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2
3
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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
TRANSPORTATION COMMITTEE

MATTHEW J. RYAN BUILDING
ROOM 205
HARRISBURG, PENNSYLVANIA

PUBLIC HEARING
SENATE BILL 888 AND
POTENTIAL CHANGES TO PENNSYLVANIA'S
HANDICAPPED PARKING RULES

THURSDAY, JUNE 21, 2018
9:00 A.M.

BEFORE:

- HONORABLE JOHN TAYLOR, MAJORITY CHAIRMAN
- HONORABLE ROSEMARY BROWN
- HONORABLE LYNDA SCHLEGEL CULVER
- HONORABLE MINDY FEE
- HONORABLE DOYLE HEFFLEY
- HONORABLE TIM HENNESSEY
- HONORABLE JOHN LAWRENCE
- HONORABLE JIM MARSHALL
- HONORABLE MARGUERITE QUINN
- HONORABLE MICHAEL REESE
- HONORABLE GREG ROTHMAN
- HONORABLE WILLIAM KELLER, MINORITY CHAIRMAN
- HONORABLE TIM BRIGGS
- HONORABLE MARIA DONATUCCI
- HONORABLE WILLIAM KORTZ
- HONORABLE ROB MATZIE
- HONORABLE ED NEILSON
- HONORABLE PERRY WARREN

ALSO PRESENT:

ERIC BUGAILE, MAJORITY EXECUTIVE DIRECTOR

BRENDA J. PARDUN, RPR
COURT REPORTER

1	INDEX	
2	INTRODUCTIONS	3
3	OPENING REMARKS	5
4	SENATOR SCOTT MARTIN 13TH SENATORIAL DISTRICT	
5	BOB PENTO	11
6	SECTION CHIEF FOR TRAFFIC AND ENGINEERING PERMITS	
7	PENNSYLVANIA DEPARTMENT OF TRANSPORTATION	
8	CORINNE O'CONNOR	32
9	DEPUTY DIRECTOR OF ON-STREET PARKING PHILADELPHIA PARKING AUTHORITY	
10	JOHN V. KULIK	48
11	EXECUTIVE VICE PRESIDENT PENNSYLVANIA PETROLEUM ASSOCIATION	
12		
13		
14		
15	SUBMITTED WRITTEN TESTIMONY	
16	* * *	
17	(See submitted written testimony and handouts	
18	online.)	
19		
20		
21		
22		
23		
24		
25		

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

2 MAJORITY CHAIRMAN TAYLOR: Good
3 morning, everyone. Thanks for coming.

4 I'd like to call this really
5 informational meeting to order.

6 We're going start out by having
7 members that are present introduce themselves.
8 We'll start to my far left, Representative
9 Lawrence.

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

12 Representative John Lawrence,
13 southern Chester County and a part of
14 Lancaster County.

15 REPRESENTATIVE MATZIE: Rob Matzie,
16 Beaver County and a small part of Allegheny
17 County.

18 REPRESENTATIVE MARSHALL: Good
19 morning. Jim Marshall, Beaver County and
20 Butler County.

21 MINORITY CHAIRMAN KELLER: Bill
22 Keller, south Philadelphia.

23 REPRESENTATIVE HENNESSEY: Tim
24 Hennessey, the 26th District, southeast
25 Pennsylvania, Chester and a little bit of

1 Montgomery County.

2 REPRESENTATIVE REESE: Good morning
3 everyone. Mike Reese, 59th District,
4 Westmoreland, Somerset counties.

5 MAJORITY CHAIRMAN TAYLOR: Thanks.

6 I'm sure we'll be joined by many
7 members in our hour here. We're going to
8 spend an hour talking about a Senate Bill 888.
9 It's Senator Scott Martin's bill and Senator
10 Rafferty's bill.

11 I think they've identified a problem
12 throughout different -- the private sector in
13 Pennsylvania, where people have trouble
14 gaining access to their -- to the disability
15 spots that we've created in statute. And we
16 want to make sure that they actually have the
17 effect that they're intended to have.

18 With that, Mr. Chairman.

19 MINORITY CHAIRMAN KELLER: Thank you,
20 Mr. Chairman.

21 I'd like, always -- and I think we
22 have very good informational meetings. And
23 I'm sure we're going to learn a lot today and
24 hopefully correct the problems that exist.

25 Thank you.

1 MAJORITY CHAIRMAN TAYLOR: Thanks.

2 We've been joined by Representative
3 Rothman.

4 At this point, we have with us
5 Senator Scott Martin, from the 13th Senatorial
6 District. And we'd like him to join us now,
7 if he would, and give us some perspective on
8 Senate Bill 888.

9 SENATOR MARTIN: Good morning.

10 MAJORITY CHAIRMAN TAYLOR: Good
11 morning, Senator.

12 SENATOR MARTIN: Thank you for having
13 me, Mr. Chairman and all the members of the
14 committee.

15 I think everyone received a picture,
16 I think that was rather -- unfortunately, this
17 is actually a real situation. This wasn't
18 staged. This young lady happened to post it
19 on social media as to what some folks, who are
20 just looking to live their lives everyday like
21 we do, go to the grocery store or wherever,
22 some of the problems that they run into.

23 And I originally was approached by
24 David Weiser, who's a police officer with the
25 Lancaster City Police, who was in a tragic

1 motorcycle accident and paralyzed from the
2 waist down. He still works for the
3 department. And he would tell me stories of
4 some of the situations that he ran into. And
5 I think one that was very telling to me was
6 just a simple trip to the grocery store. He
7 has a van, obviously, with a mobility ramp in
8 order to get on. And coming out, a massive
9 motorcycle parked where he couldn't even open
10 his ramp. And, here he is, with his milk, his
11 eggs, and where he proceeded to stay there for
12 three hours before the person returned from
13 whatever they were doing in order to move
14 their bicycle.

15 And the problem we discovered, there
16 was a lot of police departments, with some
17 lack of clarity in the law, who are afraid to
18 address the issue of the access aisles in
19 terms of ticketing. There were MDJs who had
20 that same lack of clarity in trying to address
21 it. And what we're trying to do is highlight
22 what the importance of this is.

