of incident management,  
3 Federal highway put it together and they put many, many  
4 programs together to try to move traffic and get things out  
5 of the way for safety of the public, for the responders,  
6 get the traffic moving, the trucks moving.

7 There are all kinds of books. I happened to  
8 bring two of them today, thick manuals that the feds put  
9 out constantly that goes out to emergency responders on how  
10 to respond, how to do dispatching, what kind of equipment  
11 you should bring, how to move vehicles. So the point is I  
12 came into Harrisburg tonight, I noticed that you have road  
13 patrols out there on the highways, the yellow trucks.  
14 That's all part of incident management in a program that  
15 started many, many, many years ago to try to be effective  
16 on moving the cars off to the side and for detection.

17 But the biggest parts that they have found over  
18 all the years for incident management is and the biggest  
19 tool that you can use is really communications between all  
20 your emergency responders. They have gone, they have  
21 looked at the road patrols, they have looked at different  
22 dispatching, they have looked at different models, anything  
23 you can think of. But when it all comes back down to the  
24 basic thing that moves stuff quicker and faster is  
25 communications.

1           Right now the future direction that incident  
2 management is going, believe it or not, is direct  
3 communications with all emergency responders, listening,  
4 talking to each other because they've realized that between  
5 the communications today, between cell phones and even text  
6 messaging or whatever, if they have to, if they can get  
7 that fire chief to talk to that particular tower or that  
8 police officer, state trooper to talk to that tower or that  
9 fire chief, they want to do it so they can get a true  
10 understanding of what is going on.

11           And the only way to do that is if you have a  
12 dispatcher as far as we can see. It may be expensive, it  
13 may be time-consuming, it may take a lot of resources, but  
14 if you have an individual sitting there, it's like a hub of  
15 the wheel. They are the hub and you have all of these  
16 different branches coming off to the sides. But that  
17 dispatcher is taking all of the communications and the  
18 information. So if he hears or she hears from the fire  
19 department that they have an extreme condition, whatever it  
20 may be, she can now pick up her mike and say to the rescue  
21 squad, for example, I've just heard they've got injuries.  
22 It looks like six to eight people; they are not sure, maybe  
23 a fatality. They're bringing them up to speed even though  
24 the ambulance may not have arrived.

25           And it's the same thing with the towing industry.



1 If they're listening and hearing, they may not be directed  
2 make that call, but at least they have a better feel of  
3 what's going on.

4 When you have voice communication, you can also  
5 hear the urgency. Obviously if you have anybody on there,  
6 a police officer, and he's screaming, he's screaming  
7 because he's got a serious, serious problem. Bring me more  
8 people. I've got injuries. All the ambulances. If he's  
9 text messaging it, I'm sorry to say, you have no idea how  
10 urgent or how bad that is.

11 Our concern to a certain extent is if the  
12 technology is there, the ability to do it, and it's all  
13 neat stuff as far as I'm concerned, that you can sit in a  
14 patrol car or you could sit at the dispatch office and say  
15 let me push the button and I'll type in "send me a tow  
16 truck." That's all they're going to get: Send me a tow  
17 truck. They may get it to say cars rolled over but they're  
18 not hearing the urgency of whatever else that may be there.  
19 They need to go out and find someone else to respond.

20 Now, I do agree that to a certain extent that  
21 dispatcher isn't amongst a lot of communications and he's  
22 dispatching for all kinds of emergency responders, he does  
23 have to stop and do something for the tower or he may be  
24 able to turn I would say to his people next to him and say  
25 I've got my hands full here with EMS. Could you get that

1 tower on the phone for me and then let's get things  
2 started? It's not impossible. That's what we all have to  
3 do.

4 I think we all agree that when we get the call  
5 today that we gave up the operators in general not for  
6 emergency responders but just an operator for anybody that  
7 you call and you get push one, push two, push three. And  
8 then when you finally get there, you leave the message.  
9 Yes. It saves communication, saves people, but if you  
10 really want to talk and you really want an answer, you're  
11 hoping even if you get put on hold that you have a voice  
12 coming at you at the other end.

13 But realistically, communications, like I say,  
14 that is the key, key factor and I don't see how you can  
15 really give it up. I will agree that there is a  
16 possibility that any third-party dispatch system has the  
17 data, the communications, and the ability to control data,  
18 excellent tools, excellent information that they could use  
19 to help the emergency responders, police departments,  
20 whatever the case may be, even you at the legislators to  
21 try to figure it out.

22 But going to the third step, second step,  
23 whatever you want to call it to say let's call California,  
24 let's call New Jersey, wherever it may be, whoever it may  
25 be, they have no idea or clue what is happening here on the

1 highway, on Interstate 80.

