

W. CURTIS THOMAS, MEMBER
301 IRVIS OFFICE BUILDING
P.O. BOX 202181
HARRISBURG, PENNSYLVANIA 17120-2181
PHONE: (717) 787-9471
FAX: (717) 787-7297

530 WEST GIRARD AVENUE
PHILADELPHIA, PENNSYLVANIA 19123
PHONE: (215) 560-3261
FAX: (215) 560-2152



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CHAIRMANSHIP
DEMOCRATIC CHAIRMAN,
HOUSE URBAN AFFAIRS COMMITTEE

COMMITTEES
DEMOCRATIC POLICY COMMITTEE
COMMERCE COMMITTEE
GAMING OVERSIGHT

SPECIAL APPOINTMENTS
MEMBER, EXECUTIVE COMMITTEE, NATIONAL
CONFERENCE OF STATE LEGISLATURES
MEMBER, NCSL, COMMITTEE ON COMMERCE,
TECHNOLOGY AND FINANCIAL INSTITUTIONS
MEMBER, SPEAKER'S LEGISLATIVE REFORM
COMMISSION, PA HOUSE OF REPRESENTATIVES
MEMBER, COUNCIL ON STATE GOVERNMENTS
TRUSTEE, LINCOLN UNIVERSITY
MEMBER, JOINT STATE GOVERNMENT COMMISSION
ON REAL PROPERTY
MEMBER, JOINT STATE GOVERNMENT COMMISSION
ON STROKE PREVENTION

2885

March 16, 2011

Silvan B. Lutkewitte, III
Chairman
Independent Regulatory Review Commission
333 Market St., 14th Fl.
Harrisburg, PA 17101

Re: Proposed Philadelphia Taxicab and Limousine Regulations (Reg. ID 126-1, IRRC #2883)

Dear Chairman Lutkewitte:

Upon review of the proposed rulemaking promulgated for taxicabs and limousines in the city of Philadelphia by the Philadelphia Parking Authority (PPA), I respectfully submit the following comments for consideration by the PPA and IRRC. As Democratic Chairman of the House Urban Affairs Committee, I have had the opportunity to gain perspective on taxicab and limousine operations from the regulators and the regulated community alike. It is in this context that I would like to share a number of concerns that I have regarding the proposed rulemaking.

Cost Issues

My primary concern with the proposed rulemaking relates to the overall fiscal impact that the regulations will have on the regulated community. In the regulatory analysis form submitted to IRRC by the PPA, the agency indicates that "the regulations will be revenue neutral for most regulated persons." Although the PPA acknowledges that stricter vehicle requirements will force some taxicab operators to incur increased costs, the PPA provides no substantive analysis relating to the effect that these and other increased costs, including increased financial responsibility requirements, will have on the regulated community. In order to fully appreciate the potential costs which will be incurred by the regulated community, the PPA should provide a more substantive fiscal analysis along with their proposed regulations.

Also related to the increased costs associated with the proposed regulations, are the more stringent vehicle requirements which have been proposed. While, I understand PPA's mission is to provide a clean and safe experience for the riding public, the new age and

2011 MAR 16 A 11:23

RECEIVED
IRRC

mileage requirements would place a severe economic burden on many taxicab operators. Essentially, the new requirement would force most operators to purchase new vehicles and would jeopardize the economic vitality of many operators. Additionally, the proposed vehicle requirements are in direct conflict with the statutorily mandated vehicle age requirements. 53 Pa.C.S. §5714(a) provides that "No vehicle which is more than eight years old shall continue in operation as a taxicab." Since state law has already outlined the parameters within which vehicles may remain in service as taxicabs, the PPA has no authority to establish provisions which contradict statute.

While many areas of the proposed rulemaking have the potential for raising costs to members of the industry, some others have the potential to significantly limit the financial gains of taxicab operators. Specifically, the provision which establishes a cap on the partial-rights taxicab fleet may substantially reduce the financial viability of this unique service. Aside from the fact that state law provides the PPA with no such authority to place a limit on the number of vehicles which can be placed into service as partial-rights taxicabs, these taxicabs provide a valuable service to notoriously underserved sections of the city. A limit on the number of partial-rights taxicabs which service specific sections of the city would jeopardize the overall volume of service to those areas and should be reconsidered.

Driver Protections

I also share the concerns expressed by the Unified Taxi Workers Alliance of Pennsylvania relating to certain protections for taxi drivers. Specifically, there should be greater flexibility granted to drivers when unforeseen events disrupt their ability to continue as drivers. Consideration should be given to a two-year certification cycle for driver's certificates. This would make the PPA regulations consistent with those promulgated by the Public Utility Commission. Additionally, lease agreements between drivers and vehicle/medallion owners should be in a standardized form prescribed by the PPA. Included in such a standard lease should be whistleblower protection language to protect parties when provisions of a lease are violated. Additionally, drivers and other entities that come before the authority during official proceedings should not have their options for representation limited. In many instances, drivers especially are unable afford legal services and must rely upon *pro bono* representation provided by law students and retired attorneys. The PPA's proposed rulemaking should be sensitive to circumstances such as these and be amended accordingly. Moreover, it is unclear why taxicab drivers would be required to maintain a business privilege license. In instances where drivers do not own a medallion or vehicle, a distinction and exemption should be provided since these individuals would not operate in a business-type fashion.

Further, many drivers have indicated to me the feeling of exclusion as it relates to major decisions which affect the industry. Therefore, the PPA should appoint an ombudsman to serve as an intermediary between the industry and the agency to help ease any tension and to help maintain a healthy relationship between parties. As a collective group, the regulated community has expressed a high level of difficulty with interpreting and fully understanding the provisions of the proposed regulations. The PPA should consider including a provision which requires the agency to produce a handbook for the new regulations and for any subsequent amendments to the regulations. This requirement

would ensure greater understanding of the new guidelines by the regulated community and would have the potential to limit violations and penalties.

Similar to the proposed vehicle requirements, the proposed regulations appear to be in conflict with state law in the area of driver certificates. Specifically, Act 94 provides for the establishment of a driver certification program. However, the proposed rulemaking exceeds the statutorily mandated provisions by creating two separate driver certificate requirements for taxicabs and limousines.

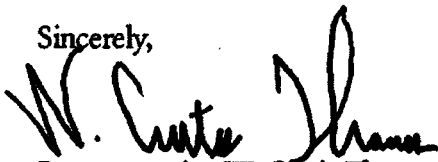
Additional Comments

Disclosure of fines and penalties is noticeably absent from the PPA's proposed regulations. While the range of fees established in the regulations sets forth the parameters of fines and penalties, the fine schedule should be itemized and included in the proposed rulemaking.

Finally, although the regulatory analysis prepared by the PPA indicates that the proposed regulations encourage the use of wheelchair accessible vehicles as taxicabs, the actual incentives for placing a wheelchair accessible vehicle into service as a taxicab are minimal. The PPA should consider including additional incentives, such as reduced assessments, in order to help place more of these vehicles into service. Individuals with physical disabilities have expressed a great need for this form of transportation and anything that the PPA can do to help better facilitate and accommodate that need would be a benefit.

Thank you for the opportunity to comment on the proposed regulations. Please note that additional comments will be forthcoming at some point prior to the final form submission of the proposed rulemaking. By incorporating the recommendations outlined above into the proposed rulemaking, I believe that all the parties affected by these regulations could reach a consensus with greater ease. It is my sincere hope that my comments, along with others will help further promote the safety and economic vitality of the industry.

Sincerely,



Representative W. Curtis Thomas
Democratic Chairman,
House Urban Affairs Committee