23 As you'll see, Senate Bill 888 will
24 improve access to disabled parking spaces and
25 focuses on prohibiting the obstruction of

1 access aisles and strengthening enforcement
2 measures when a disabled person attempts to
3 park their vehicle, they're unable to because
4 of an object or another vehicle is partially
5 or completely blocking the access aisle. It's
6 the area that is generally marked with
7 diagonal lines adjoining a parking space
8 reserved for persons with disabilities. And
9 it's a very necessary portion of being able --
10 why we even have these spots for folks that
11 are wheelchair-bound to be able to actually
12 get into their vehicle or out of their
13 vehicle.

14 Pennsylvania law prohibits
15 unauthorized use of parking spaces designated
16 for disabled persons, but it's currently
17 silent in the blocking or improper use of the
18 access aisles. And this is what this bill is
19 trying to address.

20 And I'll just say, in closing -- I
21 don't want to talk for too long -- it's an
22 interesting topic that I never really thought
23 about before, but the moment that it was
24 brought to my attention, it's almost on a
25 daily basis I see, whether a Turkey Hill in

1 Lancaster County or I go the mall.

2 As a matter of fact, just a closing
3 funny story, when Senator Rafferty and I were
4 introducing this bill, we were going to have a
5 press conference, and we were finding a
6 parking lot to do this. We looked at the
7 Lancaster City Police station, behind them,
8 where they have two spaces with access aisles.
9 And even in that location, when we were
10 looking to do it there, there were two
11 vehicles parked in the access aisles, in the
12 very workplace that Officer Weiser works at.

13 So, now I see it all the time, and I
14 bet you guys will, too, as you're out and
15 about.

16 So, that basically is the summary of
17 the bill, Mr. Chairman.

18 MAJORITY CHAIRMAN TAYLOR: Thank you,
19 Senator.

20 And I know that this is a -- it's
21 really a combination bill of your concept and
22 some others. We're going to look at the
23 entire bill today. I think a lot of the
24 sections that deal with your topic are going
25 to be fine. So, the other are -- there have

1 been more complications to.

2 SENATOR MARTIN: I just want to
3 commend you and your staff for working
4 collaboratively on this. And, in the end,
5 there could be some changes, which, you know,
6 I just think that the end product is what the
7 end goal is, and everyone's working in the
8 right direction. I appreciate that.

9 MAJORITY CHAIRMAN TAYLOR: Thanks.

10 Any questions for Senator Martin?

11 Representative Fee.

12 REPRESENTATIVE FEE: I just wanted to
13 thank you, Senator Martin.

14 I met Officer Weiser and came and
15 spoke with me. And, truly -- I mean, you're
16 right. It's something you don't think about,
17 but I have looked around and I've noticed it
18 every time since -- since you've -- since
19 you've come into me. So, thank you for
20 bringing this to our attention.

21 SENATOR MARTIN: Thank you,
22 Representative.

23 MAJORITY CHAIRMAN TAYLOR:
24 Representative Rothman.

25 REPRESENTATIVE ROTHMAN: Thank you,

1 Senator Martin.

2 Does your bill do anything about the
3 misuse of placards? Or, also, I've noticed in
4 some areas that, you know, entire blocks of
5 city streets with handicapped signs and
6 placards. I certainly am -- and, you know,
7 maybe we've all seen someone get out of a car
8 parked in a handicapped spot that at least
9 doesn't appear to be physically handicapped
10 and using other people's placards.

11 And I even saw an Uber driver with
12 a -- well, I don't if he was an Uber driver --
13 but with a handicapped placard pull into a
14 handicapped parking space.

15 SENATOR MARTIN: There are components
16 of this bill that deal with that, with the
17 illegal use of those placards. I know I -- I
18 wish Senator Rafferty could join me today --
19 that was his portion of the bill -- to get
20 into it in more detail. But, yes, it does
21 attempt to deal with that.

22 MAJORITY CHAIRMAN TAYLOR: Thank you.

23 Anyone else?

24 Senator, thank you. We're going to
25 hear from folks today to try to give us what

1 we think is an expert opinion on the bill in
2 general. But the overall goal is noted. And
3 we're going to do our best to accomplish it.

4 SENATOR MARTIN: Thank you,
5 Mr. Chairman.

6 Thank you, everybody.

7 MAJORITY CHAIRMAN TAYLOR: We've been
8 joined by Representative Culver,
9 Representative Neilson. Anyone else joined us
10 since we -- you motioning to me? No. Oh,
11 Representative Briggs, Representative Kortz,
12 Representative Donatucci. We're going to end
13 up with a full complement of folks.

14 I'd like to ask Bob Pento, who's the
15 section chief of traffic and engineering
16 permits from our Department of Transportation.

17 Bob, good morning.

18 MR. PENTO: Good morning. I'll keep
19 this brief.

20 I'd like to clarify, again, like to
21 thank the Senate -- sorry, the House
22 Transportation Committee members for this
23 opportunity to express our concerns regarding
24 this bill.

25 Again, absolutely support the intent

1 of this bill. The points that I'm going to --
2 that I'm going to express are really kind of
3 more clarification that we think would be
4 appropriate for the bill, just to avoid any
5 possibility of misinterpretations. But the
6 intent we clearly support.

7 So, the issue that -- a couple issues
8 that I would want to bring up --

9 MAJORITY CHAIRMAN TAYLOR: I'm sorry.
10 Pull that closer to you.

11 MR. PENTO: Sure. Sorry about that.

12 Beginning on page three, line thirty
13 of the bill, there's a -- it establishes that
14 the Department shall not be deemed to be an
15 owner of a parking space and not maintain
16 stopping, standing, or parking signs, access
17 aisles, or parking space markings.

18 I'd want to note that PennDOT's
19 currently responsible -- you know, although
20 these lots are typically privately operated
21 or -- by municipalities, PennDOT does maintain
22 and operate numerous Park and Ride lots
23 through the state that were designed and
24 construction as part of Department of
25 Transportation projects. And, as such, we

1 maintain those facilities, including the
2 traffic control devices.

3 So, although the wording in this
4 section was initially suggested to clarify
5 that, per Title 67, the Department is not and
6 should not be considered responsible to
7 maintain traffic control devices for parking
8 spaces on state or local roadways or private
9 lots, it shouldn't be construed to remove the
10 Department's current duty to build and
11 maintain Park and Ride lots, which are an
12 important element of our intermodal
13 transportation system. So, that point.

14 The second point I'd want to clarify
15 is the bill establishes that the Department
16 may permit or -- may permit a person or local
17 authority to design, install, and maintain the
18 stopping, standing, or parking sign -- parking
19 signs, access aisles, or parking space
20 markings.