2           If we look at the motor clubs to a certain extent  
3 and what they have to deal with, motor clubs have a very,  
4 very good purpose but in severe weather conditions you find  
5 their lines get tied up, they can't answer calls, and they  
6 have no idea what's going on in Pennsylvania for the same  
7 reason. It's because they are out in California and what  
8 have you. They've got beautiful sunny weather, great life.

9           We don't understand either if they were  
10 dispatching from New Jersey to say we just had a mudslide,  
11 forest fires. We can't get into that area. They have no  
12 idea. It really needs to stay home, stay in tune and  
13 understanding what's going on in the areas. Even to the  
14 point of knowing what fire department to call, which  
15 ambulance, how to get the helicopter if necessary, how to  
16 put that helicopter on standby. It's no different than  
17 with a tower. How do we get them into the scene and what  
18 should he bring and who do we belong?

19           Rotation systems, pricing, I've heard a lot about  
20 that today. Who should be on a list and who's not. I'm  
21 not sure how you all are set up, but in all honesty, if you  
22 have guidelines, good procedures, and if any of those  
23 guidelines and procedures need to be relooked at, then I  
24 would put a committee together, sit down with them, and say  
25 we're having a problem with this area. It's not working

1     anymore. It's old, inadequate, or we've had to move  
2     farther along. I think that can be done. I know it can be  
3     done. It gets done all over the country with the towing  
4     community, the emergency responders, and legislators and  
5     police departments if necessary.

6             Cutting cost is always a concern. I understand  
7     what the State Police are saying and I think the State  
8     Police are dealing with it. And just like municipalities  
9     anywhere across the country, they've had their funding cut  
10    and we are in a terrible, especially the economy just in  
11    general, we're all feeling it. And I have to say I  
12    sympathize with them but you can't cut costs for safety and  
13    for well beings on emergency response. The last thing, for  
14    example, you want to hear in the ambulance as you're going  
15    to the hospital is we don't have any more tourniquets;  
16    we're out of it. You want to hear I hope they got a whole  
17    box of them because my life is depending on it when I  
18    arrive at the other side.

19            And that's why I said we are emergency  
20    responders. Law enforcement is traffic control. It's  
21    dispatching, it's working with towing, it's traveling down  
22    the roadway to give tickets, it's directing traffic, it's  
23    doing road construction, it's doing accident investigation.  
24    So the same scenario, law enforcement has a tremendous  
25    amount of activity with vehicles, towers, and what have

1     you. And I'm not here to pick on them, but if they had to  
2     do an investigation, for example, criminal or prosecutor,  
3     whatever you want to call it, to build a case, you're  
4     looking at the same expenses, the same amount of time, and  
5     the same amount of what I would call dedication that  
6     they're talking about how they're taking it from what I  
7     call the towing industry and they like to put it out to  
8     chase the bad guys.

9             Even on a legal concern, as I listened today, my  
10    thoughts were they can be sued; they can get wrapped up in  
11    lawsuits unfortunately at any time. Anybody today, and I  
12    don't like to take that lightly; it's terrible, but all you  
13    have to do is have an officer say the wrong thing, have a  
14    disciplinary problem with that officer, whatever, lose his  
15    job. It could happen anywhere. It doesn't even have to be  
16    a police department. You are subject to the lawsuits and  
17    the liability just like you are with the towing.

18            But if you put good, good, good guidelines and  
19    programs together, I really feel truly you can start to  
20    what I call not eliminate it but control it and try the  
21    best that you can.

22            As a national association, if we can help you all  
23    or help the towing industry at all, we have plenty of  
24    programs, models. We've been through a lot in general.  
25    I'm the one that usually does it, but come up with programs

1 to help you, whatever you may need. When I say that a  
2 better SOP for dispatching, trying to figure out who should  
3 be dispatching. I'm a little confused today myself  
4 unfortunately. You handle dispatch in county, local, State  
5 Police. Whoever's got that main dispatch though is the one  
6 that needs to be funneling all that information, even if  
7 it's to that trooper.

8 Last thing I always look at is, I don't want to  
9 keep you all too long because I'm kind of repeating myself,  
10 but if an officer or if a fire department were taken out of  
11 the tower's hands, in all honesty, he gets a response  
12 saying we have a dispute at the 2nd and 3rd Street. Send  
13 an officer. He arrives. They figure it may be just two  
14 people having a fistfight, maybe a verbal argument, but all  
15 of a sudden he arrives and says we have a large group and  
16 shots have been fired. That needs to go out to everybody,  
17 not push a button saying I need help because responders  
18 coming in realistically need to know what he has, how big a  
19 group, where's the shots coming.

