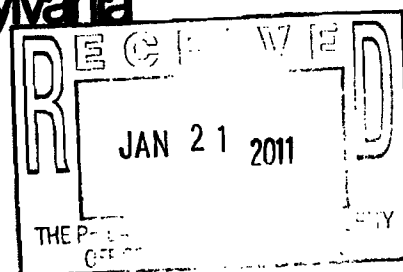


#002

Unified Taxi Workers Alliance of Pennsylvania

4205 Chestnut St. 2nd Fl. Phila. Pa. 19104

(215) 279-0472



January 21, 2011

Philadelphia Parking Authority
c/o Mr. Dennis G. Weldon Jr., General Counsel
3101 Market Street 2nd fl.
Philadelphia, Pa. 19104

RE: IRRRC #2885- Comments to proposed PPA Regulations (PRM-10-001)

Greetings Mr. Weldon;

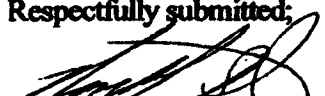
On behalf of the 1,200 members of the Taxi Workers Alliance based in Philadelphia, we would like to thank the Authority for engaging in the Regulatory Review Act process. Secondly, we believe that in many aspects, the Authority has been vital in the taxi industry growth. In the spirit of civility and with the vision of prosperity, we seek to partner with the Authority in creating a vibrant taxicab industry in the city of Philadelphia.

The Unified Taxi Workers Alliance of Pennsylvania (UTWA), was form on May 17th, 2005 and incorporated as a 501(3)c the following year. UTWA is a coalition member of the International Taxi Workers Alliance, Excluded Workers Congress, Media Mobilizing Project, Poverty Initiative at Union, and the Weekend of Peace Coalition.. UTWA and the Brotherhood of Taxi Drivers and Owner-Operators merge by way of an election held on July 9, 2008, creating one major organization to advocate for Philadelphia's taxicab drivers. Currently, our membership totals 1,200 taxicab drivers in the city. These qualifications will hopefully give legitimacy to our comments.

That said, we wonder why the Authority did not submit their fines; in category and dollar amount, to be promulgated in the Regulatory Review process. The fines imposed on the taxi industry continue to climb each year and is having a severe impact on our ability to conduct business. The Authority current fiscal budget is projecting fines to reach over \$340,000. However, according to Act 94, the Authority is only allowed to collect medallion assessment fees, transfer fees, and taxicab drivers' certification fees for budgetary purposes¹. Act 94 clearly states that all fines imposed on the taxi industry shall be place in the "Philadelphia Taxi Regulatory Fund". The legislators' wisdom foresaw a situation where fines would be imposed on the taxi industry not for rehabilitation sake, but to cover expenses incurred by the Authority. We are suggesting that all fines imposed on the taxi industry be submitted to the "Philadelphia Taxi Regulatory Fund" as required by law. We are asking the Authority to submit their taxicab fine structure to the Independent Regulatory Review Commission for proper promulgation.

Enclose, please find a copy of our comments to date. It is our hope, that through this process, the Authority will become a more efficient regulator of the Philadelphia taxi industry.

Respectfully submitted;


Ronald Blount - president


Mohammad Shukur- senior vice-president

¹ House Bill 2654 Session 2004 'Act 94 (page 42 lines 26- pg. 43 line 1)

**PROPOSED RULEMAKING
PHILADELPHIA
PARKING AUTHORITY**

**[52 PA. CODE CHS. 1001, 1003, 1005, 1011, 1013, 1015, 1017, 1019, 1021,
1023, 1025, 1027, 1029, 1051, 1053, 1055, 1057, 1059, 1061, 1063 AND
1065]**

[PRM-10-001]

Philadelphia Taxicab and Limousine Regulations

[41 Pa.B. 435]

[Saturday, January 15, 2011]

The Philadelphia Parking Authority (Authority), on November 22, 2010, adopted a proposed rulemaking order which establishes a body of regulations applicable to Philadelphia taxicabs and limousine service providers. This proposed rulemaking was necessitated by the Commonwealth Court's determination in *Germantown Cab Co. v. Philadelphia Parking Authority*, 993 A.2d 933 (2010), that the Authority's existing local regulations are invalid because they were not promulgated under the act of July 31, 1102

and 1201— 1208), known as 1968 (P. L. 769, No. 240) (45 P. S. §§ the Commonwealth Documents Law. The matter is on appeal to the Supreme Court, but the Authority will proceed with this proposed rulemaking in an abundance of caution.

***Philadelphia Taxicab and Limousine Regulations;
Doc. No. PRM-10-001***

COMMENTS RESPONSE TO PROPOSED RULEMAKING ORDER

PHILADELPHIA TAXI CAB AND LIMOUSINE REGULATION

ORDER DOCKET NO. PR1VI-10-001

IRRC NO. 2885 PHILADELPHIA PARKING AUTHORITY

**REG NO. 126-1 PHILADELPHIA TAXICAB AND LIMOUSINE
REGULATIONS**

Submitted by the Unified Taxi Workers Alliance of Pennsylvania

**c/o Ronald Blount / Mohammad Shukur
president senior vice-president**



Unified Taxi Workers Alliance of Pennsylvania

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page 99 1011.2 g ii- A crime resulting in an order of Accelerated Rehabilitative Disposition, prior to successful completion of the terms of the order.

Comments; Accelerated Rehabilitative Disposition, (ARD), is only offered in summary cases² and should not be considered a crime, since the respondent has not pleaded guilty, nor is the State seeking a guilty plea. Cases involving ARD are non judgmental, the respondent is neither found innocent or guilty. There is an arrangement made between the respondent and the District Attorney's Office that if the respondent is not involved in another incident, then the matter is dismissed. The Authority would be out of their scope as taxi regulator to punish a regulated person in these incidents in which there was no actual guilt of a crime. Act 94 only authorizes the Authority to suspend or revoke rights in the event of felony convictions within a 5 year period. Act 94 makes no mention of ARD cases³. Secondly, it was not the Legislative intent to place taxicab drivers out of work when they are not a threat to the public. This provision will have a severe economic impact on the taxi driver.

page 103-1011.3- (a) 2 : A taxicab driver's certificate will expired one year from its date of issuance or renewal.

Comment; - This provision should be change to every 2 years similar to the PUC. Every other municipality within Pennsylvania renews taxicab drivers' certificates every 2 years. Philadelphia taxicab drivers are not unique to other taxi drivers in the State. This provision will create an economic hardship on taxicab drivers and create unnecessary work for the Authority. The Authority requires taxicab drivers to apply sixty days for renewal prior to the expiration of their taxi driver certificate. If the taxi drivers fail to do so, they can be placed out of work. Two year renewal will prevent many taxi drivers from losing their rights to operate.

page 103-1011.3- (a) 4: All other rights, including waivers issued as provided in § 1005.18 (relating to petitions for issuance, amendment, repeal, or waiver of Authority regulations), will expire one year from the date of issuance or as otherwise provided by order at the time of issuance.

Comments: adding to this provision; waivers should apply to the entire industry not just a particular company. Example- PHL Taxi Company isn't required to have a 2 way radio in the taxicabs, but the rest of the taxi industry in Philadelphia must comply with the regulation or receive a \$300 fine. From our perspective, PHL taxicab drivers are more at risk because of the waiver, and the certificate holder saves money for not installing the 2 way radio. If a dispatch or taxi company wanted special advertising, gps/credit card, or any other waiver, the waiver should apply to the entire industry as not to give that particular company an economic advantage.

² See Attachment 3 - Pennsylvania Code 234 Pa. Code Rule 300

³ See Attachment 1 - House Bill 2654 Session 2004 'Act 94 (page 58- line 18)

page 108- 1011.11 (a)- Certificate holders and brokers shall maintain for five years all records required by the act, this part or an order of the Authority, otherwise kept in the ordinary course of business, in the English language and in a format capable of being easily produced to the Authority.

Comments: Added to this provision that records of leases to taxicab drivers, especially in the case of DOV drivers, shall be maintained for 5 years. Records of who owns the vehicle should be also kept on file. Many cases taxicab drivers transfer the car title to the medallion owner during the length of the lease agreement. This addition would clear up issues when accidents and termination of leasing agreements occur.

page 135-1017.37 (a)—A taxicab is prohibited from providing service after it is involved in one or more of the following:

Comments: – Added to this provision, if it is determined that it is not the taxicab driver's fault, and then the taxicab driver is free from the terms of the lease agreement. If the taxicab is going to be out of service for several days until the Authority is able to complete a compliance inspection, and the taxicab driver is not at fault, the taxicab driver should not be made to pay a lease during this period.

page 139- 1017.62 (b)-) *Transfer of obligations.* A certificate holder may not transfer or assign any obligation related to the condition or operation of a taxicab to any other party, including a taxicab driver, except as provided for in § 1011.6. (relating to fleet program).

Comments: We would add including insurance deductibles, certificate holders' taxi violations, inspection costs, and any other non taxicab drivers' fines or fees. We would further add any cost associated with the installation or transfer of a GPS device. Lastly, we would add, any increase in the medallion assessment fees or any other Authority order

page 140-1017.62 (c 4)- *Basic components of a lease.* A taxicab lease must be in writing and contain information required by the Authority, including the following: The monetary consideration for the lease, in United States Dollars, in an amount consistent with § 1017.63 (relating to wages, maximum lease amounts and uniform rates.)

Comments: The maximum lease cap should be printed on all lease agreements. Many taxicab drivers as well as medallion owners are not aware of the maximum cap. There should also be a minimum wage clause, setting that regardless of the maximum lease cap; a taxicab driver must earn at least the minimum wage set by the state of Pennsylvania. Taxicab drivers should have the rights to petition the Authority for a rate increase or fuel surcharge and petition the Authority to open up an investigation if taxicab drivers' income fall below a living wage. Leases should be clear as to whether it is a daily lease or weekly lease. Daily leases should be renewed daily in order to close the loop hole of overcharging taxi drivers.

page 140- 1017.62 (cS)- *Basic components of a lease.* A taxicab lease must be in writing and contain information required by the Authority, including the following: Any other consideration to be paid by a taxicab driver if different from that set forth in paragraph (4).

Comments: The least cap is all inclusive of the taxicab driver debt to the medallion owner, unless the taxicab driver is purchasing a vehicle for operations from the medallion owner. There shall be no insurance deductible, medallion owners' fines, or other medallion owner expenses transferred to the driver. The Authority should not place all the risk of operations on the taxi drivers and all the profits forward to the medallion owner. The Authority should also add a whistle blower protection clause in this provision to protect taxicab drivers that bring this information to the Authority's attention. Added to this provision, a statute fine for violating the maximum lease cap

page 141-1017.63 (b)- Upon investigation, the Authority will establish, by order, a prevailing minimum wage rate for taxicab drivers and a maximum taxicab lease amount.

Comments: The maximum lease cap should be determined by an independent study that will guarantee a living wage for the driver. There should be a whistle blowing protection clause to protect taxi drivers against lease violations. The daily and weekly lease should be clearly defined and included into the lease agreement. Added to the Authority fine structure, should be a statute for violating the maximum lease cap.

page 141-1017.63 (c)- Upon investigation, the Authority may establish, by order, prevailing employee benefits for taxicab drivers, in addition to a minimum wage.

Comments: The Authority should order that the taxicab driver is covered with some sort of basic economic protection from accidents, assaults, injuries, and death to be provided by the medallion owner. Act 94 seeks to end poverty, unemployment and other forms of social decay via the taxi industry. ¹⁵

The Authority can develop programs using revenues from fines imposed on the taxi industry, revenues from the credit card transactions, and deductibles from taxi drivers and medallion owners to fund a Health and Benefit plan for taxicab drivers. This would insure a steady pool of drivers to service the public. By creating incentives, the Authority will indirectly lower insurance premiums, decrease the number of accidents experienced by drivers, attract better drivers, and stabilize the industry that will fulfill their mission of producing a vibrant taxi industry in the city of Philadelphia

Page 150- 1021.3 (a)- *Maximum number established.* Except as provided in section (c) or when necessary in the public interest, the Authority will issue no more than 3,000 taxicab driver's certificates.

Comments: TWA fully supports this initiative as it will end the exploitation of taxicab drivers in the city. Our main concern with this provision is how the Authority will reach this number. We suggest that it be done by attrition, as taxi drivers leave, retire, quit, or any other form of cease operating a taxi, those numbers should not be replaced. The Authority should suspend their taxicab driver training course while this process is implemented. Since there are 1,600 medallion taxis in Philadelphia, with about 450 owner operators that operate with only one driver, the 3,000 limit on taxi drivers is reasonable. The taxi industry in Philadelphia is not a free market, there is a control on the number of medallions and the meter rates are fixed. Under these conditions it makes sense to limit the number drivers. Lastly, this will insure a more educated fleet of drivers that will better serve the public, insurance rates should decline, and taxi drivers income should increase.

page 151- 1021.4 (a 6)- Ineligible persons for taxicab driver certificate.: (a) In addition to other prohibitions provided in this part, an applicant for a taxicab driver's certificate shall be automatically ineligible under the following circumstances: The applicant does not have a driving history in the United States of America of at least one continuous year prior to the date of application.

Comments: Adding to this provision, a taxicab driver applicant should reside in the Delaware Valley region for a period of 1 year, with a working knowledge of streets and attractions. The taxicab driver applicant should comply with a 5 minute road test to determine their driving skills. It is in the public interests to have driver with a working knowledge of the region and proven ability to safely operate a vehicle.

page 104-1011.3 (c)3D: For taxicab drivers' certificates, Form DR-3 "Driver Renewal" must be filed 60 days before the expiration date printed on the taxicab driver's certificate.