21 So, similarly to the previous point
22 that I made, although PennDOT regulation --
23 although Pennsylvania regulations stipulate
24 that PennDOT has the sole authority to develop
25 and adopt standards for traffic control

1 devices for use in the commonwealth, we
2 recognize the term "design," as used in this
3 bill, could be misinterpreted to supersede
4 Chapter 212 and giving parties other than
5 Department the authority to establish their
6 own standards for designs for parking lots
7 using Commonwealth -- for those signs and
8 markings.

9 This was -- this was not the
10 Department's intent, which was limited to
11 municipalities completing designs for parking
12 lots, including the signing, using
13 Commonwealth-established standards for signs
14 and pavement markings. So, since that
15 misinterpretation could potentially create a
16 wide range of parking-related sign designs and
17 pavement marking standards, which could vary
18 from municipality to municipality, confusing
19 motorists, law enforcement, and -- and the
20 Department staff, we think that point should
21 be further clarified in the bill.

22 Although a lesser concern, the point
23 that we would want to make is, the bill
24 establishes that the Department may promulgate
25 regulations pertaining to signs, signing,

1 markings, and proper use of parking space,
2 curb ramp, and access aisles on public or
3 private property reserved for persons with a
4 disability. We'd like to clarify that it's --
5 that there are both -- there is federal
6 regulations and guidance that are available
7 for these features, under the 2010 American
8 Disabilities Act, there are standards that
9 were adopted, as well as the Public
10 Right-of-Way Accessibility Guidelines, or
11 PROWAG, which has not been adopted by the
12 Department of Justice yet as a regulation, but
13 we anticipate that it will be at some point.

14 So, in summary, the Department
15 doesn't intend to promulgate its own
16 regulations regarding -- regulation as it
17 relates to the dimensions and standards for
18 these -- these access aisles, and persons --
19 persons with disability-related standards.
20 We'd rather follow and defer to federal
21 regulations and guidance. That's our typical
22 practice.

23 So, those would be the three points
24 that we think would be worthwhile clarifying
25 in the bill. Other than that, really isn't --

1 I believe, with the current draft, any other
2 previous concerns we had have been addressed.

3 MAJORITY CHAIRMAN TAYLOR: Thanks.

4 And trying to look at this, just a
5 commonsense point of view, to really
6 accomplish what Senator Martin is looking to
7 accomplish. Just let me ask you this. I
8 don't know if you saw this. And this --

9 Can someone give Bob this photo?

10 Do you have it in front of you, Bob?

11 MR. PENTO: I don't.

12 Oh, thank you.

13 MAJORITY CHAIRMAN TAYLOR: So, this
14 is, you know, depicts -- for our audience who
15 can't see these, it depicts a person who is
16 trying to gain access to their own vehicle but
17 cannot because the -- the car is blocking it.
18 And, you know, I understand your point about
19 multiple signage and different municipalities
20 do different things. But -- I mean, what --
21 it may be an expense. But if there was a sign
22 placed right between those two vehicles that
23 you guys would authorize, that was bright and
24 loud and crystal clear that, in addition to
25 the markings on the ground, that really stated

1 that this person -- you know, that something's
2 going to fold out of that vehicles, right, a
3 ramp or a door or a doorway, you know, as loud
4 and clear as we possibly could do it, would
5 that violate anything from a federal
6 standpoint?

7 MR. PENTO: To be honest with you,
8 I'd have to get back to you on that question.
9 We can do so today. I would want to confirm
10 --

11 MAJORITY CHAIRMAN TAYLOR: There's
12 no -- there's no requirement to have a sign as
13 well as the markings on the ground.

14 MR. PENTO: You have the sign for --
15 you have the sign for the designated space
16 itself. But for the access aisle, it's my
17 understanding there's not -- there's not a
18 requirement for a sign, but I'd want to
19 clarify with our ADA expert, and let us get
20 back to you on that.

21 MAJORITY CHAIRMAN TAYLOR: Because --
22 if the goal is to make sure someone doesn't
23 enter that; right? This driver even in this
24 picture probably knows he's not supposed to be
25 there, but probably doesn't know the extent of

1 why he's not supposed to be there. Because I
2 don't know the average driver can pick that
3 up. They know they're parking somewhere they
4 shouldn't, but I don't think they know the
5 result is going to be that which is depicted
6 here. And I think, you know, in addition to
7 the markings on the ground and in addition to
8 the sign, if we had something in the access
9 spot.

10 But that's -- I mean, you can check
11 that to make sure that, before we do anything,
12 that it's -- that it's permissible from a
13 federal point of view.

14 Chairman Keller.

15 MINORITY CHAIRMAN KELLER: Yes. I
16 don't know if you know the answer to this. Is
17 it up to each individual -- individual
18 municipality? Could this be a violation where
19 you would get that car towed that's parked in
20 the access aisle?

21 MR. PENTO: I know the -- the vehicle
22 that is parked in the access aisle I believe
23 is subject to the -- subject to the penalty
24 that's on -- that's viewed as parking in the
25 space itself. So, they'd be -- they'd be

1 exposed to the fine. I'm not sure about the
2 towing requirement, but, again --

3 MINORITY CHAIRMAN KELLER: Well, if
4 we change that, if it was towing, you wouldn't
5 have to wait around three hours. You could
6 just -- especially in Philadelphia. You call
7 the tow trucks, they're there like that.

8 MR. PENTO: I agree.

9 MINORITY CHAIRMAN KELLER: All right.
10 So, that may be a solution?

11 I just asked if there's a -- if it's
12 individual municipalities, where if we could
13 put a law that, besides the fines that are
14 involved in this, if you -- if that could
15 be -- if that car would be towed, if we
16 changed the law. And I said, in Philadelphia,
17 if you call a tow truck, they're there
18 immediately. You wouldn't have to wait.

19 MR. PENTO: A lot of towing.

20 MINORITY CHAIRMAN KELLER: A lot of
21 towing. And you wouldn't have to wait three
22 hours. You just call -- call the police and
23 they'd have a tow truck there and away they
24 go. Do that a couple times, they'll never
25 park in there again.