20 Now, the next discussion he may have or next  
21 dispatch may be I notice it's coming from the red building  
22 on the second floor, same scenario. Then I'm coming in as  
23 an emergency responder. The last thing I want to do is  
24 pull in front of the second building or the red building,  
25 step out, and face my accuser.

1           Fire, very easy, also, is it a pot on the stove,  
2       do we have engulfed flames, do we have people hanging out  
3       of windows? It's an ongoing dialogue and information that  
4       helps make it happen.

5           Fortunately for what I see in this third-party  
6       dispatch it's not. It's hit a button and they're out of  
7       it. Why would the police officer get back on the phone and  
8       try to start retyping or pushing buttons to get more data?  
9       He doesn't have the time. But he does have the time to  
10      hook up his phone, mike, telephone to say as he's walking  
11      there get me more, get me more, let them know, or have that  
12      tower call me.

13          The best thing to do is really working together.  
14      And I don't think I want to go into that direction right  
15      now; I was going to talk about what I feel good government  
16      responsibility is and even good policing is, everybody  
17      getting together to solve problems and not trying to push  
18      it through.

19          I will direct that to the third-party dispatch  
20      group though because he talked about technology as being  
21      the future and he's right, but technology also brings a  
22      push of a button and information to find out who to call.  
23      When I say call, when you're coming into an area. If I  
24      were to go into Oklahoma tomorrow, I may not know the  
25      towing association or even who's in charge of towing in

1 Oklahoma or even know who the troopers are that are  
2 involved, but I bet you if I got on the internet, Googled  
3 whatever, I could get that information, a phone call and  
4 say, gentlemen, I'm coming to town. I'd like to meet you,  
5 what have you. It's not in their best interest to get the  
6 towers involved until the end.

7           The only other thing I would say to you, and I'll  
8 take any questions you'd like, is I think you really need  
9 to look at, anybody needs to look at -- it's nothing  
10 against any individual -- if this is such a wonderful thing  
11 to be involved with, why do the police want out of it? I  
12 see the police do not want to have anything to do with the  
13 towers. This group over here is trying to get as much as  
14 he can. I don't think he's doing it because he wants to be  
15 a friend. I really don't think they want to do it because  
16 they want to make the system better. It has to be dollar-  
17 driven, like it or not. How much driven? It all depends  
18 on how far you dig and what their recourses are.

19           They are business just like the towers, just like  
20 any business. They're there for the dollars, and if they  
21 can make it, terrific. I think they possibly put a great  
22 program together for technology but that's where it should  
23 stay, and there is a good chance that you could find other  
24 businesses doing the same scenario.

25           I thank you for your time.



1           VA&EP MAJORITY CHAIRMAN BARRAR: Thank you. Are  
2 there questions for Mr. Glass? Anyone? No. Okay.

3           Thank you for your testimony. I appreciate you  
4 being here today.

5           MR. GLASS: Thank you for letting me be here.

6           VA&EP MAJORITY CHAIRMAN BARRAR: Okay. We are  
7 going to end with a couple closing statements.

8           Chairman Sainato, would you like to go first?

9           VA&EP MINORITY CHAIRMAN SAINATO: Yes. Thank  
10 you, Chairman Barrar.

11           I think this was a very good hearing. We went  
12 over 5 hours and 10 minutes. This is probably the longest  
13 hearing we've had as a Committee in the last 3-1/2 years  
14 since Chairman Barrar and I became the Chairmen, but I  
15 think the time was well spent absorbing, listening, and  
16 getting the information.

17           We had a lot of Members come in and out today  
18 because there's a lot of activity here. Even though this  
19 is a non-session week, we are here doing people's business,  
20 as you all see, and we thank you for coming from all over  
21 the State to be with us today because it is vitally  
22 important. This is a very critical issue. I know for my  
23 towers back home, we've had those conversations, and the  
24 number one goal, as I know Representative Costa said and  
25 Chairman Barrar is public safety. I think that's something

1       you couldn't put a price tag on.

2               So I do thank everyone for their time, efforts,  
3       and we look forward as this process moves forward. Thank  
4       you.

5               VA&EP MAJORITY CHAIRMAN BARRAR: Representative  
6       Stevenson.

7               REPRESENTATIVE STEVENSON: Thank you, Chairman  
8       Barrar. I would like to thank you and Chairman Marsico for  
9       holding this hearing on this vitally important issue.

10              As I said at the outset, I hope that what comes  
11      from this hearing is a way forward and we had a lot of  
12      suggestions, I think good suggestions today about  
13      legislative approaches and other ideas as well and those  
14      will all be taken into account.