Comments: The Authority should send out formal reminders via U.S. mail to taxicab drivers at least 90 days before the due date, or simply move the expiration date forward by 60 days so that drivers would be in compliance. This will proactively prevent unnecessary fines on taxicab drivers. The Authority could also require taxicab drivers to have e-mail address on file and communicate that way regarding certificate renewals. It would create a hardship on the public, certificate holders, and taxicab drivers when placing taxicab drivers out of service when the situation could be remedied by proactive measures from the Authority.

page 104-1011.3 (e)- *Suspended rights.* Rights subject to suspension for any reason must be renewed on the dates and in the manner provided by this section regardless of the suspended status.

Comments; Added to this provision should be a clause for hardship cases when dealing with time of renewals, for example, if someone has a medical emergency or taking a family leave of absence. The public does not benefit from punishing taxi drivers or certificate holders when they are experiencing these hardships. The Authority relies on electronic mail when communicating with the industry, which is sometimes unreliable. The Authority should communicate with the industry using both U.S. mail and electronic mail

page 104- 1011.4 (a)- *Assessments and renewal fees.* The owners of rights issued by the Authority shall pay an annual assessment or renewal fee in an amount established each year pursuant to section 5707(b) of the act (relating to budget and fees) and as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fees schedule).

Comments: A public process should be established where certificate holders and taxi drivers can show what an impact increased fees will cause before the Authority could raise renewal fees. Pennsylvania General Assembly is forced by law to operate within a balance budget. They do not raise taxes to cover an ever increasing budget, to the contraire, they cut operating cost. Since the Authority took over regulating Philadelphia taxicabs, medallion renewal fees have risen 240% over a 5 year period. There was no study done on the impact that these increase cause on taxicab driver's earnings. Every time the Authority increase certificate holder's cost, it is handed down to the taxicab drivers. According to a report released by the Authority, taxicab drivers in Philadelphia earn about \$4.17 per hour. If no official study is done prior to increasing the Authority's budget, taxicab drivers can find themselves out of work. This provision is conflicted to Act 94 that seeks to end poverty in the city of the first class. The Authority should also forward new budget and fees proposals to certificate holders and taxi drivers by certified mail prior to holding a public hearing. In the Regulatory Analysis Form, in section 8, the Authority ends by claiming "drafting rules and procedures with the intent of fostering clean, safe, and affordable common carrier transportation in Philadelphia without unduly burdening the service provider."⁴ By increasing assessments and fees by 20% each year, the Authority is creating an unduly burden on the service providers.

page 105-1011.4 (c) - *Installment payments.* Upon request by a taxicab certificate holder through the annual renewal form required by § 1011.3 (relating to annual rights renewal process), the Director may permit certificate holders to pay the assessment in two equal installments on or before June 15 and December 15 of each year, as limited by subsections (d) and (e).

⁴ See Attachment 2 (IRRC Regulatory Analysis Form page 2 Section 8)

Comments: The Authority should continue with the current procedure of quarterly payments, and this procedure should be open to all certificate holders without the Director's discretion. Many certificate holders are owner-operators, with a medallion mortgage to pay. Bi-annual or annual renewal fees would create a burden on the small certificate holders, it would be better if the system stayed as is.

page 105-1011.4 (d-1)- In person appointments to pay annual assessments may be scheduled by the Director anytime after the renewal form is filed. If the certificate holder fails to appear at the scheduled appointment, the certificate holder will be charged a scheduling fee as provided in § 1001.43 (relating to Authority fee schedule), in addition to any penalty entered against the certificate holder.

Comments: In person appointments should be changed to a window of a few days for payment, furthermore, a clause should be inserted that covers medical or family hardships that certificate holders may experience. This would allow more flexibility with certificate holders and less work for the Authority. Following this recommendation would not pose a threat to the public and reduce fines imposed on the industry.

page 105-1011.4 (h-1)- A regular assessment or renewal fee payment will be considered late if not paid before 3 p.m. on the day it is due.

Comments: The Authority is a little rigid with this provision; again there should be a hardship clause for medical and family emergencies. The public interests will not be affected if the Authority would give certificate holders a window of several days to make their renewal payments. Most certificate holders are owner-operator and may also be experiencing problems with the vehicle, insurance, radio dispatch fees, or money tied up in credit card transactions. The Authority would do better in relating with the industry if such matters were given serious consideration when implementing policies. Again we would suggest that the Authority create a window of several days in order for certificate holders to pay their assessment fees.

page 106-1011.4 (h-3) - Rights issued by the Authority will expire at the time an assessment payment becomes late and will be immediately placed out of service by the Authority in as provided in § 1003.12 (relating to out of service designation).

Comments; Placing taxicabs out of service when they are late paying their assessment fees is not in the public interests, furthermore, there is no due process as to why the certificate holder was unable to make a timely payment. Again, we are asking the Authority to reconsider this provision and instill a hardship clause for medical and family emergencies. Too much regulation defeats the purpose of a vibrant taxi industry. If every little mistake costs the taxi industry money, the Authority discourages growth and creates a hostile environment within the taxi industry. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Act 94 only states those 30 days prior to the end of the Authority fiscal year, the certificate holder needs to re apply for rights. Act 94 did not order taxicabs out of service for this reason.⁵

⁵ See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 56- line 15)

page 106- 1011.5 (d)- In the event a criminal prosecution is initiated against a regulated party for a crime that may lead to a conviction as defined in §1011.2, the Enforcement Department or Trial Counsel may initiate a formal complaint against the regulated party as provided in § 1005.10 (relating to formal complaints generally) and seek the immediate suspension of rights pending the conclusion of the criminal proceedings.

Comments: A regulated person should have the right to due process before losing their right to earn a living; otherwise, the Authority should compensate the regulated person if the charges are unfounded. A non taxi driver do not lose their right to earn a living when charged with a crime, whether they are a police officer, firefighter, school teacher, politician or any other occupation that works closely with the public. This provision would find the taxicab driver guilty and punish him or her as well as their families, without a trial. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Act 94 clearly states that only a conviction of a felony should interfere with the taxicab driver or certificate holder rights to operate.⁶

page 106- 1011.5 (e)- A person subject to an order of Accelerated Rehabilitative Disposition shall be ineligible to own any interest in any right issued by the Authority until the terms of the order have been complete.

Comments: ARD subjection should have no bearing on a regulated person, none of these cases are a finding of guilt, nor are they a threat to the public interests. Cases considered for ARD are on a summary level⁷, not meriting the cost of court. Act 94 clearly states that the Authority can only suspend rights in the event of a conviction of a felony.⁸

page 106- 1011.6 (a)- The Authority will maintain a fleet program to assist taxicab certificate holders with the process of accurately transferring liability for Philadelphia parking violations from the owner of the vehicle to the taxicab driver assigned to the vehicle when the parking violation was issued.

Comments: The Authority should add a procedure for taxicab drivers to show proof of not driving the taxicab at the time. In several cases, the wrong taxicab driver was given the parking ticket, when they were out of the country, or in the hospital. In all fairness, the Authority should create an avenue for taxicab drivers to present their innocence prior to the certificate holder assigning the parking ticket to the taxicab driver. In the past, the Authority had a program design for this issue.⁹

⁶ See attachment 1: House Bill 2654 Session 204 'Act 94 (page 58- line 25)

⁷ See Attachment 3 – Pennsylvania Code 234 Pa. Code Rule 300

⁸ See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 58- line 25)

⁹ See attachment 4 : PPA email to taxicab drivers dated 7/17/09

page 107- 1011.7 (b and c)- Regulated persons and applicants for any right issued by the Authority shall remain current on the payment of parking violations and moving violations, unless the violation is under appeal. Regulated persons and applicants for any right issued by the Authority shall remain current on the payment of taxes due to the Commonwealth or City of Philadelphia, unless under appeal.

Comments: This is outside the scope of the Authority. The Authority in this matter is a taxi regulator, and should be regulating taxis, not doing IRS, ICE, and FBI functions. It was not the intent of ACT 94 to grant the Authority the ability to become a collection agency for taxes and moving violations. Act 94 granted the Authority the power to regulate taxicabs on a local scope in Philadelphia. Act 94 gives the Authority the rights to collect outstanding fines, penalties, and fees associated with operating a taxicab. The Act also grants the Authority the rights to check for currency of insurance, tariffs, and inspections.¹⁰ There is no mention in the Act for moving violations and tax collections. Furthermore, in the Pennsylvania House Legislative Journal; Representative Taylor, the chief architect of Act 94 clearly gives his vision of what powers the Authority should have in the introduction and in his comments.¹¹

page 107- 1011.7 (d)- Regulated persons and applicants for any right issued by the Authority shall hold and maintain a Business Privilege License issued by the City of Philadelphia and present a copy of the license to the Authority for inspection upon demand.

Comments: This provision should not apply to taxicab drivers. Taxicab drivers are subleasing the taxicabs from certificate holders, similar to an employee.. According to a report released by the Authority, taxicab drivers in Philadelphia are making around \$4.17 per hour. Lastly, this is out of the Authority's scope and has nothing to do with Act 94 or the public interests. Act 94 clearly explains the requirements for obtaining a taxicab drivers' certificate and the Business Privilege License isn't one of the requirement.¹² The Authority is seeking the powers of the Internal Revenue Service, Immigration Enforcement, Philadelphia Police relating to moving violations, and now the Philadelphia Revenue department. There is no mention in the Legislative Journal, Act 94, or the Governor's opinion with the intent of expanding these powers to the Authority. Furthermore, this provision has nothing to do with the public interests, will create a financial hardship to taxi drivers, and is in need of legislative review.

page 108- 1011.12- A person may not aid, abet, encourage or require a regulated party to violate the act, this part or an order of the Authority.

Comments: This provision should in no way effect taxicab drivers' right to strike, protest, or address government about unfair labor practices. Taxicab drivers have a first amendment right to peaceably assemble, *and to petition the Government for a redress of grievances*

¹⁰ See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 56- line 21)

¹¹ See attachment 5 : Pennsylvania House Legislative Journal June 15, 2004 (pages 1118, 1123, 1124)

¹² See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 41- line 21)

page 112- 1011.21- Taxicab service between points outside authorized territory may not be validated by the subterfuge of routing the taxicab through authorized territory. A certificate holder or taxicab driver may not attempt to evade operating rights restrictions by encouraging or causing the passengers to make a theoretical or actual fare-paying break in a trip by routing it through authorized territory.

Comments: This provision should add; unless trip start or ends at Philadelphia International Airport, which officially resides in Delaware County, Pennsylvania.

page 114- 1013.22 (a)- If a medallion lienholder executes on or seizes a medallion, it shall notify the Director of all particulars, in writing, within five days of taking the action. Any seized medallion must be delivered to the Authority and will be held by the Authority pending further disposition.

Comments: Added to this provision should be; that a 30 day notice be given to the taxi driver, especially taxi drivers that own the vehicle (DOV), that the medallion will be seized in order that the taxi driver through no fault of their own, can make arrangements with another certificate holder in order to continue working.

page 120- 1017.3 (b 1 A)- A taxicab that is five years old or older is not eligible for inspection as provided in §1017.31 (relating to bi-annual inspections by the Authority) and must be removed from taxicab service prior to the date of the next scheduled biannual inspection.

Comments: This provision should be totally deleted. Currently, the State Legislators acted by deciding that the age limit on Philadelphia medallion taxicabs should be 8 years. No where in the country are such stringent rules enforced; including NYC, San Francisco, and Boston, which have higher median incomes. Representative Taylor based his intention for Act 94 by comparing taxi services with these cities.¹³ The Philadelphia market cannot afford this provision. Most of the certificate holder's expenses are forwarded to the taxicab driver. According to a report released by the Authority, taxicab drivers in Philadelphia are making \$4.17 per hour. The current 8 year system is working well for the public interests, and is uniformed to the rest of Pennsylvania's taxicab markets. Furthermore, Act 94 clearly states that the age of a Philadelphia taxicab shall not exceed 8 years of age.¹⁴ The best indication of legislative intent is the language of the statute.

page 120- 1017.3 (b 1 B)- A vehicle may not be introduced for service as a taxicab, or reenter service after having been removed from taxicab service by the certificate holder if the age of the vehicle is one year old or older.

¹³See attachment 5 : Pennsylvania House Legislative Journal June 15, 2004 (pages 1123- 1124)

¹⁴See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 51- line 2)

Comments: This provision should be deleted. Taxicab drivers and certificate holders often have disputes, leading to an end of the leasing agreement. This would mean that DOV drivers would have to buy a new vehicle in order to work. Business in Philadelphia can not reasonably support this expense. This provision also creates a master-servant relationship between the certificate holder and taxicab driver. The taxicab driver would not have the option to leave an abusive relationship because of the fear of having to purchase a new vehicle. Act 94 does not address this issue, hinting that the previous rules are to be carried over. In fact when the Legislators implemented the 8 years expiration of Philadelphia taxicabs, they made no mention of an entry age of the vehicle. The Authority in this provision is attempting to write its own legislation. The taxi industry cannot feasibly adhere to this provision. This provision requires legislative review since nowhere in Act 94, the Governor's opinion, or the legislative journal can one find such authority. This provision would significantly increase the cost to taxicab drivers, certificate holders, and the public at large, which would be in opposition to the Regulatory Analysis Form that the Authority submitted claiming to provide "affordable common carrier service in Philadelphia without unduly burdening the service providers."

page 121- 1017.4 (a-1) -) *Mileage at vehicle introduction.* A vehicle may not be first introduced for taxicab service with a cumulative mileage registered on the odometer as follows: For a taxicab, 15,000 miles or more.