1 MR. PENTO: Certainly.

2 MAJORITY CHAIRMAN TAYLOR: Chairman
3 Hennessey.

4 REPRESENTATIVE HENNESSEY: Thanks,
5 John.

6 Mr. --

7 MR. PENTO: Pento.

8 REPRESENTATIVE HENNESSEY: I'm sorry.
9 I don't have my contacts in this morning.

10 Just a suggestion. In the access
11 lane, couldn't we put a smaller wheelchair
12 silhouette, like you use to mark the actual
13 parking space for the car? You could do it --
14 you know, superimpose a wheelchair silhouette
15 right over those hash marks, which would -- I
16 would think would convey the idea that, you
17 know, the space is a wider one than a simple
18 car, and it would give the reason -- or would
19 give some indication to a driver as to why he
20 wasn't supposed to park on those hash marks.

21 Does PennDOT have any kind of process
22 for the issuance -- I know they have a process
23 for the issuance of placards -- for the
24 allowance of parking spaces? Or do you simply
25 leave it to the municipalities?

1 In my experience, Coatesville, they
2 would adopt an ordinance, specifically
3 locating a parking space five hundred feet
4 from the corner of such-and-such on the south
5 side of the road or south side of Walnut
6 Street, for example. And that was generally
7 done at the request of someone who had a
8 disabled child or whatever or perhaps was
9 disabled themselves.

10 But then the problem came when
11 somebody else, who was disabled, happened to
12 be on Walnut Street and parked in that space.
13 And the people who asked for the parking space
14 to be created, the handicapped space to be
15 created, almost seemed to take ownership of it
16 and think it's theirs and they're the only
17 ones that are allowed to park in that space.

18 I think under the law, even as the
19 exists today, anyone who has a handicapped
20 placard could use that space, even though it
21 was really, you know, it was -- it resulted as
22 a, you know, request from a private
23 individual.

24 MR. PENTO: I would see that as
25 something solely addressed at the municipal

1 level through an ordinance. And that scenario
2 that you mentioned is --

3 REPRESENTATIVE HENNESSEY: Does
4 PennDOT have any guideline as far as what
5 municipalities could do? Because, I mean,
6 townships are out there, so many townships out
7 there, thousands of them. It would seem to me
8 that PennDOT would be -- it would be helpful
9 if PennDOT could say, This is the way you're
10 supposed to handle these kind of situations,
11 as a suggestion.

12 MR. PENTO: It's -- again, we have an
13 ADA expert. Unfortunately, I'm not that
14 person for ADA, and I can confirm, but it's my
15 understanding that any -- as far as the number
16 of handicapped spaces, and, you know, layout,
17 dimensions of access aisles, those types of
18 issues, are all established in federal
19 regulations and policy, and we defer to -- we
20 defer to those regulations and policies.

21 And, actually, our role is that -- is
22 we're more focused on the driveway into the
23 parking lot. Now, you're talking on-street
24 parking, it sounds like.

25 REPRESENTATIVE HENNESSEY: Generally.

1 MR. PENTO: Again, it would be
2 establishing the need for that, and
3 maintaining it would be the municipality. To
4 my understanding, we have no guidelines or
5 guidance that we offer municipalities, but I
6 can confirm that.

7 REPRESENTATIVE HENNESSEY: And for
8 signage, generally have the blue sign with the
9 white silhouette of the wheelchair. If -- and
10 the bill, it speaks of putting these things
11 on, you know, leasing private property, to be
12 a private -- to allow a person to lease a
13 parking space and handicapped.

14 Would PennDOT provide signage for a
15 private space like that, or don't you know?

16 MR. PENTO: We wouldn't provide it.
17 We would establish the standard, and then it
18 would be either the municipality, or if it's a
19 private lot, the developer over whoever
20 operates the lot, to actually purchase, erect,
21 and maintain that sign. We would just -- we
22 just develop the standard and adopt it. So,
23 it's not --

24 REPRESENTATIVE HENNESSEY: So, then,
25 as a private -- you know, a parking lot owner

1 or a private lessee of a space, I would then
2 be able to go to a sign store and get a --
3 some sort of the standardized sign that
4 PennDOT had approved? Or --

5 MR. PENTO: As long as it's -- as
6 long as it's a sign that meets the
7 Department -- that meets the Department
8 standard.

9 REPRESENTATIVE HENNESSEY: It would
10 just seem a little bit -- it would seem
11 helpful to have the inventory in PennDOT, that
12 somebody would call up and say, How much does
13 a sign cost? Send it down our way.

14 MR. PENTO: There's -- I guess I
15 would defer to -- in Chapter 212, there's a
16 number of -- it kind of stipulates which
17 traffic control devices PennDOT's responsible
18 for versus municipalities. And this would
19 clearly be one of those that the Department
20 doesn't -- doesn't provide. We establish a
21 standard, but we don't provide them.

22 REPRESENTATIVE HENNESSEY: Okay. My
23 suggestion would be perhaps you should relook
24 at that, because it would make sense to have a
25 standard sign all over the commonwealth.

1 Thanks, Mr. Chairman.

2 MR. PENTO: Sure.

3 MAJORITY CHAIRMAN TAYLOR:

4 Representative Neilson, did you want to add
5 something?

6 REPRESENTATIVE NEILSON: Yeah.

7 The designated markings are designed
8 as a minimum we can use. So, to the
9 representative, we can do all and above that.
10 That's a federal thing.

11 And as far as the signage, if we put
12 the "subject to tow" on that designated spot,
13 we can do that.

14 The Uniform Construction Code, the
15 UCC, defines private parking lots, what they
16 need to do. The municipality can then adjust
17 that into strengthening those laws and make it
18 above and beyond.

19 So, that's covered under the Uniform
20 Construction Code as well as the federal
21 guidelines. And that's where you'll find that
22 information at.

23 MAJORITY CHAIRMAN TAYLOR: Thank you,
24 Eddie.

25 Representative Donatucci.

1 REPRESENTATIVE NEILSON: I know.

2 I usually go on a little further.

3 MAJORITY CHAIRMAN TAYLOR: Things are
4 different around here this week, Ed. It's a
5 different climate.

6 REPRESENTATIVE DONATUCCI: Thank you,
7 Mr. Chairman.

8 And thank you, Mr. Pento, for being
9 here today.

10 I always connect blue with
11 handicapped parking. And I see, in a lot of
12 parking lots, they will have blue stripes for
13 the space itself. So, maybe they should make
14 the cross lines blue, too, so you know that
15 that -- that you are infringing on a
16 handicapped accessibility spot.

