



**Testimony of Jonathan Bari, Chairman, and Leslie Bari, Vice Chairman,
The Constitutional Walking Tour of Philadelphia
Philadelphia City Council
May 10, 2007**

Tour Guide Licensing

Executive Summary

- We absolutely agree with the importance of Philadelphia's tour guides providing accurate tours, and to that end, The Constitutional Walking Tour invests considerable resources to provide what we feel is Philadelphia's best sightseeing experience of Historic Philadelphia hosted by Philadelphia's best tour guides.
- We are absolutely opposed to any legislation of the current type in the current form which licenses tour guides. We think that this will serve as another tax on our business. Moreover, we think that the City of Philadelphia faces many much more daunting and immediate challenges such as crime, finances and schools, and that is what City Council should be addressing.
- Tour guides will continue to make mistakes and exaggerate on their tours regardless of regulation. It is up to each tour operator to ensure that quality tours are provided, and that is exactly what we do with our strict self-regulated processes.
- The Constitutional appreciates the pragmatic concerns voiced in opposition to this proposed legislation in editorials aired by David Yadgaroff, Vice President & General Manager of KYW Newsradio and published by Bernard Dagenais, Editor of the Philadelphia Business Journal.

Overview

Good afternoon honorable Councilmen and Councilwomen. I am Jonathan Bari, Chairman of The Constitutional Walking Tour of Philadelphia (“The Constitutional”), and I appear here today along with Leslie Bari, Vice Chairman of The Constitutional.¹

I want to thank Councilwoman Blondell Reynolds Brown for her efforts to enhance the City’s arts and cultural community. I also want to thank all of the members of City Council’s Committee on Parks, Recreation and Cultural Affairs for giving us the opportunity to testify before you today.

¹ By way of background, Jon is also an Adjunct Professor of strategic planning at Temple University’s Fox School of Business. He earned a BA in political science from the University of Pennsylvania and an MBA from Columbia Business School. Leslie earned her BA from Tufts University and her MBA from Columbia Business School.

We know that the issue of tour guide licensing sincerely concerns many of us, and to that end, we know that there are strong feelings about this on both sides. We respect the views of everyone, and we appreciate City Council's attention to this matter.

First, we absolutely agree with the importance of Philadelphia's tour guides providing accurate, informative and engaging tours of Philadelphia, and to that end, The Constitutional invests considerable resources to provide what we feel is Philadelphia's best sightseeing experience of Historic Philadelphia hosted by Philadelphia's best tour guides. We would also like to extend a special invitation to City Council to take a "field trip" and follow in the Founding Fathers' footsteps so that you can all see first hand how The Constitutional's tour content is accurate and comprehensive.

That said, we are absolutely opposed to any legislation of the current type in the current form which licenses tour guides. From a big picture perspective, as both business owners and residents of Philadelphia, we are very troubled by the fact that licensing tour guides has arguably become a fast track legislative initiative for City Council at a time when the City of Philadelphia faces many much more daunting and immediate challenges such as crime, finances and schools as well as opportunities for strategic planning as outlined in Center City District's wonderful new 5 year plan for 2007-2012.

David Yadgaroff, Vice President & General Manager of KYW Newsradio aired his editorial against this legislation in April 2007 stating,

"The last thing Philadelphia needs is another layer of bureaucracy to oversee the process....Leave government out of it."²

Further, Bernard Dagenais, Editor of the Philadelphia Business Journal, published his editorial against this legislation dated April 27, 2007 stating,

"As long as there are ways of arriving at historic accuracy that haven't been tried, creating another law is just another restriction on liberty in a city that is a posterchild for freedom. Councilmembers should be the ones to revisit the past, if only to be reminded that onerous taxes and senseless rules were once grounds for revolution."³

The Constitutional's Content & Independence Immersion Training Program

The Constitutional employs part-time tour guides year-round. The Constitutional operates under strict self-regulated standards, adhering to a detailed script that has been fact-checked by qualified personnel numerous times. The Constitutional's content was created through qualified individuals including historical researchers and interpreters from the National Park Service. Most recently on April 23, 2007, Ron Avery read over the script.⁴

² A copy of this **KYW Newsradio Editorial** can be viewed here, <http://www.kyw1060.com/pages/344633.php?contentType=4&contentId=403702>

³ A copy of this **Philadelphia Business Journal Editorial** can be viewed here, <http://www.bizjournals.com/philadelphia/stories/2007/04/30/editorial2.html?hbx=>

⁴ The Constitutional's tour guides are passionate historians and Philadelphians who hail from top academic institutions. In order to provide the optimal visitor experience, The Constitutional's knowledgeable and friendly tour guides have been specially trained by The Constitutional's "Independence Immersion" program, an intensive and fun curriculum focusing on Philadelphia history, American history and local tourist attractions, as well as best practices in public speaking, storytelling, customer service, hospitality and visitor experience.