Comments: 15,000 miles entry is not economical feasible for the Philadelphia Taxi industry. Currently, the entry miles for taxicabs are 125,000. Secondly, it would force the industry to purchase new vehicles to place in service. This is not uniformed with the rest of Pennsylvania taxi industry and there is no study presented to prove that the industry could afford such measures and would be in the public interests. To require new vehicles for Philadelphia only would send a signal; that the riding public in Philadelphia is more important than the riding public elsewhere in Pennsylvania. Acts 94 do not address this issue, only stating that the age of the vehicle cannot exceed 8 years. The previous PUC law also did not have a mileage restriction. The Authority will be performing 2 rigorous inspections on each vehicle per year, along with in-field inspections. These inspections should insure public safety. This provision is greatly in need of legislative review that will hopefully provide both reasonableness and clarity for the taxi industry. If the authors of Act 94 had time to detail the number of years that a Philadelphia taxicab will have, they would have also included a mileage restriction. This provision would significantly increase the cost to taxicab drivers, certificate holders, and the public at large, which would be in opposition to the Regulatory Analysis Form that the Authority submitted claiming to provide "affordable common carrier service in Philadelphia without unduly burdening the service providers." Lastly, most taxicab drivers own the vehicle, leasing the medallion only from the certificate holder. This provision would decrease their wages by 40%.

page 121- 1017.4 (b-1) -) *Maximum mileage.* A taxicab is not eligible for inspection as provided in §1017.31 (relating to bi-annual inspections by the Authority) and must be removed from taxicab service prior to the date of the next scheduled inspection when the cumulative mileage registered on the odometer is as follows: For a taxicab, 200,000 miles or more.

Comments: 200,000 miles limit on the vehicle is unreasonable, economically unfeasible, and will create a hardship to the public, taxicab drivers and certificate holders. If each taxi driver drives 50,000 miles per year, and most taxicabs operate with at least 2 taxi drivers, this provision would mean that the taxicab would need to be replaced every 2 years. A new Ford Crown Victoria, which is the car of choice for the taxi industry, costs approximately \$28,000, which makes it economically unfeasible for certificate holders and unreasonable on the Authority's behalf. Cost to the taxicab driver and riding

public, would almost double. This provision would significantly increase the cost to taxicab drivers, certificate holders, and the public at large, which would be in opposition to the Regulatory Analysis Form that the Authority submitted claiming to provide "affordable common carrier service in Philadelphia without unduly burdening the service providers." Since the Authority intends to inspect the vehicle every six months, along with in-field inspections, this mileage restriction is not in the taxi industry or public interests. No where in the continental United States are such limitations enforced. This provision goes against the intent of Act 94, of revitalizing wages and Philadelphia's economy.¹⁵ If the Legislator intended to enforce a mileage limitation, they would have acted. Furthermore, Limousines that are usually of better quality is regulated to have 350,000 miles before expiration. Taxicabs should be offered the same limitations, especially since the Authority will be inspecting taxicabs more frequently than limousines.

page 121- 1017.4 (c-2)- Except for taxicabs that are wheelchair accessible or hybrid vehicles, or both, if a taxicab is presented for inspection as provided in §1017.31 with a cumulative mileage registered on the odometer that will reach or exceed 200,000 during the two months immediately following the inspection date based on the imputed mileage calculations of paragraph (1), the taxicab will not be eligible for inspection and must be removed from taxicab service.

Comments: This provision is onerous and will create an economic hardship to both taxicab drivers and certificate holders. Since the PPA will perform a rigorous inspection twice a year on the vehicle, this regulation is not in the public interests. It is not the intent of the legislators to restrict the mileage of the vehicle. The Pennsylvania legislator voted for an eight year limitation on the age of taxicabs in Philadelphia only. Also, Act 94 is clear that there is only an age restriction on Philadelphia taxicabs.¹⁶ This provision would significantly increase the cost to taxicab drivers, certificate holders, and the public at large, which would be in opposition to the Regulatory Analysis Form that the Authority submitted claiming to provide "affordable common carrier service in Philadelphia without unduly burdening the service providers."

page 122- 1017.5 (b-2)- A taxicab must utilize the services of a dispatcher approved by the Authority pursuant to Chapter 1019 (relating to dispatchers) and all dispatch related equipment must function properly.

Comments: The taxicab driver is classified as an independent contractor. The Authority cannot require the taxicab driver to use the centralized dispatch radio. They can require the certificate holder to install and become a member of the centralized dispatch company, but the Authority cannot require the taxicab driver to use the radio. Unless the provision seeks to reclassify taxicab drivers as employees, otherwise, the provision should be deleted. Secondly, the Authority can not require the taxicab to belong to a particular centralized dispatch company.¹⁷

page 122- 1017.5 (b-3)- A taxicab must be equipped with an operable two-way radio and a mobile data terminal connected to a dispatch radio system approved by the Authority.

Comments: This provision should apply to all taxicabs in Philadelphia. Presently, the Authority has given PHL Centralized Dispatch Company a waiver to *this law*. The 2 way radio is necessary for dispatch operations, however the mobile data terminal is not in the public interests, and creates an undue burden economically on the taxi industry. In the past, the Authority has not allowed the taxi industry to use the mobile data terminal to communicate with each other; this must stop as the Authority seeks to isolate taxi drivers.

¹⁵ See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 34- line 3)

¹⁶ See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 51- line 2)

¹⁷ See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 61- line 1)

page 125- 1017.5 (b-19)- Except upon a passenger's request to the contrary, the passenger area of a taxicab must remain a constant temperature between 60 and 78 degrees Fahrenheit. While in a taxi-stand line; a taxicab is exempt from this temperature requirement until it reaches the position of first, second or third vehicle from the front of the line.

Comments: This regulation will add undue emissions into the environment. Even if the taxicab is first in line, it can wait over an hour for a fare. The driver would need to keep a thermometer in the vehicle to try and meet this provision. If the customer comes and the vehicle isn't within these specifications, the driver would have to leave the line empty or be subject to a fine. While passenger comfort is in the public interests, this provision is feasible impossible and will subject taxicab drivers with punitive fines. Basic common sense would do better in achieving this goal. Anytime that the outside temperature rises about 80 degrees or below 60 degrees, then the taxicab operator should put on either the air conditioning or heat. Both the air conditioning and heater system can be check during the bi-annual inspections of the Authority.

page 125- 1017.5 (b-22)- A taxicab must contain a legible commercially produced map of the City of Philadelphia for use by the taxicab driver.

Comments: This provision makes sense, but it is onerous because the Authority seeks to mandate GPS technology in the taxicabs. The Authority should choose between the two.

page 125- 1017.5 (b-24 iii)- In addition to other postings required by this subpart, a taxicab must have posted in the passenger compartment in a place easily observed by passengers, the following information: The availability of non-cash payment options.

Comments: The availability for non-cash payment should be optional, unless the customer will pay a surcharge. If you want to use non-cash payment for a parking ticket on the Authority's website, you will have to pay a \$3.00 fee. In Las Vegas, the taxi regulator is looking at an option that gives taxicab operator the authority to charge a \$3.00 fee to cover the credit card company fee. Since taxicab drivers in Philadelphia are independent contractors, they should be compensated for this feature. According to the Pennsylvania Department of Labor and Industry, "independent contractor is a person who, in providing services to an individual or organization, is operating as a trade or business or in a profession in which they offer services to the public, has the right to direct and control the activities and the results of the services provided including the means and methods by which the results are accomplished." Under this standard, as long as the taxicab driver transport the riding public in a safe and efficient manner, the method of payment is irrelevant. The standard currency in the United States is the dollar. This provision is not mentioned in Act 94, which vaguely talks about a Hospitality Initiative. Definitely, legislative review is needed with this provision.

The Authority's current system featuring a gps/ credit card device has not worked well. In 2004, Act 94 originally granted the Authority \$2 million dollars to begin a contract for a single provider featuring credit card processing. The Authority later needed another \$2 million, totaling over \$4 million, to purchase the equipment. This money was transferred from the Philadelphia Taxi Regulatory Fund. The Authority signed the contract in February 2006 and installed the device in all Philadelphia medallion taxicabs by the end of that year. There was much protests, strikes, rallies, and defiance from the taxicab drivers because they had no voice in the process that greatly impacted their lives. If the Authority had listened to the taxi drivers, they would not be experiencing the problems that are on going with this system.

For example, the system main purpose was to provide a citywide centralized dispatching feature, an option that the Authority now admits is a failure. Because of the failure, the Authority has withheld the last million dollar payment and the contract has not begun. Since 2006 to 2011, this contract has not gone live. It is not until the contract goes live, and another 3 years have lapse, that the taxi industry can begin to hope for better terms. Since the Authority has not promulgated their regulations according to the Regulatory Review Act, this contract should not have been entered. The dark cloud surrounding this deal is the fact that the Authority's consultant that brokered the deal is now an employee of the credit card vendor.¹⁸

Taxi drivers must wait up to 4 days to receive payment at a processing rate of 5%. Most small business pays at max, 3%. Furthermore, the transactions are not itemized, and taxi drivers must decipher through the deposits and try and figure out what they are being paid for. New York City on the other hand, brought in 4 vendors a year after the Authority's program. New York contract all went to term and taxi drivers are only paying 3%, paid the same day, and receive some of the advertisement revenue. This was achieved because multiple vendors were brought in. Boston is another city that has brought in multiple vendors and whose program is doing well. The Authority should end this current contract, since the Authority will not release the last \$1 million dollar payment and the contract has not went live since its inception 5 years ago. This leaves the taxi industry in limbo, the only party adhering to this so called contract.

Staying uniformed with other taxicabs within Pennsylvania, this provision has created a hardship for Philadelphia taxi drivers, forcing them to subsidize all non-cash payments, and force to wait up to a week to be paid, while taxicab drivers outside the Authority's scope can operate partially in Philadelphia without subsidizing the public. Further, since the Authority is only utilizing one vendor. We find this to be in opposition of Act 94.¹⁹

Lastly, the Authority themselves charge the public a surcharge to use credit cards on their web site and the city of Philadelphia don't except credit cards at all from taxi drivers at the airport. If the Authority seeks to require independent contractors to accept credit cards at a 5% loss, then they should have in place multiple vendors for independent contractors to choose from. We also ask that 1% of these transactions be placed in taxi drivers' relief fund. The Authority should further require these vendors to pay the taxi driver within 24 hours and send an itemized statement by U.S. mail monthly to the taxi drivers.

page 125- 1017.5 (b-24 iv)-) In addition to other postings required by this subpart, a taxicab must have posted in the passenger compartment in a place easily observed by passengers, the following information: The list of Passengers' Rights issued by the Authority.

Comments: Along with the passenger "Bill of Rights", there should be added the drivers "Bill of Rights", so that passengers will know the boundaries of their "For-Hire" trip. For example, taxicab drivers are not to be racial abused, assaulted, or cheated for their labor.

page 126-1017.5 (b-25e)- Advertising prohibited.

Comments: As a private industry, taxicab operators should have the right to advertise in their vehicles. The Authority scope in this matter affects the potential earnings of operators. Furthermore, this is not in the public interests. This is a clear violation of taxicab drivers' first amendment rights; *Congress shall make no law respecting an establishment of religion,*

¹⁸ See attachment 6 : Hospitality Initiative- Phila. Taxicab Technology Project (Sept. 14, 2009)

¹⁹ See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 61- line 1)

or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

page 131- 1017.23 – The Authority will maintain a list of meters approved for use in taxicabs. The list of approved taxicab meters may be obtained from the Authority's website

Comments: The Authority should allow several meters for the industry to choose from as to not allow a monopoly of the industry and creating a possible hardship. Most cities of the 1st class give the taxi operators a choice of meters.

page 131- 1017.24 (d 2 and 3)- The meters in every taxicab must have properly attached and approved receipt printers specified by the Authority in § 1017.23 (relating to approved meters), including the following: (2) The ability to provide drivers with driving directions through a global positioning system. (3) Global positioning system tracking to monitor the location of each taxicab and provide driving directions to the taxicab driver.

Comments: The GPS system should be equip to centralize all dispatching. Using the GPS system should be optional. The taxi driver is in the best position to determine whether the GPS system is taking the shortest and cost effective route for the passenger. The GPS system should only track the taxicab driver during passenger operations. The Authority is out of its scope when tracking taxicab drivers on off duty hours. In determining the difference between an employee and independent contractor, the Pennsylvania Department of labor and industry issued this decision;

What is an employee and what is an independent contractor? "Employee" applies to every individual who is performing or has performed services for which the individual is receiving remuneration from an employer, unless specifically excluded from coverage under the law. "Independent contractor" is a person who performs services meeting two conditions. The individual must be:

- free from control or direction over the performance of the services involved; and
- customarily engaged in an independently established trade, occupation, profession or business.

The Authority can not have it both ways, if taxicab drivers are classified as independent contractors, then they should be free to determine how best to carry out their function. But if the taxicab driver is an employee, the certificate holder and the centralized dispatch companies should be responsible for providing basic workers' protection.

page 132-1017.24 (d 4)- The ability to pay fares through the use of credit card and debit card processing hardware mounted in the passenger compartment. A transaction, processing or other fees associated with the acceptance of a credit card or debit card fare payment and delivery of the fare payment to the taxicab driver may not exceed five percent of the total fare amount.

Comments: The 5% surcharge that taxi drivers absorb is a financial hardship. NYC taxi drivers are paying 3%, drivers in Las Vegas are seeking to charge passengers \$3.00 extra for using credit cards, and many other U.S. cities leave it optional to taxi drivers to accept credit cards. Further, there need to be more than one vendor that processes these transactions for drivers; otherwise it will create a monopoly in the industry with no incentive of receiving competitive rates. A monthly transaction statement needs to be mailed monthly to the taxi driver in order for them to check the accuracy of payments.