17 Is that workable?

18 MR. PENTO: As long as that doesn't
19 conflict with the Manual for Uniform Traffic
20 Control Devices. We're bound to the colors
21 established in the federal MUTCD, and we've
22 adopted that as our standard. So, as long as
23 that doesn't -- doesn't conflict. I'm
24 thinking that may conflict with the MUTCD, but
25 I will confirm that.

1 REPRESENTATIVE DONATUCCI: Okay.

2 Thank you.

3 Thank you, Mr. Chairman.

4 MAJORITY CHAIRMAN TAYLOR:

5 Representative Matzie.

6 REPRESENTATIVE MATZIE: Thank you,

7 Mr. Chairman.

8 And thank you, Mr. Pento, for being
9 here.

10 In your testimony, the one paragraph
11 towards the end, "In short, the Department
12 does not tend to promulgate its own
13 regulations on this matter but rather we would
14 follow the federal regulations and guidance.

15 Does anything prevent state
16 government, PennDOT, from instituting its own
17 rules and regs at least on state government
18 property or government property that the state
19 is in charge of? I know you'd rather use
20 federal and try and keep it standard. But
21 what if we wanted to make it better and more
22 stringent? Does something prevent us from
23 doing that?

24 MR. PENTO: I would have to defer to
25 counsel. I'm sitting here thinking there

1 wouldn't be, but I'd want to confirm with
2 counsel.

3 REPRESENTATIVE MATZIE: That's fair.

4 Just a comment, Mr. Chairman. You
5 know, I think this is a core function of
6 government. You know, will there be a cost?
7 Yes, specifically as it relates to government
8 buildings is concerned. But no one person
9 should be prevented from access on moving
10 freely.

11 And I've got to tell you that, in my
12 experience the last few years with two elderly
13 parents, and my father pretty much is confined
14 to a wheelchair now when we take him out of
15 the house, this has happened to me. And when
16 I explored legislation, I saw one was already
17 introduced. And I would fully and
18 wholeheartedly support efforts to institute
19 that, especially when I have to take him to
20 the hospital, and, I mean, at a hospital, of
21 all places, about not being able to get him
22 out of a handicapped spot or even get him into
23 a bathroom. And I know that's another matter,
24 that doesn't deal with transportation. But
25 it's frustrating to me just to see that that

1 continues to go on, even in a new building.

2 I can understand an older building,
3 sometimes you can't configure some buildings,
4 but, from the perspective of parking, I think
5 we should do everything in our power to allow
6 those who can't move around freely to move
7 around freely. I mean, I think that's just a
8 core function of government, in my mind.

9 Thanks.

10 MAJORITY CHAIRMAN TAYLOR: Thank you.

11 We've been joined by Representative
12 Marguerite Quinn and Representative Doyle
13 Heffley.

14 And turn now to Representative John
15 Lawrence.

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

18 I appreciate you being here today.

19 So, just to clarify, earlier and
20 looking a little bit at your written remarks,
21 with regard to the access aisles and signage
22 in particular, I think the question was asked
23 a little bit earlier, so, is -- I know the
24 federal government has put rules and
25 regulations down, you know, concerning even

1 something as mundane as how road signs should
2 appear, which I think is ridiculous, but it is
3 what it is.

4 Is it your understanding that there
5 is no access aisle signage currently approved
6 by Federal Highway Administration that
7 specifically addresses the issue addressed by
8 the good senator from Lancaster County?

9 MR. PENTO: Sitting here, I'm not a
10 hundred percent sure. I have not seen it, but
11 I want to confirm with our ADA expert in the
12 office and respond back, if I could, just to
13 confirm is there some federal -- federal
14 requirement that would -- that would keep us
15 from installing that type of sign.

16 REPRESENTATIVE LAWRENCE: So, just --
17 and I appreciate that. Sure. Just my
18 feedback would be, just in researching the
19 issue, it looks like a number of states,
20 including Colorado and Hawaii, have already
21 taken action on this issue. And they've
22 developed their own signage. I know that
23 PennDOT's design of the horse and buggy sign,
24 that was a Pennsylvania design, graphic, that
25 ended up being folded into the federal regs,

1 because lots of states have Amish folks, and
2 that's kind of become the standard. It was
3 designed in Pennsylvania. It's become the
4 national standard now.

5 So, it seems like there's precedent
6 for, you know, states coming up with new ideas
7 and the feds approving it. And it looks like
8 other states are active in this area as well.
9 So, it doesn't seem like -- it certainly
10 doesn't sounds like an insurmountable hurdle.

11 So, thank you, Mr. Chairman.

12 MAJORITY CHAIRMAN TAYLOR: Thank you.

13 Anyone else?

14 Bob, thank you very much.

15 MR. PENTO: Thank you.

16 MAJORITY CHAIRMAN TAYLOR: If you can
17 get back to us with those --

18 MR. PENTO: Absolutely.

19 MAJORITY CHAIRMAN TAYLOR: --
20 questions about the federal standards, we'd
21 appreciate it.

22 Our next witness is Corinne O'Connor,
23 from the Philadelphia Parking Authority. And
24 Corinne is the deputy director of on-street
25 parking.

1 Good morning, Corinne. Thank you for
2 being here.

3 MS. O'CONNOR: Thank you for having
4 me.

5 Good morning. And thank you for
6 inviting me to testify on Senate Bill 888. My
7 name is Corinne O'Connor, and I'm the deputy
8 executive director of the Philadelphia Parking
9 Authority.

10 I'm tasked with overseeing all
11 departments that fall under our on-street
12 division, along with the red light camera
13 division and the TLD/TNC division.

14 The ticketing department is one of
15 the departments that fall under on-street. To
16 supply you with some background, there are two
17 hundred and sixty-five budgeted parking
18 enforcement officer positions along with
19 twenty-eight supervisors.

20 On an average day, there are one
21 hundred and seventy parking enforcement
22 officers patrolling the city streets, due to
23 our officers' regular days off and scheduled
24 time off. Their hours consist of the
25 following: 7 -- Sunday from 7:00 a.m. to

1 11:00 p.m.; Monday, Tuesday, Wednesday from
2 6:30 a.m. to 10:30 p.m.; and Thursday, Friday,
3 and Saturday from 6:30 a.m. to midnight.

4 The ticketing staff primarily patrols
5 the center city and university city districts
6 of Philadelphia along with a multitude of
7 business districts and residential permit
8 parking areas. The patrol hours are based off
9 of the hours on the posted regulations. The
10 majority of outlying areas hours of
11 regulations end at 6:30 p.m., which would be
12 then our patrol time. The outlying areas
13 consist of any location north of Spring Garden
14 Street, south of Bainbridge Street, and west
15 of 40th Street.