15              I want to thank everyone for coming today and for  
16      sticking with us through the five hours and wish you all  
17      safe travel on the way home. Thank you.

18              VA&EP MAJORITY CHAIRMAN BARRAR: I know a lot of  
19      the Representatives that have stayed have constituents in  
20      the audience. Did you want to make any closing statement  
21      at this time, any of the Representatives?

22              I will start with Representative Marshall.

23              REPRESENTATIVE MARSHALL: Thank you,  
24      Mr. Chairman.

25              Indeed, it was a long hearing and certainly

1 worthwhile. I did want to recognize that Dan Donald is  
2 here from Beaver County from Moore's Auto Wrecking. And  
3 I've met with him and other towers and recovery and tow  
4 personnel in Beaver County. I certainly welcome him to  
5 Harrisburg and thank him for his time spent here.

6 And I also wanted to mention I have a great deal  
7 of respect and I owe a lot of thanks to Representative  
8 Stevenson for introducing me to this issue. It certainly  
9 was probably in his area before mine in Beaver County, but  
10 he's been a leader in this effort. And all of his  
11 constituents should know how hard he's worked for them  
12 especially on this issue.

13 Thank you, Mr. Chairman.

14 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

15 Representative Costa.

16 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

17 I just want to thank everyone. I think we all  
18 look at you all as all of our constituents. We're here to  
19 look out for everyone on both parts. I'm looking out for  
20 the businesses, I'm looking out for my troopers, and one  
21 thing Commissioner Noonan, and I caught him one day when he  
22 was talking, he said "my troopers." That tells me he has a  
23 great love and respect for his troopers. When I was the  
24 chief of police, they were my officers. So these are my  
25 troopers and I'm looking out for them, too, and I want to

1 make sure that we get something that's fair.

2 Instant communication is very, very important.

3 When 9/11 hit, we lost all communications with cell phones,  
4 computers. But guess what? The two-way radios in  
5 Pittsburgh worked. That's the only thing that got us  
6 through and we were able to manage our departments and keep  
7 us going.

8 So I want to wish everyone God speed home and a  
9 safe trip. And I thank you very much.

10 And, Chairman, thank you for having this.

11 VA&EP MAJORITY CHAIRMAN BARRAR: Thank you.

12 Anyone else? Anyone want to make a statement? Okay.

13 It was a good hearing, rather longer than we  
14 thought. We had actually planned to be out of here by  
15 12:30, 1:00, which shows the interest level of this, the  
16 fact that so many of the Members stayed the entire length  
17 of the hearing.

18 We did hear quite a bit of conflicting testimony  
19 during this hearing and I think it raises still a lot more  
20 questions that need to be answered. Our primary concern  
21 here is emergency response and a response time of our  
22 towers. I know our constituents get very impatient when  
23 the roads are blocked, they can't get through, they're  
24 coming home from work, and that's their main concern is how  
25 fast can we get the roads clear?

1           Where we go from here is not exactly clear. The  
2 decision to enter into this contract is an executive  
3 decision and the only solution then for us as legislators  
4 would be to do some type of legislative solution. We've  
5 heard about licensing, which I think is a reality that what  
6 could be done here. I don't know if it corrects the other  
7 issue here because then there's still the issue of  
8 inspections and enforcement and due process that the towers  
9 would have to adhere to.

10           I hope the State Police in moving forward with  
11 this pilot program will keep us informed of what is going  
12 on, the concerns that you are hearing from the towers and  
13 also from AR, and that we would like to be part of that  
14 final determination along with the towers and the first  
15 responders if this pilot program goes forward.

16           To the towers that are currently in the system, I  
17 think it's imperative that you stay in touch with your  
18 legislators to report to them what you're hearing, what  
19 you're experiencing so that we can document that for you  
20 and we need to be your eyes and ears in this and your  
21 voice. And it's important that you not just think that  
22 because the hearing is over that it's over. We want to  
23 continue this. We're going to.

24           Believe me, I think every Representative at this  
25 hearing was passionate about the information that was put

1 out here and we want to continue hearing from you. So  
2 don't be afraid to call us or email, not just us but also  
3 your Representative. If they weren't here today, then let  
4 them know your thoughts on this.

5 I want to thank everyone for their patience, for  
6 their testimony. It was a very long hearing but it's an  
7 important issue to this Committee and I thank you all for  
8 being here. God bless you all. Thank you.

9  
10 (The hearing concluded at 2:45 p.m.)

1           I hereby certify that the foregoing proceedings  
2 are a true and accurate transcription produced from audio  
3 on the said proceedings and that this is a correct  
4 transcript of the same.

5  
6  
7           Christy Snyder

8                   Transcriptionist

9                   Diaz Data Services, LLC