Again, the Authority itself charges a \$3.00 surcharge when people pay their parking tickets and the city of Philadelphia doesn't accept credit cards from taxi drivers at Philadelphia International Airport, when the drivers want to add money to their account for passenger pickup. Since taxi drivers have no health or safety benefit, we would suggest that 1% of all credit card transactions be deposit into a taxi driver relief fund. Lastly, since taxi drivers work within a thin profit line, and in most cases, need to pay their lease on the taxicab daily, along with fuel; we would suggest that these credit card transactions be paid to taxi drivers within a 24 hour window.

The current contract between the Authority and VTS was initiated in Philadelphia taxicabs in 2006. The original contract was 3 years in term. However, the contract never went "Live". The Authority is withholding \$1 million and VTS has yet to provide a "Centralize Dispatch System". In the mean time while these 2 parties are not adhering to the contract, the taxi industry is. This seems unfair, because renegotiations for a better economic deal for taxi drivers will have to wait until 3 years have lapse when the contract is finally signed. Taxicab drivers in Philadelphia lease their cabs and are classified as independent contractors; is it lawful for the Authority to force taxi drivers to accept credit card transactions and lose 5% of their earnings on the transaction. The Authority further needs to have several vendors processing credit cards transactions for drivers. For instance, In NYC and Boston, the taxi industry can choose between 3 vendors for competitive rates. If the taxi industry is supposed to be uniformed within Pennsylvania, this is a clear violation, giving advantage to taxi operators outside the scope of the Authority when they do business in Philadelphia. .

The taxicab drivers would be in support of this provision if there were multiple vendors, transactions are processed within 24 hours, a monthly statement was mail to the drivers, and if 1% of the transactions was deposited into a taxi drivers' relief fund. There are many instances where drivers never received their credit card money, forcing them to spend many hours tracking down their funds; in some cases the money is never found. While we agree that credit card transactions will enhance business and is good for passengers, the Authority needs to make a couple of changes to this provision in order for taxi drivers to make an honest return. According to Act 94, there need to be in place, a "Fair return" clause for the taxi industry.²⁰

page 132-1017.24 (d 6)- The ability to be remotely disabled (the meter) by the Authority.

Comments: There need to be boundaries set before the Authority can remotely put a taxicab driver out of service. If it is not a danger to the public, the Authority should first telephone or text the driver that they are needed at the Authority's headquarters. A 24 hour window should be established for the driver to appear. If the driver does not show up within 24 hours, then the Authority should disable the meter. Taxi drivers presently are put out of service without due process and must still pay for the leasing of the vehicle. For example, if another motorist complains about a driver stopping to pick up a fare, the Authority should not disable his meter and force him to their headquarters immediately. The taxi driver should be able to give his/her side of the story when they are off duty. In most of these cases a citation is not written and this becomes a waste of time for the driver. To punish a taxicab driver and place him out of service when there has been no threat to the public interests is a violation of the fifth amendment; *No person shall be held to answer for any capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation*

²⁰See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 39- line 17)

page 134- 1017.34 (a-b)- (a) Inspectors may stop and inspect taxicabs in operation, or appearing to be in operation, to ensure continued compliance with the act, this part or any order of the Authority. (b) Upon field inspection, an Inspector may instruct a taxicab driver to drive the taxicab directly to TLD Headquarters for a compliance inspection if the Inspector believes that the taxicab is not in compliance with this chapter and represents a public safety concern.

Comments: Infield Inspections shall not include illegal searches of the taxicab driver's personal effects, such as lunch bags, briefcases, laptops, ect. A search of the taxicab drivers personal effects is a clear violation of the fourth amendment; *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized*

page 134, 1017.35 (c)- A person determined to have refused the direction of an Inspector to submit a taxicab to a field inspection will be subject to a \$1,000 fine and a cancellation of rights issued by the Authority, or both.

Comments: Added to this provision; if the Inspector is abusive or threatening to the taxicab driver, the taxicab driver should have the option to drive the taxicab to the Authority's headquarters immediately, where other witnesses will be present for the infield inspection. This fine is too severe and depends on one opinion against the other as to whether compliance was permitted. This provision gives too much power to the inspection officer. For example, if the inspector does not like the taxi driver, he can simply say that the taxi driver refused inspection, and then the taxi driver is subjected to a \$1,000 fine and loses his or her right to earn a living. The standard used in the Authority's court proceedings is "preponderance of the evident", which in this provision, is too low of a standard for a taxi drivers to prove their innocence. .

page 139- 1017.52 (h 3)- The decision of the presiding officer issued as provided in paragraph (2) will constitute a recommended decision and will be reviewed by the Authority as provided in §§1005.125-129 (relating to exceptions to recommended decisions).

Comments: The presiding judge decision should be final and independent of the Authority's influence. Unless the presiding officer becomes ill or presented with a conflict of interest, the presiding judge determination shall be final. The presiding judge must be independent of the Authority's influence and we believe should be free of their employment. Since the Authority taxicab budget derives from the taxi industry itself, the presiding judge wages should be diverted from that fund to pay his/her wages independently. Furthermore, the Authority should not have sole access to the presiding officer before and after hearings. This practice has been unfair, costing taxi drivers large sums of money in paying fines, attorney costs, and filing unnecessary appeals.

page 139- 1017.62 (a)- §1017.62. Taxicab leases.(a) Lessees. (1) A taxicab may be leased to a taxicab driver. (2) A taxicab may not be subject to a sublease agreement.

Comments: This provision is not clear about taxicab drivers that own their own vehicles; "Drivers Own Vehicle" (DOV) and in which case, they lease the medallion only. In the case of the DOV taxicab drivers, we would include that the taxicab drivers have a lien on

the vehicle since the vehicle will be in the certificate holder's name for insurance purposes, but technically belongs to the driver. The DOV driver should have the right to sublease the vehicle in order to be within the boundaries of ACT 94.²¹

page 140- 1017.62 (c 7)- Written confirmation that a lease may be ended by either party only upon ten days notice.

Comments: Would add to this provision that in the case of the DOV lease agreement that the vehicle's title be returned to the taxicab driver prior to the end of the lease. If the certificate holder owns a majority interests in the vehicle, then the taxicab driver should be pro-rated for his portion of the vehicle. Added to this provision, that all lease agreements shall have expiration dates, and all agreements including leasing fees shall adhere to the agreement over the duration of the lease.

page 141- 1017.63 (d)- Orders issued pursuant to this section will be served upon certificate holders as provided in §1001.51 (relating to service by Authority) and will be available on the Authority's website at

Comments: This provision and all others orders should also include taxicab drivers along with the certificate holders; insuring that they are informed of this provision and any other. Similar to certificate holders and dispatch companies, the Authority should require taxicab drivers to submit an e-mail address. Otherwise, the certificate holder should be held responsible in making sure that the taxicab drivers receive any order given from the Authority.

page 147- 1019.10 (a)- A dispatcher may not provide service to taxicabs unless it has filed a Form No. DSP-5 "Dispatcher Rates" with the Authority establishing the rates schedule charged for the dispatcher's services. Only the rates identified in DSP-5 filing may be charged by the dispatcher, or any agent or employee of a dispatcher. The DSP-5 may be obtained at

Comments: Adding to this provision, the Dispatcher shall give a 30 days notice to all subscribers prior to increasing rates. The Authority should set a maximum rate similar to the maximum lease cap for certificate holders. The taxi industry is not a free market. There are a set number of medallions, a fixed meter rate charged to the public, and a host of restrictions for public safety. It therefore make sense that the cost of the centralize dispatch companies should also be regulated. Dispatchers should only raise there fees once a year, due to the high cost associated with changing dispatch companies.

page 147- 1019.11 (a)- A dispatcher shall disclose, through the filing of the DSP-4, any dispatching services that may be provided to taxicabs owned or operated by the dispatcher, a person with a controlling interest in the dispatcher, key employee or immediate family members of the dispatcher.

Comments: Adding to this provision, the Dispatcher will also disclose any sedan service in numbers, which is used in conjunction via the same phone number and advertisement of the dispatching of taxicabs. There should be no commingling between taxicab and limousine service from the centralized dispatch companies, especially when using the same advertisement and business phone number.

²¹ See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 48- line 1)

page 152- 1021.5 (b 2)- The applicant's residential address and telephone number. Applicants may submit an email address to become eligible for service of notice as provided in §1005.51 (relating to service by Authority).

Comments: This provision should be changed to; shall have an e-mail address to receive the Authority service of notice

page 153- 1021.5 (b 11 ii)- That the applicant is in compliance with §1011.7 (relating to payment of outstanding fines, fees, penalties and taxes).

Comments: The Authority scope does not include the collection of taxes. Act 94 clearly addresses this issue, stating that the Authority scope is with compliance of the Authority fines, fees, and penalties only associated with operating a taxicab.²² The best indication of legislative intent is the language of the statute.

page 154- 1021.8 (b 8) -- *Basic training issues.* Taxicab driver training will consist of a minimum of 18 hours of in-class instruction and will be developed to address all areas of the act, this part and orders of the Authority. The dress code applicable to taxicab drivers shall apply to applicants during training. Training will address issues provided for in subsection (a), including the following subjects: Driving and customer safety issues, including the following:

Comments: Adding to this provision, a road test to determine highway and street driving skills, an emotional and mental competency test, and a drug test shall be administered. Applicants must have resided in the Delaware Valley Region over the past year and have a working knowledge of streets and points of interests.

page 155- 1021.10 (a)- A taxicab driver's certificate shall expire one year from the date of issuance and must be renewed annually as provided in § 1011.3 (relating to annual rights renewal process).

Comments: This provision should be changed to every 2 years. A Pennsylvania Driver License is good for 4 years, and all other PUC taxicab driver certificates are good for 2 years. This provision should be uniformed throughout the State. Act 94 does not require one year expiration on taxi drivers' certificates. Philadelphia taxi drivers are not unique and should be uniformed with other municipalities.

page 158- 1021.11 (d 2,3,4)- *Gratuities or payment method:* (2) A taxicab driver may not insist upon or express a preference for fare payment method. For example, a taxicab driver may not demand payment in cash as opposed to credit card, nor may a taxicab driver suggest that the passenger be driven to a bank or automatic teller machine to secure cash to pay the fare as opposed to use of a credit card or other cashless payment option. (3) A taxicab driver may not ask a potential customer for fare payment method information in advance of providing taxicab service. (4) A taxicab driver shall accept payment by credit card and debit card and other cashless payment options identified by the Authority

²²See attachment 1: House Bill 2654 Session 2004 'Act 94 (page 56- line 21)

Comments: This provision is outside the scope of the Authority. Taxicab drivers are classified as independent contractors. There is no Pennsylvania Statue that mandates independent contractors to accept credit cards. Even if the Authority uses the public interests concept; SEPTA, the largest public transportation system in Pennsylvania do not accept credit cards. Furthermore, by accepting credit cards, taxicab drivers would have to subsidize the passenger with a 5% discount on the fare, tolls, tips, and airport egress fees.

Las Vegas is seeking a provision for credit card transactions that included a \$3.00 service fee to the patron. NYC and Boston taxi regulators allowed several vendors to process the credit card transactions of taxicab drivers in order to cut cost. These cities also provided the drivers access to their monies within 24 hours.

Since taxicab drivers work within tight profit margins, needing money to pay for lease, fuel, maintenance, and other expenses; they need operating cash every day. Under the Authority's system, taxicab drivers have to wait upwards of 4 days before they receive payment, creating a hardship for them to do business. The current system that the Authority imposed on the taxi industry has created a hardship in that drivers are not paid on time, monies become missing, transactions aren't documented in a way that all drivers have access to their accounts, and the 5% charged to drivers is extremely oppressive. For example, if a taxicab driver who works at the airport receives all credit card transactions during their shift and their gas gauge is approaching empty, what are they suppose to do? How can they continue to operate without being in violation of the Authority's provision?

Next the Authority will be forcing taxicab drivers to accept the PPA smartcards, making themselves a business partner in the taxi industry. This current system imposed on the industry has been a complete failure. After 5 plus years, the system still is incapable of the "Centralized Dispatch System", the main reason for being installed. The Authority is withholding the last 1 million dollar payment and the contract still hasn't gone "Live". The 3 year contract doesn't begin until the contract goes "Live".

NYC on the other hand, installed their systems a year after the Authority, and has begun renegotiating new contracts with better terms for the taxi industry, simply by adding multiple vendors. The same is true in Boston and soon to happen in the nation's capital. Until the Authority works out the problems with this contract, taxicab drivers shouldn't be the only entity adhering to the terms of this deal. There needs to be a better process that will bring in multiple vendors for both the interests of the public and taxicab drivers. Lastly, 1% of all credit card transactions should be used in creating a taxicab driver relief fund.

Pages 2 thru 96, containing statues 1001.1 thru 1005.47 are not easy interpretations for non lawyers, contains a great deal of Latin, and are extremely hard to comment on. Each regulated person would need an attorney whenever they need to refer to the Authority's regulations. Since over 85% of the certificate holders and taxicab drivers are first generation immigrants, reading these statues is a frustrating task and consequently, will have a significant impact on our lives. We request the Authority to re-adopt these statues in plain and clear English. We will however, attempt to comment on the following statues as we believe we may understand them:

Page 14 §1001.21. Appearance. (e) Subsection (a)(c) supersede 1 Pa. Code §31.21 (relating to appearance in person).

Comments: Most taxicab drivers are working class poor and can not afford attorneys in most cases. We recommend that the Authority allow Law Students and taxi drivers' advocates to represent taxi drivers. Most taxi driver related fines are \$500 or less, much cheaper than hiring an attorney.