16 After reviewing Senate Bill 888, the
17 authority cannot fully commit to being
18 available at all locations and hours that this
19 bill is requesting without additional staff.
20 The authority fully supports the disabled
21 community and would respond to this request
22 for enforcement, but Philadelphia is a very
23 large city so we may not be there in five
24 minutes, and it may take some time to get to
25 an area if it's not in a location that we

1 normally patrol.

2 The PPA seeks to utilize new
3 technologies, such as cameras, to enforce
4 certain violations. Some violations may
5 include bus zones and handicapped parking.
6 Cameras allow for video, which is better
7 evidence for court and could be displayed more
8 effectively for this type of enforcement
9 activity.

10 If the request for this type of
11 enforcement are substantial, we would gladly
12 look at the data and form a special task force
13 in which this would be one of our top
14 priorities, but this would take some time,
15 since we would like to see how many requests
16 for this type of enforcement would occur.

17 Another issue that we foresee being a
18 problem with this particular bill is the term
19 "parking enforcement specialist." While the
20 definition itself reflects the duties and
21 responsibilities of what we call "parking
22 enforcement officers" at the authority, those
23 officers are members of the District Council
24 33, Local 1697. The district council has
25 designated these individuals as officers, not

1 specialists. This may create a practical
2 issue for employment purposes, and the
3 committee should consider revising that
4 particular term in Senate Bill 888.

5 Again, thank you for allowing me to
6 testify. I'm happy to take any questions.

7 MAJORITY CHAIRMAN TAYLOR: Thanks,
8 Corinne.

9 I'm going to say this to you but at
10 the same time speaking to our staff a little
11 bit. You know, in the drafting of the bill,
12 would parking enforcement specialist being
13 exactly that which the parking authority
14 employs compared to maybe other municipalities
15 that don't have a parking authority?

16 I don't expect you to answer that,
17 but I think it's a good point. Really posing
18 that to staff.

19 We're going to turn to our expert.

20 REPRESENTATIVE NEILSON: Corinne,
21 wouldn't the Philadelphia police as well write
22 parking tickets as well?

23 MS. O'CONNOR: Correct. So, would
24 not only --

25 REPRESENTATIVE NEILSON: So, if it's

1 outside of your area, we -- they could have a
2 number, meaning the police would have a number
3 to call?

4 MS. O'CONNOR: And in addition to the
5 Philadelphia police, you also have a lot of
6 universities have their own police departments
7 that assist in writing parking tickets, such
8 as Drexel and Temple universities.

9 REPRESENTATIVE NEILSON: Nothing
10 further, Mr. Chairman.

11 Thank you, Corinne, for coming today.

12 MR. BUGAILE: To your point, Ed,
13 that's one of the questions we had in the --
14 in the legislation with the term "parking
15 enforcement specialist." Because -- the
16 vehicle code has been silent on enforcement,
17 because various municipalities have various
18 other methods of enforcement. For instance,
19 even a codes enforcement officer, in some
20 townships where there's no police force, can
21 go out and write a citation. So, it's not
22 really been defined before.

23 MS. O'CONNOR: Right.

24 MR. BUGAILE: And I think, you know,
25 we have to be cautious on whether we really

1 need to define somebody. But then they're
2 taking about seizure of plates by these
3 parking enforcement officers, or placards.

4 That's a question of maybe we wanted
5 to ask about your -- do you feel comfortable
6 that your people could go out and seize
7 somebody's plate as well as somebody's placard
8 from their vehicle?

9 MS. O'CONNOR: Well, I mean, as long
10 as they're properly trained, that would be
11 fine. Right now, if somebody is operating
12 with a fraudulent handicapped placard, we
13 would approach that individual, and people
14 have handed their placards over. To date,
15 we've had about eighty.

16 We have never confiscated anybody's
17 plates. So, that's just -- as long as they're
18 trained properly and we have a protocol set up
19 of what we then do with the plate after it is
20 confiscated, I mean, we could look into that.

21 MAJORITY CHAIRMAN TAYLOR: And
22 could -- could you clear up for us, just --
23 because this is a little broader than just
24 this bill, but for your agency, the powers to
25 tow, when you can and when you can't remove

1 the vehicle?

2 MS. O'CONNOR: So, we tow vehicles
3 off of all city thoroughfares, along with 95,
4 76, and 676. That's with a memo of
5 understanding with the state police. We
6 currently do not go on private property.
7 We'll go on to properties that are managed by
8 the Philadelphia parking authority or owned by
9 the parking authority. But such as like a
10 strip mall that has like a ShopRite, we
11 currently do not do that.

12 Normally, as a -- you referenced
13 earlier, they would have, like, a contract
14 with a private tower who would enforce his
15 illegal parking on their properties.

16 MAJORITY CHAIRMAN TAYLOR: And
17 currently, was this a change in city ordinance
18 where the ticket has to be issued anyway?

19 MS. O'CONNOR: Correct.

20 MAJORITY CHAIRMAN TAYLOR: That would
21 be more of a private tower you would call
22 after a ticket was issued?

23 MS. O'CONNOR: Correct.

24 MAJORITY CHAIRMAN TAYLOR: They just
25 can't roll up and tow your car anymore; is

1 that right?

2 MS. O'CONNOR: Correct.

3 MAJORITY CHAIRMAN TAYLOR: Chairman
4 Hennessey.

5 REPRESENTATIVE HENNESSEY: Thank you,
6 Chairman.

7 Corinne, the question I had asked
8 before, some people tend to take ownership of
9 handicapped spaces. They've asked council to,
10 you know, authorize it in the first place.

11 How does the city deal with competing
12 interests when two people decide that they're
13 going to fight over a space? Or, you know,
14 somebody parked there and the guy who caused
15 it to happen is parked -- is blocked out of
16 his -- what he considers his parking space.
17 Do you have any kind of a system to adjudicate
18 that or --

19 MS. O'CONNOR: Currently, there is no
20 system. As referenced before, if you apply
21 for a handicapped space, you give all your
22 credentials, the sign is posted, but if
23 someone else comes along that's visiting their
24 mother five houses down that has a disabled
25 plate or a disabled placard, there's nothing

1 to stop that individual from using that
2 handicapped space.