Have we ever made mistakes on our tours? Sure, since our tour guides are human. Mistakes will undoubtedly occur again with all tour operators, regardless of whether tour guides are licensed or not. The only way to really avoid this would be for every tour to be scripted, vetted and recorded verbatim for accuracy and then played back to visitors. While The Constitutional offers an award winning audio tour, we believe that live guides also serve a purpose and can really bring history alive to visitors.

Whether you are a tour guide or even the President of the United States, mistakes will happen no matter how much training one receives and how much regulation and licensing exists. For example, on May 7, 2007, President Bush welcomed Her Majesty Queen Elizabeth II to the White House and stated, “You helped our nation celebrate its bicentennial in 17-- , 1976”. 1776 almost slipped out, and the crowd on hand erupted in laughter. Unfortunately though, licensing tour guides is no laughing matter to those of us who will pay the price for this good intentioned, but poorly conceived plan.

Top 10 Reasons to Vote NO to the proposed Ordinance

From economic and operational perspectives, the proposed legislation as written is riddled with logistical problems for tour operators and tour guides that range from:

1. **Adding New Costs (and “Taxes”)** – The proposed \$150.00 fee and a weekend worth of classes at Community College is excessive and burdensome, and in all likelihood, tour operators like The Constitutional would have to subsidize these costs (including time) for tour guides, and accordingly, these costs will then be a tax in terms of money and time on small businesses like The Constitutional Guided Walking Tour.
2. **Increasing Consumer Prices** – By increasing costs for tour operators, tour operators will pass these onto consumers with higher prices for all tours in the City, and that is a disservice to visitors who come to experience Philadelphia’s rich history.
3. **Deterring Qualified Guides** – By regulating tour guides and placing onerous restrictions on them, you will deter qualified part-time employees who attend top academic institutions (i.e., Penn and Temple students) since they will pursue other less costly and burdensome opportunities.
4. **Wreaking Havoc on Business Operations** – For seasonally driven businesses that are typically found in the hospitality sector, these new regulations will create new and unnecessary bureaucratic business processes and wreak havoc on small business operations and hiring practices, which hire temporary part-time employees, on an as-needed basis, and may not have the time to allow for testing and licensing if those are only offered several times per year.
5. **Working Against Market Forces** - In a free and unfettered market where all tour operators compete on a level playing field, the quality of tours is one of the factors that should be continually improved upon. The Constitutional strives to competitively differentiate itself in terms of the accuracy and integrity of our history tours.
6. **Censoring Historic Content & Interpretation** – As the old saying goes, “history is open to interpretation,” and as such, this legislation could have the chilling effect to potentially censor historic content and the interpretation thereof.

Additionally, The Constitutional utilizes quality assurance processes including “mystery shopper tourists” who, unknown to the tour guides, go on various tours with The Constitutional’s guides and then provide a performance review to The Constitutional’s management evaluating certain criteria including factual accuracy.

7. **Generating Revenues for the City of Philadelphia** - Based on comments by Councilwoman Reynolds Brown to a Temple University audience on April 13, 2007, she stated that 66.6% of the \$150.00 tour guide licensing fee will go to the City's cultural fund. Having these new fees be revenue accretive to the City of Philadelphia rather than revenue neutral is just wrong! The City's cultural funding should not come from tour guides and tour operators in addition to all of the other taxes that we currently pay.
8. **Creating Potential Conflict of Interests** – As the legislation is currently written, it is vague and therefore it could become potentially beholden administratively to an existing constituent in the tourism ecosystem rather than an independent entity with respect to training and testing, etc. This was one of the key challenges in New York when it was reported that the person who wrote the tour guide test had a conflict of interest because he competed in the marketplace and taught a tour guide enhancement course for NYC & Company, New York's tourist bureau.⁵
9. **Focusing on Narrow Scope** – If the real goal is to provide accurate tourist information, then we argue that limiting oversight to tour guides is not the most effective means to accomplish that goal. For example, one can argue that all paid personnel who have front line contact with visitors including all those people who work either for the Independence Visitor Center Concierge services (in-person, on-site and on-phone) and all Independence National Historical Park front desk staff at the Independence Visitor Center should be subject to these new regulations. For example, in April 2007, one such anecdotal example occurred when we were standing in line at the Independence Visitor Center guest reception desk, and a tourist asked one of the National Park Service rangers where “Antique Row” was, and she said that she “knows its around here, but cannot remember where.”
10. **Accepting the reality that Errors, Omissions & Exaggerations Will Continue to Occur** - Unfortunately, legislation and regulation will not help attain the goal that tour guides provide accurate information. Mistakes will invariably happen, even with all the best efforts and intentions as well as with good intentioned regulation. For example, just because someone has a driver's license does not mean that traffic violations will cease to occur.