This will allow taxi drivers to have due process in the Authority's Hearings. Otherwise, taxi drivers will simply pay the fine even though they know that they are innocent of the violation. New York City created a program where advocates were trained by lawyers on how to defend taxicab drivers in these proceedings. Since most taxi drivers aren't fluent in English, the Authority should not supersede Pa. Code 31.21. Governor Rendell addresses this issue in his opinion of HB 2545 2006²³

Page 26- §1001.43. Authority fee schedule. Supersession. Subsection (a) supersedes 1 Pa. Code §§33.21(b) and 33.23 (relating to filing fees; and copy fees).

Comments: Act 94 clearly states that all new Authority budgets shall be sent to certificate holders by certified U.S. mail. We would also ask the Authority to include all regulated persons on the certified mailing list. The Authority receives over \$6 million dollars from the taxi industry annually; they can afford to send out these mailings, especially on an issue as important as increase fees to the industry.

Page 39- §1003.12. Out of service designation.

Comments: The Authority should be clear about public safety. It is not a public safety issue if a taxi driver forgets his lease agreement, one of the two taxicab driver certificates, or forgot his map of Philadelphia. The Authority needs to itemize from their menu of fine category which violations are considered a threat to public safety. One of our members was placed out of service because his lease agreement was not notarized. None of the lease agreements are notarized, but the Enforcement Manager did not care. If a taxi driver is place out of service and later determined that it was not a violation, who will reimburse the taxi driver or pay their leasing fees for that period. There are some Fifth Amendment issues with this provision unless the Authority can be more specific in its use.

Page 31- §1001.62. Continuing offenses.

Comments: The Authority should add a hardship clause to this provision. If a regulated person is experiencing a medical or family emergency, a provision should be added to avoid "continuing offenses". For example, if the dispatching radio is not working properly in a taxicab and the regulated person is incapacitated in fixing the problem immediately, the Authority should not continuously fine the regulated person.

Page 85- §1005.111. Qualifications.

Comments: The presiding officer qualifications should be an attorney admitted to practice law before the Supreme Court of for a period of not less than seven years prior to the date of designation only. The presiding officer should be independent of the Authority influence and even independent of their pay roll. Since the Authority's taxicab budget derives from funding from the taxicab industry, salary for the presiding officer can be placed in a independent account. How could a presiding officer be impartial if the Authority could remove him/her at will.

²³ See attachment 7- Gov. Rendell veto of HB 2545 2006 opinion

Page 95- §1005.142. Compliance with orders prescribing rates. – (a) When the Authority makes a final decision concerning a rate filing and permits or requires the adoption of rates other than the rates originally filed, the certificate holder affected shall file, within 20 days of entry of the final order, a tariff revision consistent with the Authority's decision together with a proof of revenues and supporting calculations. The certificate holder shall simultaneously serve copies of the tariff revision, along with the proof of revenues and supporting calculations, on the parties in the proceeding. A utility may also be required to provide an electronic, red-lined copy of any filing made to assist the parties in promptly identifying and analyzing the filing.

Comments: Taxicab drivers should be included in this provision. Act 94 clearly gives taxicab drivers the right to petition the Authority for a rate or tariff review. No where in the United States does a regulator seeks to prohibit taxi drivers from petitioning of the opening of rates.

Page 61 - §1005.21. Initiation of intervention thru Page 63- §1005.26.
Limitation of participation in hearings.

Comments: As the sole advocacy organization seeking to assist low income taxicab drivers in the city of Philadelphia, we asked that the Authority relax these provisions. Driving with a bald tire, not accepting a credit card, or forgetting your taxi driver certificate are not capital crimes. What good is it to punish a taxi driver without their understanding of what they did wrong, or how to express what they did right. While a taxi drivers' English proficiency may be good enough to interact with the public; however, it may not serve them when protecting their right to earn a living. The Authority seeks to impose complicated rulemaking in dealing with adjudication hearings. Taxi drivers will require help navigating this system.

Page 63- §1005.30.(a,b,c.) Answers to complaints, petitions, motions and other filings requiring a response.

Comments: In many cases, the Authority has sent mailing to the wrong address of taxi drivers involved with adjudication matters. The Authority should send all correspondence by certified U.S. mail with a return signature receipt. We would also ask the Authority to give the respondents more time to file a pleading. Most taxi drivers reading this provision would know what the Authority is asking of them, forcing them to hire an Attorney just for interpretation of this statute.²³

Page 64- §1005.32. Replies to answers seeking affirmative relief or new matter.

(b) Failure to file a timely reply to new matter may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted.

Comments: Our comments are the same as in §1005.30.(a,b,c.) , the Authority should not find a taxi driver guilty when they are not certain that the taxi driver received or understood the materials.

²³ See Attachment 7 (Gov. Rendell Veto of HB 2545

Page 70- §1005.52. Scheduling of hearing (c) In oral and documentary hearings, neither the Authority nor the presiding officer will be bound by technical rules of evidence, and all relevant evidence of reasonably probative value may be received. Reasonable examination and cross-examination will be permitted at all oral hearings. If a party does not testify on his own behalf, the party may be called and examined as if under cross-examination.

Comments: The Authority is out of their scope in this provision by violating the taxi driver Fifth Amendment rights. We ask that the Authority remove this statute.

Page 76-77- §1005.71. Interlocutory review generally.

(a) The Authority will not permit interlocutory review of rulings made by a presiding officer during the course of any proceedings, except as specifically provided by this subpart and in extraordinary circumstances where only the prompt decision by the Authority can prevent detriment to the public interest. (b) Subsection (a) supersedes 1 Pa. Code §35.190 (relating to appeals to agency head from rulings of presiding officers).

Comments: This statute should be bound more by the rules of evidence. If the Authority seeks to have fair adjudication hearings, then the rules of evidence should be foremost in deciding whether a respondent is guilty or not.

The Authority's prosecutors should hand over exculpatory evidence, meaning any time they have evidence that frees taxi drivers of guilt or makes taxi drivers look less guilty, and then the Authority must hand over such evidence to taxi driver. This is true in criminal courts and we request the Authority to add it to this statute.

Page 79- §1005.77. Control of receipt of evidence.

(a) The Authority or presiding officer shall have all necessary authority to control the receipt of evidence, including the following:

Comments: This provision will severely impact the due process rights of taxi drivers. The Authority in this statute seeks to violate the U.S. Constitution when adjudicating cases involving taxi drivers. We suggest that the Authority rescind or modify this provision.

Page 80-§1005.78. Additional evidence.

At any stage of the hearing or thereafter the Authority or the presiding officer may call for further admissible evidence upon an issue and require that the evidence be presented by the parties concerned, either at the hearing or at the adjournment thereof.

Comment: The Authority should have a limited period of time in introducing new evidence. When to hearing is over, the case should be decided by the Hearing Officer.

Attachment

1

1 Section 7. Title 53 is amended by adding a section to read:

2 § 5701.1. Legislative findings.

3 The General Assembly finds and declares as follows:

4 (1) The health, safety and general welfare of the people
5 of this Commonwealth are directly dependent upon the
6 continual encouragement, development, growth and expansion of
7 business, industry, commerce and tourism.

8 (2) Unemployment, the spread of poverty, and the heavy
9 burden of public assistance and unemployment compensation can
10 be avoided by the promotion, attraction, stimulation,
11 development and expansion of business, industry, commerce and
12 tourism in this Commonwealth through the development of a
13 clean, safe, reliable, and well regulated taxicab and
14 limousine industry locally regulated by parking authorities
15 in cities of the first class.

16 (3) Due to the size, total population, population
17 density and volume of both tourism and commerce of a city of
18 the first class, it may be more efficient to regulate the
19 taxicab and limousine industries through an agency of the
20 Commonwealth with local focus than an agency with diverse
21 Statewide regulatory duties. Well regulated local focus on
22 improving those industries can be an important factor in the
23 continual encouragement, development, attraction,
24 stimulation, growth and expansion of business, industry,
25 commerce and tourism within a city of the first class, the
26 surrounding counties and this Commonwealth as a whole.

27 Section 8. Section 5702 of Title 53 is reenacted to read:

28 § 5702. Advisory committee.

29 (a) Establishment.--There is hereby established an advisory
30 committee to be known as the City of the First Class Taxicab and

1 rates to be charged and collected by the taxicab or limousine
2 service.

3 (3) If, after the hearing conducted pursuant to
4 paragraph (2), the authority finds any rate to be unjust or
5 unreasonable or in any way in violation of law, it shall
6 determine the just and reasonable rate to be charged or
7 applied by the taxicab or limousine service for the service
8 in question and shall fix the rate by order to be served upon
9 the taxicab or limousine service. The rate shall then be
10 observed until changed.

11 (f) Temporary rates.--The authority may, in any proceeding
12 involving the rates of a taxicab or limousine service, after
13 reasonable notice and hearing and, if the public interest
14 requires, immediately fix, determine and prescribe temporary
15 rates to be charged by a taxicab or limousine service, pending
16 the final determination of the rate proceeding.

17 (g) Fair return.--In fixing any rate of a taxicab or
18 limousine service engaged exclusively as a common carrier by
19 motor vehicle, the authority may fix the fair return by relating
20 the fair and reasonable operating expenses, depreciation, taxes
21 and other costs of furnishing service to operating revenues.

22 (h) Refunds.--If, in any proceeding involving rates, the
23 authority determines that any rate received by a taxicab or
24 limousine service was unjust or unreasonable or was in violation
25 of any regulation or order of the authority or was in excess of
26 the applicable rate contained in an existing and effective
27 tariff of the taxicab or limousine service, the authority shall
28 have the power to make an order requiring the public utility to
29 refund the amount of any excess paid by any patron.

30 Section 10. Section 5704 of Title 53 is reenacted to read:

1 (b) Commencement of complaints.--Authority enforcement
2 officers, Pennsylvania Public Utility Commission enforcement
3 officers and police officers or licensing officials within
4 cities of the first class may commence and prosecute the
5 following:

6 (1) A complaint which is brought before the authority
7 pursuant to this chapter and authority regulations applicable
8 to taxicab or limousine operations in cities of the first
9 class.

10 (2) A complaint which:

11 (i) arises out of service to or from a city of the
12 first class against a taxicab or limousine operation not
13 certified to provide service between points within a city
14 of the first class; and

15 (ii) is brought before the commission to enforce
16 commission regulations for taxicab or limousine service.

17 (c) Other penalties.--Nothing in this section shall be
18 deemed to limit the ability of any city of the first class to
19 prosecute violations and seek criminal penalties in a court of
20 law.

21 § 5706. Driver certification program.

22 (a) General rule.--The authority shall provide for the
23 establishment of a driver certification program for drivers of
24 taxicabs and limousines within cities of the first class.
25 Standards for fitness of all drivers shall be established under
26 such rules and regulations as the authority may prescribe. The
27 authority may revoke or suspend a driver's certificate upon a
28 finding that the individual is not fit to operate a taxicab or
29 limousine, as applicable. Each applicant for a driver's
30 certificate shall pay a fee in an amount to be determined

1 pursuant to the requirements of section 5707 (relating to budget
2 and fees). Upon approval, a picture driver's certificate will be
3 issued to an applicant. No individual shall operate a taxicab or
4 limousine at any time unless the individual is certified as a
5 driver as by the authority. Each certified driver shall carry ←
6 and display in full view a driver's certificate at all times of
7 operation of a taxicab or limousine. The authority may establish
8 orders or regulations which designate additional requirements
9 governing the certification of drivers and the operation of
10 taxicabs or limousines by drivers, including, but not limited
11 to, dress codes for drivers.

12 (b) Violations.--Operating a taxicab or limousine without a
13 driver's certificate or authorizing or permitting the operation
14 of a taxicab or limousine by a driver who is not certified as a
15 driver by the authority within cities of the first class is a
16 nontraffic summary offense in the first instance and a
17 misdemeanor of the third degree for each offense thereafter. The
18 authority may, by regulation, provide for suspension and
19 revocation of drivers' certificates for violations of this
20 chapter and authority regulations.

21 (c) Agreements delegating responsibilities.--The authority
22 is hereby authorized to enter into agreements or contracts
23 delegating the duties and responsibilities designated in
24 subsection (a) to a different governmental entity or to another
25 party.

26 § 5707. Budget and fees.

27 (a) Initial budget and fees.--The authority shall complete
28 an initial budget and fee schedule necessary to advance the
29 purposes of this chapter. The fee schedule shall include all
30 fees for initial issuance of a medallion, transfer of a

1 medallion and all taxicab and limousine certificates. The
2 authority's initial budget and fee schedule shall be submitted
3 to the Appropriations Committee of the Senate and the
4 Appropriations Committee of the House of Representatives. Unless
5 either the Senate or the House of Representatives acts to
6 disapprove through adoption of a resolution within ten
7 legislative days from the date of submittal, the authority's fee
8 schedule shall become effective, and the authority shall notify
9 each certificate holder of the initial fee schedule.

10 (b) Fiscal year budget and fees.--The fiscal year for the
11 fund shall commence on July 1 of each year. Before March 15 of
12 each year, the authority shall submit a budget and proposed fee
13 schedule, necessary to advance the purposes of this chapter, for
14 the coming fiscal year along with comprehensive financial data
15 from the past fiscal year to the Appropriations Committee of the
16 Senate and the Appropriations Committee of the House of
17 Representatives. Unless either the Senate or the House of
18 Representatives acts to disapprove through adoption of a
19 resolution by April 15 of each year, the authority fee schedule
20 shall become effective. The authority shall notify all
21 certificate holders of the fee schedule for the coming fiscal
22 year. The procedure for notifying certificate holders must be
23 specified in the regulations of the authority. If either the
24 Senate or the House of Representatives acts to disapprove the
25 authority's fee schedule and budget, the authority may submit a
26 revised budget and fee schedule to the Appropriations Committee
27 of the Senate and the Appropriations Committee of the House of
28 Representatives within 15 days of such disapproval or shall
29 utilize the fee schedule and budget for the prior year. Unless
30 either the Senate or the House of Representatives acts to

1 not operating the taxicabs on an average of 50% of the time
2 over any consecutive three-month period.