3 REPRESENTATIVE HENNESSEY: And it
4 must happen frequently in a city like
5 Philadelphia, where you have a denser
6 population. I'm surprised that it doesn't
7 come up that somebody has some sort of way to
8 mediate that.

9 MS. O'CONNOR: Well, it's the public
10 thoroughfare, so, basically, the way we view
11 it, it's not a private parking space, so they
12 don't necessarily own that space. So, when
13 people call up and complain -- it's on the
14 paperwork when they apply for the zone,
15 letting them know that just because you've
16 been approved for that zone because of your
17 medical criteria, it doesn't make it your
18 personal space. So --

19 REPRESENTATIVE HENNESSEY: Okay.
20 Thank you.

21 MS. O'CONNOR: Nothing we can do
22 about that.

23 REPRESENTATIVE HENNESSEY: Thanks,
24 Mr. Chairman.

25 MAJORITY CHAIRMAN TAYLOR:

1 Representative Donatucci.

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

4 Hello, Corinne.

5 And for people here, in my past life,
6 I adjudicated parking tickets, so I'm a little
7 familiar with this.

8 And I'm going to follow Chairman
9 Hennessey. So, somebody gets a space in front
10 of their house. They have special criteria to
11 have that space. And then somebody visiting
12 parks in there, but they may not have that
13 same criteria, and that's where I have a
14 problem with that.

15 And then I also know, because I had a
16 case like this, where an elderly gentleman had
17 the signs in front of his residence, down the
18 street were two restaurants. He never got to
19 use his space.

20 So, is there any way to remedy that
21 or any way to make it specific?

22 MS. O'CONNOR: I mean, right now, in
23 the current law, I don't see that there's any
24 note saying that you can make that personally
25 your space. I guess the signage would have to

1 say this is for this vehicle and this vehicle
2 only.

3 REPRESENTATIVE DONATUCCI: All right.

4 MS. O'CONNOR: That's the only remedy
5 I can see.

6 REPRESENTATIVE DONATUCCI: Okay. So,
7 if you park in that handicapped spot, it's a
8 three-hundred-dollar fine.

9 MS. O'CONNOR: Correct.
10 Three-oh-one.

11 REPRESENTATIVE DONATUCCI:
12 Three-oh-one. Right.

13 And if somebody, in a parking lot --
14 and I had this happen -- a lot of times, it's
15 between fifty and two hundred dollars, but an
16 officer will go in and write three hundred,
17 and people will come in with pictures of the
18 sign.

19 MS. O'CONNOR: So, on a private lot,
20 they write -- the sign says a different
21 amount?

22 REPRESENTATIVE DONATUCCI: Yeah.
23 Like, in other words, a sign says fifty to two
24 hundred, but the officer will write down three
25 hundred because that's what handicapped

1 parking is in Philadelphia. I was able to
2 reduce them. But what happens? Do they get
3 thrown out if you can't reduce them?

4 MS. O'CONNOR: I would assume so.
5 I'm not really privy to the parking tickets
6 that are issued on private property. I've
7 never seen that before.

8 REPRESENTATIVE DONATUCCI: Okay.

9 MS. O'CONNOR: I can't really give
10 you that answer. Sorry.

11 REPRESENTATIVE DONATUCCI: All right.
12 Thank you.

13 Thank you, Mr. Chair.

14 MAJORITY CHAIRMAN TAYLOR:
15 Representative Kortz.

16 (Whereupon, Representative Kortz
17 proceeded to ask a question that was
18 inaudible.)

19 MS. O'CONNOR: Our hand-held
20 ticketing devices are connected to a back-in.
21 So, if a vehicle -- if a plate does come up
22 stolen, the parking enforcement officer
23 doesn't know all this is going on at the time
24 they're issuing the ticket because they're
25 back end. If the plate is stolen, an alert

1 goes to the Philadelphia police. But the
2 actual parking enforcement officer does not
3 run the plate themselves.

4 (Whereupon, Representative Kortz
5 proceeded to ask a question that was
6 inaudible.)

7 MS. O'CONNOR: Well, it just directly
8 goes to the Philadelphia police. So, I don't
9 know how the -- if the police go out or how
10 fast or how they handle that.

11 (Whereupon, Representative Kortz
12 proceeded to ask a question that was
13 inaudible.)

14 MS. O'CONNOR: Anything's possible.
15 We're going to be going out to an RFP within
16 the next year for a ticket processing
17 contract. The last contract, we purchased our
18 hand-helds through that. So, we can always
19 put that in the contract and request that
20 through the --

21 (Whereupon, Representative Kortz
22 proceeded to ask a question that was
23 inaudible.)

24 MS. O'CONNOR: Yes.

25 MAJORITY CHAIRMAN TAYLOR: We've been

1 joined by Representative Perry Warren.

2 Representative Neilson.

3 REPRESENTATIVE NEILSON: Corinne, it
4 was brought up about parking spots in the
5 streets and people fighting over them. The --
6 isn't that determined by a municipality?
7 Because I believe, in Philadelphia, we can
8 only have one per block?

9 MS. O'CONNOR: So, in Philadelphia,
10 it depends on how much parking is on that
11 street. So, if there's double-sided parking,
12 we do up to four. That's including loading
13 zones. So, we kind of -- there could be three
14 handicapped spaces and one loading zone or two
15 and two.

16 If there's only parking on one side
17 of the street, then we limit it to two.

18 REPRESENTATIVE NEILSON: And when
19 we're on larger streets, like Market Street or
20 something, they're clearly marked as zones,
21 like a bus zone would be --

22 MS. O'CONNOR: Right.

23 REPRESENTATIVE NEILSON: -- signs at
24 both ends and stuff like that, to make certain
25 nobody pulls in there and parks where they're

1 not supposed to. Right?

2 MS. O'CONNOR: Correct.

3 REPRESENTATIVE NEILSON: I just
4 wanted to -- because they were talking about a
5 lot of that stuff can be done by a local
6 municipality. Because I know, for people to
7 get a handicapped spot in our neighborhood,
8 you've got to get the whole street to sign
9 off, and we have to collect signatures on that
10 block, just to make sure the neighbors know
11 we're going to take up a spot for Jane Doe,
12 whoever that might be, and --

13 MS. O'CONNOR: Normally, with a
14 disabled space, if you're applying for that
15 space, if the signs are going to encroach onto
16 your next-door neighbor's property, your
17 next-door neighbor has to agree to allow that.