Additional Points of Consideration & Practical Solutions to Solve this Problem with No Legislation or Modified Legislation (in no particular order of importance)

- Create common fact sheet that would be available free of charge to all tour guides.
- Subsidize all tour guide licensing initiatives with fees from the City's hotel occupancy tax and/or Philadelphia Business Privilege tax credits to make this be revenue neutral.
- Focus attention and corrective actions on specific tour companies cited in recent published accounts, and the basis of Mr. Avery's letter, for historical errors, omissions and exaggerations rather than on the tour operator industry overall.
- Ensure that any licensing is available on an as-needed, real-time daily basis so that tour guides and tour operators can operate their businesses effectively and efficiently.
- Ensure that all Independence National Historical Park and Independence Visitor Center front desk staff at the Independence Visitor Center are subject to these new regulations.
- Grandfather in all existing tour guides and tour operators to not have the licensing requirement be applicable to those who have been providing tours at that time, if and when the legislation passes.
- Provide a framework of knowledge and testing that is relevant to various tours. The Constitutional is primarily focused on Historic Philadelphia, and therefore our tour guides should not be tested on information about the Art Museum area, for example.

⁵ <http://www.gothamgazette.com/print/450>

- Address how to deal with out of town tour guides and operators who bring their tours to Philadelphia and how it will be equitable to enable them to provide tours as unlicensed tour guides or how it will be practical to license out of town tour guides who regularly bring in groups to Philadelphia. Also, interstate commerce issues may come into play with this aspect.
- Conduct an economic impact analysis on the costs and benefits of enacting tour guide licensing legislation.
- Consider all viable alternatives to regulation, including self-regulation, such as the industry certification that is being done in many big city tourist destinations including Boston and Chicago, according to the National Federation of Tourist Guide Associations - USA.
- Require that all tour guides and/or their tour operators maintain adequate general liability insurance coverage to ensure that our visitors are safe and protected.

Exhibits to Testimony

- **Exhibit A** – Editorial by David Yadgaroff, Vice President and General Manager of KYW Newsradio, WYSP-FM and WPHT-AM, in an editorial aired on KYW in April 2007.
- **Exhibit B** – Editorial by Bernard Dagenais, Editor of the Philadelphia Business Journal, “A tour guide tax in search of truth,” April 27, 2007.
- **Exhibit C** - Copy of letter sent by Jonathan Bari from The Constitutional Walking Tour to Councilwoman Blondell Reynolds Brown on March 29, 2007

About The Constitutional Walking Tour of Philadelphia

The Constitutional Walking Tour of Philadelphia takes visitors on a walking journey through America's Most Historic Square Mile, the birthplace of our nation – “Where Every Day is Independence Day!”™ Located in Center City Philadelphia, The Constitutional includes many sites within the Independence National Historical Park area, which is home to the Liberty Bell and Independence Hall. The Constitutional guides visitors on a walk through history where The Declaration of Independence and The United States Constitution were created. The Constitutional is one of Philadelphia’s “Top 25 Tourist Attractions” as ranked by the Philadelphia Business Journal and one of the leading providers of School Field Trips of Historic Philadelphia. Visitors can experience The Constitutional: 1) on their own as a free, self-guided walking tour, 2) with a lively tour guide for a fee, 3) with the Philly MP3 Audio Tour or 4) via the Constitutional Cell Phone Tour by calling 215-229-TOUR (8687). For more information on The Constitutional’s self-guided tours, guided tours, field trips, private tours, VIP tours and audio tours, please visit www.TheConstitutional.com.

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EDITOR’S NOTES - For the media, please visit The Constitutional’s various online resources:

- **High-resolution Photographs of Historic Philadelphia** are available for media usage at: www.TheConstitutional.com/images .
- **Story Ideas on The Constitutional Walking Tour, Historic Philadelphia and Heritage Tourism** are available for media usage at: www.TheConstitutional.com/StoryIdeas .
- **By the Numbers** statistics on The Constitutional Walking Tour and Historic Philadelphia are available for media usage at: www.TheConstitutional.com/numbers .

The Constitutional Walking Tour

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- **Audio File Sample of The Constitutional Walking Tour's Philly MP3 Audio Tour** is available for media usage at:
www.PhillyMP3.com/sample .