3 (4) The authority shall have the authority to grant
4 immediate temporary certificates of public convenience for
5 taxicab service within cities of the first class. Such
6 temporary certificates are subject to further investigation
7 before a permanent certificate shall be granted by the
8 authority.

9 (5) The transfer of a certificate of public convenience,
10 by any means or device, shall be subject to the prior
11 approval of the authority which may, in its sole or peculiar
12 discretion as it deems appropriate, attach such conditions,
13 including the appropriate allocation of proceeds, as it may
14 find to be necessary or proper.

15 (6) A certificate of public convenience to convey or
16 transmit to and from taxicabs messages or communications
17 within cities of the first class through the use of
18 centralized dispatch systems shall be granted by order of the
19 authority if the authority finds that the applicant is
20 capable of providing dependable service according to the
21 rules and regulations of the authority.

22 Section 10.3. Sections 5712 and 5713 of Title 53 are
23 reenacted to read:

24 § 5712. Medallion system.

25 (a) System.--There is a medallion system within cities of
26 the first class in order to provide holders of certificates of
27 public convenience which authorize citywide call or demand
28 service the opportunity to upgrade and improve the operations of
29 taxicabs. In the case of a corporate certificate holder, a
30 medallion shall be issued in the name of the corporation to its

1 inspection and recording requirements shall be established by
2 regulations. No vehicle which is more than eight years old shall
3 continue in operation as a taxicab. Notwithstanding the
4 foregoing, the authority may authorize the operation of antique
5 vehicles in call or demand service in such circumstances as the
6 authority may deem appropriate. Each medallion holder's tariff
7 rates shall be clearly and visibly displayed in each taxicab. A
8 medallion shall not be removed from a vehicle without prior
9 notification to and permission of the authority. A medallion
10 authorizes operation of a vehicle as a taxicab only for the
11 fiscal year for which the medallion is issued.

12 (b) Protective barrier.--Each taxicab within cities of the
13 first class shall be equipped with a protective barrier for the
14 protection of the driver, separating the front seat from the
15 back seat. The authority may provide for additional driver
16 protection measures by order or regulation.

17 (c) Service.--A vehicle authorized by a certificate to
18 provide call or demand service within cities of the first class
19 may transport persons and their baggage upon call or demand and
20 parcels, packages and property at the same basic metered rates
21 charged to passengers:

22 (1) between points in the city of the first class for
23 which its certificate is issued;

24 (2) from any point in the city of the first class for
25 which its certificate is issued to any point in this
26 Commonwealth;

27 (3) from any point in this Commonwealth to any point in
28 the city of the first class for which its certificate is
29 issued if the request for service for such transportation is
30 received by call to its centralized dispatch system; and

1 pursuant to this subchapter.

2 (b) Commencement of complaints.--Authority enforcement
3 officers, Pennsylvania Public Utility Commission enforcement
4 officers and police officers or licensing officials within
5 cities of the first class may commence and prosecute complaints
6 brought before the authority pursuant to this subchapter and
7 authority regulations applicable to taxicab operations in cities
8 of the first class.

9 (c) Other penalties.--Nothing in this section shall be
10 deemed to limit the ability of any city of the first class to
11 prosecute violations and seek criminal penalties in a court of
12 law.]

13 Section 11.2. Section 5716 of Title 53 is reenacted to read:
14 § 5716. Reissuance of medallion.

15 Within 30 days of the close of each fiscal year, a medallion
16 holder shall apply to obtain from the authority a reissued
17 medallion for a fee in an amount to be determined pursuant to
18 the requirements of section 5723 (relating to budget and fees).
19 Each year's medallion shall designate the year of issuance and
20 shall be identifiable by a distinctive tint or color and shape
21 to be determined by the authority. A medallion may not be issued
22 by the authority unless all outstanding authority fines,
23 penalties and fees have been paid in full and unless all
24 insurance, tariff and vehicle inspection filings are current.
25 Immediately prior to reissuance of a medallion, a medallion
26 holder shall remove the prior year's medallion from the hood of
27 its taxicab and surrender it to the authority. Upon reissuance,
28 the new medallion shall be immediately attached to the vehicle.

29 Section 11.3. Section 5717 of Title 53 is reenacted and
30 amended to read:

① NO
TAXES
② OR
BUSINESS
PRIVATE
LICENSE

1 regulations as the authority may prescribe. Prior to each
2 closing, the buyer of the medallion shall pay a fee in an amount
3 to be determined pursuant to the requirements of section [5723] ←
4 5707 (relating to budget and fees).

5 (b) Issuance of certificate.--Upon the witnessing of a sale
6 of a medallion and upon application of the purchaser and
7 compliance with authority tariff, insurance and inspection
8 requirements, the authority staff shall issue an accompanying
9 certificate to the new medallion holder unless the authority
10 determines that the transfer of the certificate is inconsistent
11 with the public interest. Where there is a determination that a
12 transfer is not in the public interest, the new medallion holder
13 shall have six months from the date the adverse determination is
14 entered to sell the medallion to a new owner. If a sale is not
15 consummated before authority personnel within six months, the
16 medallion will become nontransferable, and possession must be
17 surrendered to the authority.

18 (c) Criminal records.--No person or corporation may purchase
19 a medallion or apply for a certificate if the person or
20 corporation or an officer or director of the corporation has
21 been convicted or found guilty of a felony within the five-year
22 period immediately preceding the transfer. All applications for
23 a certificate shall contain a sworn affidavit certifying that
24 the purchaser has not been convicted of a felony in the previous
25 five years. If, at any time, the authority finds that a
26 medallion holder has been convicted of a felony while holding
27 the medallion or during the five years immediately preceding its
28 purchase, the authority shall cancel the corresponding
29 certificate.

30 Section 11.5. Section 5719 of Title 53 is amended to read:

1 against new applicants. Medallion holders shall utilize only
2 centralized dispatch systems that are in conformance with
3 authority rules and regulations. Medallion holders shall have no
4 obligation to use any particular centralized dispatch system.

5 Section 13. Section 5722 of Title 53 is reenacted and
6 amended to read:

7 § 5722. Regulations.

8 The authority may prescribe such rules and regulations as it
9 deems necessary to govern the regulation of taxicabs within
10 cities of the first class under this [subchapter.] chapter. The
11 authority has the powers set forth in this section
12 notwithstanding any other provision or law or of the articles of
13 incorporation of the authority.

14 Section 13.1. Section 5723 of Title 53 is amended to read:

15 [§ 5723. Budget and fees.

16 (a) Initial budget and fees.--The authority shall complete
17 an initial budget and fee schedule. The fee schedule shall
18 identify the initial fees for initial issuance of a medallion,
19 transfer of a medallion and issuance of a taxi driver's license.
20 The authority's initial budget and fee schedule shall be
21 submitted to the Appropriations Committee of the Senate and the
22 Appropriations Committee of the House of Representatives. Unless
23 either the Senate or the House of Representatives acts to
24 disapprove through adoption of a resolution within ten
25 legislative days from the date of submittal, the authority's fee
26 schedule shall become effective, and the authority shall notify
27 each medallion holder by certified letter of the initial fee
28 schedule.

29 (b) Fiscal year budget and fees.--The fiscal year for the
30 fund shall commence on July 1 of each year. Before March 15 of

Attachment

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(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The proposed regulations constitute the entire body of regulations intended for application to Philadelphia taxicab and limousine service providers. The proposed regulations are similar in kind to those currently used by the Pennsylvania Public Utility Commission to regulate taxicabs and limousines in the Commonwealth, outside of Pennsylvania. However, the regulations are not identical to those used by the PUC.

The proposed regulations are intended to provide guidance for taxicab and limousine service providers in Philadelphia in all of the areas in which those providers must interact with the Authority and the public. The regulations provide administrative practice and procedure guidelines, driver training criteria, vehicle condition and inspection requirements, sale of rights guidelines, minimum insurance requirements, and many other rules and procedures drafted with the intent of fostering clean, safe and affordable common carrier transportation in Philadelphia without unduly burdening the service providers.

(9) Include a schedule for review of the regulation including:

- A. The date by which the agency must receive public comments: ~~2011~~
in *Pa. B.*
- B. The date or dates on which public meetings or hearings will be held: N.A
- C. The expected date of promulgation of the proposed regulation as a final-form regulation: early 2011
- D. The expected effective date of the final-form regulation: mid 2011
- E. The date by which compliance with the final-form regulation will be required: Upon publication in *Pa. B.*
- F. The date by which required permits, licenses or other approvals must be obtained: N.A. Existing certificates and rights continue.

(10) Provide the schedule for continual review of the regulation.

Review will be provided as needed.

regulatory Analysis Form

SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Authority anticipates that the regulations will be revenue neutral for most regulated persons. These regulations will replace a substantially similar version of locally promulgated regulations in effect in Philadelphia for nearly six years. The Authority's taxicab and limousine operating budget, including fee schedules and assessments applicable to all regulated parties, must be submitted for review to the Appropriations Committees of the Pennsylvania House of Representatives and the Senate as provided in 53 Pa.C.S. §5707(b).

Certain taxicab owners accustomed to using older high mileage vehicles to provide taxicab service will incur initial increased costs associated with replacing some of those vehicles over the course of the first year of these regulations. Because the proposed regulations do not require the use of new vehicles, the costs to obtain the used vehicles generally operated by taxicab owners is difficult to estimate. The regulations that require newer and lower mileage vehicles are waived for wheelchair accessible and hybrid vehicles in an attempt to encourage the use of those vehicles. See response to question No. 15.

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Local governments will not be affected by this rulemaking.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no cost or savings to the Authority or other agencies in the state government as a result of these regulations.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
Regulated Community	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A

History Analysis Form

Local Government	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
State Government	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
Total Savings	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
COSTS:	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
Regulated Community	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
Local Government	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
State Government	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
Total Costs	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
REVENUE LOSSES:	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
Regulated Community	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
Local Government	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
State Government	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A
Total Revenue Losses	\$N/A	\$ N/A	\$N/A	\$N/A	\$N/A	\$N/A

(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY 3	FY 2	FY 1	Current FY
Authority budget for taxicab and limousine regulation	\$4,512,362	\$4,565,119	\$4,662,436	\$5,101,777

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The goal of the proposed regulation is to provide world class taxicab and limousine service in Philadelphia.

These regulations will replace a substantially similar version of locally promulgated regulations in effect in Philadelphia for nearly six years, and will result in better screened and trained drivers, newer

Attachment

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The Pennsylvania



PART A. Summary Cases

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Rule 300. Accelerated Rehabilitative Disposition in Summary Cases.

(A) Unless the district attorney has elected, pursuant to paragraph(B)(1), that ARD in summary cases proceed in the court of common pleas, ARD in summary cases shall proceed in the office of the proper issuing authority as provided in Rule 301.

(B) The district attorney, by filing a certification with the president judge, may:

(1) elect that ARD in summary cases proceed in the court of common pleas pursuant to Rule 302; and/or

(2) designate certain classes of offenses or offenders, in addition to those statutorily excluded, that shall not be considered for summary case ARD.

(C) When a certification has been filed by the district attorney pursuant to this rule, the president judge shall promulgate a local rule in substantially the following form:

RULE. SUMMARY CASE ARD.

The District Attorney of County has filed a certification pursuant to Pa.R.Crim.P. 300, and:

(1)

has elected that ARD in summary cases shall proceed in the court of common pleas pursuant to the procedures in Pa.R.Crim.P. 302; and/or

(2)

has designated the following classes of offenses and/or offenders, in addition to those which are statutorily excluded, as ineligible for summary case ARD:

(D) The president judge of each judicial district shall formulate local procedures to provide uniformity within the judicial district for ARD in summary cases before the minor judiciary under Rule 301, and in the court of common pleas under Rule 302.

(1) The locally formulated procedures shall be in writing, filed with the clerk of courts, and served upon all judges handling summary case ARD in the court of common pleas and upon all issuing authorities within the judicial district.

(2) The local procedures shall, at a minimum, establish:

- (a) costs and administrative expenses taxable for summary case ARD;
- (b) procedures for restitution;
- (c) conditions of the program;
- (d) record checking, record keeping, and reporting requirements;
- (e) procedures requiring each issuing authority to submit a monthly report on the disposition of all the cases eligible for ARD to the official designated by the president judge to compile such reports and monitor the cases; and
- (f) procedures for completion or termination of the program.

Comment

Recognizing the minor nature of summary offenses, this rule provides the general, statewide procedural framework for implementing ARD in summary cases. It is intended that the president judge of each judicial district will establish procedures under paragraph (D) that are specific to summary case ARD within the judicial district consistent with this rule and with Rules 301 and 302. These procedures should encourage the prompt processing and disposition of summary cases considered for ARD.

The district attorney is responsible for designating which classes of offenses or offenders may not be considered for ARD in summary cases. This is accomplished, pursuant to paragraph (B)(2), by the district attorney's filing a certification with the president judge. In addition, there may be classes of offenses or offenders that are statutorily excluded. See, e.g., Section 1520(a) of the Judicial Code, 42 Pa.C.S. § 1520(a), which excludes cases charging offenses under Titles 34 and 75 from being considered for or included in the summary case adjudication alternative authorized by the statute.