18 REPRESENTATIVE NEILSON: Thank you,
19 Ms. O'Connor. Have a wonderful day.

20 MS. O'CONNOR: Thanks.

21 MAJORITY CHAIRMAN TAYLOR:
22 Representative Donatucci.

23 REPRESENTATIVE DONATUCCI: Thank you.
24 Corinne, one last question about
25 the -- I always call them the personal parking

1 spaces for the handicapped. When somebody
2 else parks in that space, is there a time
3 limit? Because we had an incident where
4 somebody put their car in that space and it
5 was there for, like, ten days.

6 MS. O'CONNOR: No. There's -- as
7 long as they have the disabled plates or
8 placard, there's nothing we can do to make
9 them move.

10 REPRESENTATIVE DONATUCCI: Okay.
11 Thank you.

12 MAJORITY CHAIRMAN TAYLOR: Any other
13 questions?

14 Corinne, thank you. Thanks for
15 coming to Harrisburg and testifying.

16 We've also been joined by
17 Representative Rosemary Brown.

18 If you're following along with the
19 agenda, Alex, from the Food Merchants
20 Association has submitted testimony and will
21 not be present.

22 So, we are going to ask John Kulik,
23 the executive vice president of the
24 Pennsylvania Petroleum Association, if he
25 would join us.

1 Good morning, John.

2 MR. KULIK: Good morning,
3 Mr. Chairman. And thank you and Chairman
4 Keller for the opportunity to be here today.

5 Pennsylvania Petroleum, I guess the
6 simplest way to describe our membership is
7 refineries ship their products on pipelines.
8 So, it's our folks that go to the pipeline
9 terminals and take heating oil to homes or
10 motor fuel to service stations or industry or
11 whatever. So, we're that -- we're not the
12 refineries. We're kind of the middle people
13 that get the product, all types of petroleum,
14 across in Pennsylvania.

15 And part of our membership -- a large
16 part of our membership, obviously, supplies
17 motor fuel. And in -- we have members that
18 either deliver and own their own convenience
19 stores. Wawa and Sheetz and the bigger
20 companies are -- we don't represent them. But
21 in the event of our folks, they might have
22 thirty stores that are theirs, you know, in
23 different parts of the state, all the way down
24 to maybe operating an individual service
25 station. Mom-and-pop service stations, like

1 we saw years ago, aren't plentiful like they
2 were, but there are still, you know,
3 individual store operators.

4 And I know -- and I will confess,
5 it's been -- my mind's kind of rusty on some
6 of these issues, 'cause when -- the intensity,
7 ten, fifteen, twenty years ago, both on the
8 federal level and on the state level, when we
9 were dealing with issues like this, we were
10 obviously very involved and very concerned.
11 And I mean, the bottom line, we want to make
12 sure customers, you know, were able to get
13 into the locations and aren't basically this
14 discomfort like we saw in that picture that
15 the senator provided.

16 So, I feel like -- so, be happy to
17 participate in discussions going forward, if
18 you're going to look at modernizing the law.
19 I would point out a couple of things.

20 One part of the bill I guess that
21 sort of jumped out to me was the uniformity or
22 lack thereof. If you allow every municipality
23 to come up with a different designation of
24 sign requirements, I think -- you know, right
25 now, it's sort of in the fabric of the

1 industry, the signage you have out there, you
2 know, people recognize it and our people
3 certainly comply with the law.

4 And the other thing I'd point out --
5 and, again, improvements can make things
6 easier for people. Like, in our case, if you
7 have a -- I'm terrible in terms of number of
8 parking spaces at a location. For example,
9 you have a smaller location. You have "X"
10 number of spots. You're designating the
11 appropriate number for -- for the placards.
12 You know, we're not going to be in a case
13 where typically people are going to be in the
14 store for a long time. You know, so if
15 there's somebody there that's blocking
16 access -- and, again, not opposing anything
17 we're talking about here -- it's going to be
18 handled pretty quickly to have a customer,
19 unless he's parked illegally, is going to be
20 nearby to address it.

21 And the other part, just to -- a
22 point of information, since this is an
23 informational hearing, you know, one of the --
24 you pull into a convenience store, and you see
25 the signs that say "vans and SUVs prohibited,"

1 for parking. And, in many cases, it's a lot
2 of spaces. That's under the fire marshal
3 Labor and Industry code, that the clerk has to
4 have a line of sight to people dispensing
5 gasoline. And, again, I'm not in any way
6 saying you shouldn't have adequate space for
7 people in this situation, but I just wanted to
8 at least pass on, you know, the spaces are
9 kind of designated in different ways now.

10 So, again, be very happy to answer
11 any questions, get back to you if I don't know
12 the answers. But very much would want to try
13 to address it to -- you know, to get to the
14 core issue that you're trying to do today.
15 So, I'd be happy to work with you and the
16 staff.

17 MAJORITY CHAIRMAN TAYLOR: Yeah. And
18 I think we have concerns with the lack of
19 uniformity as well. I just think -- and you
20 probably heard my comments earlier -- that
21 there's got to be a way that signage would be
22 just crystal clear, that at least if you're
23 going to violate the law, you're really clear
24 on what you're -- what you're doing and who
25 you're affecting.

1 So, any questions for John? Any
2 comments? No?

3 John, thank you.

4 MR. KULIK: Thank you.

5 MAJORITY CHAIRMAN TAYLOR: We also
6 have received written testimony from Elam
7 Herr, who's the Pennsylvania State Association
8 of Township Supervisors, as well as David
9 Weiser, from Mount Joy, PA. We appreciate
10 those comments.

11 I think it's the committee's
12 intention, certainly, to move forward with
13 this legislation to clear out any ambiguities
14 to make sure that the goal of Senator Martin
15 is fulfilled. So, we'll be doing that as soon
16 as possible, and -- schedule permitting.

17 Chairman Keller.

18 MINORITY CHAIRMAN KELLER: Thank you,
19 Mr. Chairman.

20 Again, I think we've learned a lot
21 here, and I think we have some very good ideas
22 on how to make improvements. And I'm sure
23 you'll move forward with this.

24 Thank you.

25 MAJORITY CHAIRMAN TAYLOR: Thank you,

1 everyone. And thanks to the members for
2 attending and our audience. And see you on the
3 floor.

4 (Whereupon, the hearing concluded at
5 9:50 a.m.)

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the foregoing is a true and accurate transcript, to the best of my ability, produced from audio on the said proceedings.

BRENDA J. PARDUN, RPR
Court Reporter