Paragraph (A) provides that ordinarily summary case ARD will proceed before the minor judiciary. See Rule 301 for the general procedures in such cases. As an alternative local option, Rule 300 also authorizes the district attorney to elect that ARD in summary cases be removed to the court of common pleas for processing and disposition, and paragraph (B)(1) requires that the district attorney file a certification with the president judge to implement this election. See Rule 302 for the general procedures when this local option has been elected.

When a certification is filed, the president judge must promulgate the effectuating local rule. The local rule mechanism has the advantage of notice, publication, and recordation, which are inherent in the local rule process.

The district attorney (or a successor district attorney) may withdraw the election to move

summary ARD consideration to the court of common pleas, and/or change the designation of classes of offenses or offenders that are not eligible for ARD, by filing a new certification. When a new certification is filed, the president judge must rescind or modify the local rule.

The president judge in each judicial district must formulate local procedures pursuant to paragraph (D) for the actual implementation of the summary case ARD programs in the court of common pleas or before the minor judiciary within his or her judicial district, thereby providing county-wide uniformity. These locally formulated procedures may include procedures that are in addition to those required by the Rules of Criminal Procedure to take into account the special nature and the special dispositional and administrative requirements of summary cases generally and specifically within the judicial district. For example, the costs imposed on a defendant who is admitted into a summary case ARD program should not be the same as the costs imposed on a defendant for ARD in a court case, but rather should be adjusted downward and kept minimal to reflect the minor nature of the summary case. The president judge, however, must implement without change the district attorney's elections made pursuant to paragraph (B). See *Commonwealth v. Lutz*, 495 A.2d 928 (Pa. 1985).

This rule should not be construed as mandating new programs. Rather, summary case ARD programs may be established within the parameters of existing programs, and should be adapted to meet the needs of the defendants in summary cases. See, e.g., 42 Pa.C.S. § 1520(b).

Official Note

Previous Rule 160 adopted April 10, 1989, effective July 1, 1989; rescinded January 31, 1991, effective July 1, 1991, and replaced by Rules 300, 301, and 302. Present Rule 160 adopted January 31, 1991, effective July 1, 1991; renumbered Rule 300 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa. B. 621 (February 16, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

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This material has been drawn directly from the official Pennsylvania Code full text database. Due to the limitations of HTML or differences in display capabilities of different browsers, this version may differ slightly from the official printed version.

Attachment

4

Subj: Fwd: Please forward to your driver: Parking Ticket Dispute Procedure
Date: 1/17/2011 7:13:46 P.M. Eastern Standard Time
From:
To:

—Original Message—

Date: Fri, 17 Jul 2009 14:50:36 -0400
From: "Mwanamke Jordan" <MJordan@philapark.org>
To: <blount86@aol.com>, <mohamedseparate@gmail.com>, <philadelphia.rj@gmail.com>, <anjumbhatticl@yahoo.com>
Subject: Please forward to your driver: Parking Ticket Dispute Procedure

July 17, 2009

To All Medallion Taxicab Drivers and Owners:

Effective immediately, if you receive a parking ticket on your taxicab and believe you were not at the location on the date and time noted on the ticket, you may request a GPS Investigation by taking the following steps:

- * Call the Parking Violations Branch (PVB) at 888-591-3636.**
- * Inform the person answering that you are a medallion taxicab driver or owner and wish to place a parking ticket you received on suspend while a GPS investigation is conducted.**
- * Provide the parking ticket number.**
- * Let the call taker know that you don't believe that you were at the location noted on the ticket at the time the ticket was issued.**

The PVB will place your parking ticket on suspend for a period of up to 30 days while an investigation is conducted. An acknowledgment letter will be sent from PVB to the registrant of the TX and/or TLH plate involved depending upon whether the medallion owner is a fleet program participant and has assigned the ticket to the leasing driver. After the investigation has been completed, the person responsible for the ticket will be sent a letter with the results. If the investigation confirms that the taxicab was at the location on the date and time noted on the ticket, the letter sent will provide ticket payment instructions along with directions for contesting the ticket.

If the investigation supports the contention that the taxicab was not at the location on the date and time noted, the letter sent by PVB will indicate that the ticket will be canceled and will provide information as to how to obtain a refund if payment was already made.

Should you have any questions regarding this new process, please contact Manamka Jordan, Manager of Administration and Adjudication at 215-683-9656.

As always, thank you for your cooperation and support.

James R. Ney, Director

Attachment

5

Mr. VITALI. Do we need a rules suspension for this? And I say that because this came out of the Appropriations Committee with amendments yesterday, so the first time this was in its current form was yesterday, and our rules require, in the absence of a suspension, that it has to be filed by 4:30 two session days prior to its being run.

The SPEAKER pro tempore. The answer to the gentleman's question is, yes, we do have to suspend the rules to run the bill.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, I move for immediate suspension of the rules for consideration of HB 2654.

On the question,
Will the House agree to the motion?

(Members proceeded to vote.)

VOTE STRICKEN

Mr. COHEN. Mr. Speaker?
The SPEAKER pro tempore. Strike that.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, does this motion to suspend the rules include suspending it for consideration of the Vitali amendment?

The SPEAKER pro tempore. Yes; the Vitali amendment would then be in order.

Mr. COHEN. Thank you very much, Mr. Speaker.

I support the motion then.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Adolph	Fabrizio	Lewis	Samuelson
Allen	Fairchild	Lynch	Santoni
Argall	Feece	Mackereith	Sather
Armstrong	Fichter	Maber	Saylor
Baker	Fleagle	Maitland	Scavello
Baldwin	Flick	Major	Schroder
Bard	Forcier	Manderino	Scrimenti
Barror	Frankel	Mann	Semmel
Bastian	Freeman	Markosek	Shaner
Bebko-Jones	Gabig	Marnico	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Solobey
Benninghoff	George	McGill	Staback
Bianucci	Gergely	McIlhattan	Stairs
Birmelin	Gillepie	McIlhinney	Steil
Bishop	Gingrich	McNaughton	Stem
Blaum	Godshall	Melio	Stetler
Boyd	Good	Metcalfe	Stevenson, R.

Browne	Goodman	Micozzie	Stevenson, T.
Bunt	Grucela	Millard	Sturla
Butkovitz	Gruitza	Miller, R.	Surra
Calhagironc	Habay	Miller, S.	Tangretti
Cappelli	Haluska	Mundy	Taylor, E. Z.
Causser	Hanna	Mustio	Taylor, J.
Cawley	Harhai	Myers	Thomas
Civera	Harhart	Nailor	Tigue
Clymer	Harper	Nickol	Travaglio
Cohen	Harris	O'Brien	True
Coleman	Hasay	Oliver	Turzai
Cornell, S. E.	Heanessey	O'Neill	Vance
Corrigan	Herman	Payne	Veon
Costa	Hershey	Petrarca	Vitali
Coy	Hess	Petri	Walko
Crahalla	Hickernell	Petrone	Wansacz
Creighton	Horsey	Phillips	Washington
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Dailey	Josephs	Preston	Weber
Daley	Keller	Raymond	Wheatley
Dally	Kenney	Readshaw	Williams
DeLuca	Killion	Reed	Wilt
Denlinger	Kirkland	Reichley	Wojnaroski
Dermody	Kotik	Roberts	Wright
DeWeese	LaGrotta	Roebuck	Yewcic
DiGirolamo	Laughlin	Rohrer	Youngblood
Diven	Leach	Rooney	Yudichak
Donatucci	Lederer	Ross	Zug
Eachus	Leh	Rubley	
Egolf	Lescovitz	Ruffing	Perzel,
Evans, D.	Levdansky	Sainato	Speaker
Evans, J.			

NAYS—2

Casorio Pallone

NOT VOTING—0

EXCUSED—2

Buxton Rieger

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2654, PN 4054, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, reenacting and amending provisions relating to parking authorities and relating to taxicabs and limousines in cities of the first class; further providing for parking authority purposes and powers and special provisions in cities of the first class; providing for restrictions on parking authorities in cities of the first class; further providing for contract bids for parking authorities; further defining "limousine service"; making legislative findings as to taxicabs in cities of the first class; further providing, as to taxicabs in cities of the first class, for rates, for contested complaints, for driver certification, for budgets and fees, for certificates and medallions, for contested complaints, for wages, for regulations and for budget and fees; further providing, as to limousines in cities of the first class, for certificates of public convenience and for regulations; and making repeals related to allocation assessments against public utilities for regulatory expenses, to certificates of public convenience for taxicabs and to taxicabs in cities of the first class.

Benninghoff	Good	McNaughton	Smith, B.
Birmelin	Habay	Metcalf	Smith, S. H.
Bishop	Harhai	Micozzie	Stairs
Boyd	Harhart	Millard	Steil
Browne	Harper	Miller, R.	Stern
Bunt	Harris	Miller, S.	Stevenson, R.
Cappelli	Hasey	Mustio	Stevenson, T.
Causser	Hennessey	Nailor	Taylor, E. Z.
Civera	Herman	Nickol	Taylor, J.
Clymer	Herbey	O'Brien	Travaglio
Coleman	Hess	Oliver	True
Cornell, S. E.	Hickernell	O'Neill	Turzai
Crahalla	Horsey	Payne	Vance
Creighton	Hutchinson	Petri	Watson
Dailey	Keller	Petrone	Weber
Daley	Kenney	Phillips	Wilt
Dally	Killion	Pickett	Wojnaroski
Denlinger	Leach	Preston	Wright
DiGirolamo	Lederer	Raymond	Zug
Egolf	Leh	Readehaw	
Evana, J.	Lescovitz	Reed	
Fairchild	Lewis	Reichley	Perzel,
Feese	Lynch	Roberts	Speaker

NAYS—68

Belardi	Donastucci	Laughlin	Stetler
Biancucci	Eachus	Lovdansk	Sturla
Blaum	Evans, D.	Manderino	Surra
Butkovitz	Fabrizio	McGeohan	Tangretti
Caftagiron	Freeman	Mello	Thomas
Casorio	George	Mundy	Tigue
Cawley	Godshall	Myers	Veon
Cohen	Goodman	Pallone	Vitali
Corrigan	Grucela	Petrarca	Walko
Costa	Gruitza	Pistella	Wansacz
Coy	Haluaka	Roebuck	Washington
Cruz	Hanna	Rooney	Waters
Curry	James	Samuelsan	Wheatley
DeLuca	Josephs	Santoni	Williams
Dermody	Kirkland	Scrimenti	Yewcic
DeWeese	Kotik	Solobay	Youngblood
Diven	LaGrotta	Staback	Yudtchak

NOT VOTING—0

EXCUSED—2

Buxton	Rieger
--------	--------

The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Wright.
Mr. WRIGHT. Thank you, Mr. Speaker.
I would like to ask the maker of the bill a question.

The SPEAKER. The gentleman, Mr. Taylor, indicates he will stand for interrogation. The gentleman, Mr. Wright, is in order and may proceed.

Mr. WRIGHT. Thank you.

As I had brought up in the past, I was concerned with a particular provision about insurance, and right now the

Public Utility Commission determines the amount of insurance level taxicab companies shall have in the city of Philadelphia, and I see in the language in 5704 the parking authority will continue to have that ability to determine the level of insurance. Do you believe or is there any intent that the parking authority would be able to reduce the amount of level of insurance beyond what PENNDOT and the PUC currently require?

Mr. TAYLOR. Mr. Speaker, the Insurance Commission as well as the Banking Commission will cover and approve of any base requirements for both insurance and financial conditions with regard to taxis and limousines, as they always have. Certainly, the PUC does have the ability right now to add additional requirements and additional thresholds, which they have never seen fit to implement, and at this time, while not being able to speak for that authority, Mr. Speaker, I know of no movement on the part of that authority to change anything with regard to insurance requirements or financial conditions.

Mr. WRIGHT. But it is your belief in the bill that the Department of Insurance and the Department of Banking would still have some oversight in what requirements would be for insurance or for financing?

Mr. TAYLOR. I would say, Mr. Speaker, base requirements, yes.

Mr. WRIGHT. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wondered if the maker of the bill would stand for brief interrogation.

The SPEAKER. The gentleman indicates that he will.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wondered if the maker of the bill might explain the logic behind the idea of transferring control over taxis and limousines in the city of Philadelphia from the PUC to the parking authority.

Mr. TAYLOR. Mr. Speaker, I think it has been widely recognized, and especially by the Convention and Visitors Bureau in the city of Philadelphia, that one of the things we lack in the city right now for our tourists and in fact for our residents is an adequate taxicab and limo system that right now, we believe, does not exist.

We believe that the PUC has spent very little time from the State level in overseeing the regulations dealing with cabs to make sure that they are clean, they are accessible, they are insured, that the vehicles are up to standards that we all expect, and I would say that when we go to other cities, we in many cases judge that city from the first impression we get, and that is getting into a cab at an airport and a hotel. We think that local oversight, which occurs in most major cities, is the answer to improving this service in the city of Philadelphia.

Mr. ROEBUCK. Mr. Speaker, if the fault is with the PUC, why are we not focusing on the PUC as the source of the problem, if I understood your explanation?

Mr. TAYLOR. Mr. Speaker, as I stated, the PUC is a State commission. It primarily sits here in Harrisburg and oversees, and up until this point, we have seen little activity in aggressive oversight of taxicabs and limos in the city of Philadelphia, and frankly, we need a change. The change is, in the view of this bill, the Philadelphia Parking Authority.

Mr. ROEBUCK. But again, Mr. Speaker – and I do not mean to belabor the point – if the PUC is not doing its job, why are we not focusing on the PUC? Are they doing their job in Pittsburgh? Are they doing it in Harrisburg? Are they doing it in Erie? Are they doing it in any other city that they have authority over? Is Philadelphia the only city that they are not doing it in?

Mr. TAYLOR. Mr. Speaker, I will answer this one more time, that we in the legislature have our choice of approaches. We can go down the road of aggressively asking the PUC, which we think is not the answer. In my view, it is to transfer that entire regulatory power to an agency that is housed and operates in the city of Philadelphia.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Mr. Speaker, could you tell me what kind of experience the parking authority has in regulating utilities?

Mr. TAYLOR. Mr. Speaker, I can tell you the experience that the parking authority has in dealing with vehicles in the city of Philadelphia. We can only go into things like Live Stop and the increase in revenues that have occurred from the parking authority to the city of Philadelphia. To make sure that cabs and taxis and limos are clean, that the drivers are trained, that the vehicles are properly insured, that the vehicles actually operate is something that the parking authority is well suited to do, and we are confident that that will be accomplished and in a much better way than the PUC is currently doing it.

Mr. ROEBUCK. Do I take it then, Mr. Speaker, that your answer is, they have no experience in doing that? Is that the answer that you just gave me?

Mr. TAYLOR. Mr. Speaker, I just answered that question. You can keep on asking the same one if you want. I am going to keep on giving you the same answer, and you are going to waste these members' time.

Mr. ROEBUCK. Thank you, Mr. Speaker.

May I address the motion?

The SPEAKER. The gentleman is in order and may proceed.

Mr. ROEBUCK. The response of the maker of the motion is beyond a level of arrogance. I take it as personally offensive, Mr. Speaker. My questions were asked honestly for clarification. If the gentleman does not want to answer the questions, he can simply say, I do not want to answer the questions. In reality, he has not answered the question. He has clearly not been able to substantiate in any way that the Philadelphia Parking Authority has any experience in regulating public utilities, which is what I asked, and for the answer or the comments that it did, to me, is an undercutting of this process. It is clearly disrespectful to me as a member and to every other member of this Assembly.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Evans. The Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. D. EVANS. Mr. Speaker, I would like to read from a letter that was sent to the members of the Philadelphia delegation by the mayor of the city of Philadelphia, and the letter says – this is the letter here – the letter says, “The City, however, does oppose those provisions that would redefine the rights of the City pursuant to the Cooperation Agreement between the City and the...Parking Authority dated February 16, 994.”

It states clearly that “The City does not object to those provisions that transfer the regulation of taxicabs and limousines from the Public Utility Commission to the

Philadelphia Parking Authority.” Let me read that again: “The City does not object to those provisions that transfer the regulation of taxicabs and limousines from the Public Utility Commission to the Philadelphia Parking Authority,” first.

Secondly, Mr. Speaker, after speaking to your representative and speaking to Representative Bishop, Representative Waters, I mean Representative LeAnna Washington, and Representative Taylor, two of the provisions in this letter state very clearly that those provisions will be added as a part of this legislation. The third provision, which deals with the issue of the city controller, there was some concern to prevent the city controller from arbitrarily being able to just intercede and take a kind of unnecessary audit.

So two of the provisions – and if they would like, I could read them, but I will give them for the record – two provisions were just agreed to with Representative Bishop, Representative Washington, Representative Taylor, for the purpose of public record.

So two provisions were agreed to. The city says it does not oppose the transfer, signed by Mayor John F. Street; the city does not oppose the transfer, this from the PUC to the parking authority. So here is the letter submitted for the record, so people can understand, from the city administration, this letter here.

So I want to stand up and say that I support the gentleman's legislation. I hope that we can focus, because at the end of the day, it is supposed to be about the consumer, what is in the best interest of the consumer. If you look at New York and you look at Chicago, you look at those particular places, the cab industry, with us talking about investing more money in Philadelphia with a convention center expansion, the reality of it is that the taxi service is extremely important to what takes place in the city of Philadelphia, so I would hope that we would support the gentleman's bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LETTER SUBMITTED FOR THE RECORD

Mr. D. EVANS submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the words from the Democratic chair of the Appropriations Committee, I think, are very helpful, and they show that the parking authority and the people backing it are moving in a very constructive direction. I am on board with the idea of the parking authority doing the taxicab regulation, because neither the PUC nor the city of Philadelphia has any real interest in it at this point.

I am pleased that in two of the three areas that the mayor has objected to, there is agreement that in the Senate it will be supported changing it. I am also pleased that they are not ruling out making arrangements on the third area. Further, I am pleased that there is a certain amount of outreach that is going on to critics of the parking authority.

There still are problems with the parking authority and the city of Philadelphia. There is development in center city where

the community does not want it, that the parking authority is pursuing, development that this current administration did not initiate but nevertheless is carrying on over very substantial community opposition.

I am still inclined to vote against this particular version, but I think that the parking authority is moving in the right direction, and I would look forward to an improved version coming back to us from the Senate with the support of the Speaker and the Democratic chair of the Appropriations Committee.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the author of the bill?

The SPEAKER. The gentleman, Mr. Taylor, indicates he will stand for interrogation. The gentleman, Mr. Thomas, is in order.

Mr. THOMAS. Thank you.

Mr. Speaker, is it true that there is about \$11 million in the PUC associated with the regulation of taxicabs?

Mr. TAYLOR. \$10 million, Mr. Speaker.

Mr. THOMAS. \$10 million?

Mr. TAYLOR. There is \$10 million in the regulatory fund to oversee both limos and taxis in the city.

Mr. THOMAS. Thank you, Mr. Speaker.

Will that \$10 million follow 2654?

Mr. TAYLOR. Mr. Speaker, as per divisions of 2654, about \$3.5 million of that will follow this legislation in its initial stages.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I conclude my interrogation, and may I make a comment?

The SPEAKER. The gentleman is in order.

Mr. THOMAS. One, I want to thank the Democratic chair of the Appropriations Committee and also thank the majority chair of the Appropriations Committee for working out an agreement with Representative Bishop and Representative Washington and Representative Waters and the other members that participated in that agreement. I suspect that because that agreement is now public, that it will be honored, and I encourage the framers of the agreement to honor it and allow the city some input in all of this.

But at the end of the day, because there is money that will follow this and this regulatory transfer will not be tantamount to an unfunded mandate, I say, let us say yea, yea, yea to HB 2654.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—190

Adolph	Evans, J.	Levdanaky	Sainato
Allen	Fabrizio	Lewis	Samuelson
Argall	Fairchild	Lynch	Santoni
Armstrong	Fecce	Mackereth	Sather
Baker	Fichter	Maher	Saylor
Baldwin	Fleagle	Maitland	Scavello

Bard	Flick	Major	Schroder
Barrar	Forcier	Maderino	Scrimenti
Bastian	Frankel	Mann	Semmel
Bebko-Jones	Gabig	Markosek	Shaner
Belardi	Gannon	Marsico	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Benningshoff	George	McGill	Solobay
Biancucci	Gergely	McIlhattan	Staback
Birmelin	Gillespie	McIlhinney	Stairs
Bishop	Gingrich	McNaughton	Steil
Blaum	Godshall	Melio	Stern
Boyd	Good	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Grucela	Millard	Stevenson, T.
Buskovitz	Gruitz	Miller, R.	Sturis
Caltagirone	Habay	Miller, S.	Surra
Cappelli	Haluska	Mundy	Taylor, E. Z.
Causar	Hanna	Mustio	Taylor, J.
Cawley	Harhai	Myers	Thomas
Civera	Harhart	Nailor	Travaglio
Clymer	Harper	Nickol	True
Coleman	Harris	O'Brien	Turzai
Cornell, S. E.	Hasay	Oliver	Vance
Corrigan	Hennessey	O'Neill	Veon
Costa	Herman	Payne	Walko
Coy	Herahey	Petrarca	Wansacz
Crahalla	Hess	Petri	Washington
Creighton	Hickemell	Petrone	Waters
Cruz	Horsey	Phillips	Watson
Dailey	Hutchinson	Pickett	Weber
Daley	James	Pistella	Wheatley
Dally	Keller	Preston	Williams
DeLuca	Kenney	Raymond	Wilt
Dealinger	Killion	Readshaw	Wojnaroski
Dermody	Kirkland	Reed	Wright
DeWeese	Kotik	Reichley	Yewcic
DiGirolamo	LaGrotta	Roberts	Youngblood
Diven	Laughlin	Rohrer	Yudichak
Donatucci	Leach	Rooney	Zug
Eachus	Lederer	Ross	
Egolf	Leh	Rublely	Perzel,
Evans, D.	Lescovitz	Ruffing	Speaker

NAYS—11

Casorio	Freeman	Pallone	Tigue
Cohen	Joseph	Roebuck	Vitali
Curry	McGeehan	Tangretti	

NOT VOTING—0

EXCUSED—2

Buxton	Rieger
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

MOTION TO RECONSIDER HR 741

The SPEAKER. The Chair is in receipt of a reconsideration motion by the gentleman, Mr. Thomas, that the vote by which HR 741, PN 3881, passed on the 15th day of June 2004 be reconsidered.

On the question,
Will the House agree to the motion?

Attachment

6

This is the html version of the file
Google automatically generates html versions of documents as we crawl the web.

Hospitality Initiative Philadelphia's Taxicab Technology Project

Presented by:

James R. Ney, Director

Taxicab & Limousine Division

Philadelphia Parking Authority

IATR Conference – New York

September 14, 2009

2

Background

- . **PPA assumed regulatory authority for taxicabs and limousine service in the City of Philadelphia in April 2005 as a result of passage of Act 94 of 2004**
- . **Regulatory program comprehensive in nature.**
- . **First time regulatory oversight of key components such as Dispatch Companies, Financial Service Providers including brokers, lenders and insurers.**
- . **In-house state inspection of taxis.**

3

The Industry

- . **Previously regulated by the Pennsylvania Public Utility Commission, the Philadelphia taxicab and limousine industry includes:**
 - . **1600 medallion taxicabs owned by 800 companies**
 - . **1200 limousines owned by 150 companies**
 - . **5000 drivers most of whom are independent operators**
 - . **13 dispatch companies to one of which each medallion taxicab must be a member**
 - . **Six partial rights taxicab companies with operating territories straddling sections of the City and the suburbs**

4

5

6

Hospitality Initiative

- . **Act 94 of 2004**
also included funding for **PPA** to make taxicab service in Philadelphia “more consumer friendly”
- . **PPA**, in consultation with stake holders of local **taxi** service, determined that updated technology should be purchased and implemented

7

Hospitality Initiative

- . **RFP for Philadelphia Taxi Technology issued in October 2004**
 - . Sought a single vendor to provide a turn-key system that could provide the following:
 - . Automated - Coordinated Dispatch System
 - . GPS based
 - . Navigation assistance for drivers
 - . Panic button for driver safety
 - . Credit/Debit card processing

8

Hospitality Initiative

- . **Signed Contract with Taxitronic (VTS) in Feb. 2006**
- . **Sought and obtained an additional appropriation of funding from the legislature in April 2006 for a now \$4 million contract which included:**
 - . **Up to date equipment programmed to work only as an integrated unit in the vehicle in which it was installed**
 - . **Tamper proof meter which provides printed receipts with all trip information**
 - . **MDT's (MX870) with voice navigation, text messaging, system training and moving map display**

. Passenger compartment payment center

9
10
11
12
13

Hospitality Initiative

- . Off the shelf and customized software**
 - . Trip and driver tracking**
 - . Remote shut-off of driver**
 - . Coordinated dispatch**
- . Installation, support & maintenance, training**
- . Uses cellular rather than radio technology**
- . Provides driver non cash payment processing at 5% per transaction.**
Prior to this, cashiering was handled by Dispatch Companies at 10 – 12 % per transaction.

14

Costs for System

- . Total cost of \$4.06 million**
- . Per vehicle cost of \$2,600 fully paid by appropriation of the legislature from the medallion fund**
- . Dispatchers pay \$500 per work station for software and purchase their own PCs and other associated hardware**
- . Medallion owners pay \$18 per month per medallion for air time/communication costs. Collected by PPA and paid to VTS.**
- . Drivers pay nothing other than per transaction credit card fee**

15

Installation and System Integration

- . Began in Spring 2006 with installation of approximately 30 “early adopter” taxis**
- . Installation of first four Dispatchers’ affiliated**

taxis in July 2006

. All taxis installed by end of 2006

16

Go Live

- . **Contractually – Kick-off of customization and final system acceptance period**
- . **Initially scheduled for first quarter 2007**
- . **Has yet to occur due to outstanding issues with system**
- . **Complaints over ensuing period from dispatchers, drivers, medallion owners and the PPA concerning communications connectivity, functionality and general system efficacy**
- . **Coordinated Dispatch protocol suspended – some upgrades made by vendor to system**

17

Current Status

- . **Issues remain with technology system but are not as prominent as they were earlier**
 - **Suspension of problematic Coordinated Dispatch protocol has helped**
 - **System upgrades improved functionality for dispatchers**
 - **Outages halted**
 - **Driver services somewhat enhanced – Five day per week account deposits; today's transaction proceeds appear in driver account the day after tomorrow; on-line access to detailed account information**

18

Current Status

- . **Benefits of system more apparent as user friendliness increases**
 - **Provides both Dispatchers and PPA with better oversight of drivers allowing meter shut-off for non-compliance**
 - **Incidence of return of lost property to passengers has increased significantly**
 - **Administrative tool for keeping track of medallion dispatch company membership**
 - **Allows PPA to monitor which drivers are not accepting credit cards**
 - **Allows PPA to identify driver overcharges of customers**

Attachment

7

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THE GOVERNOR

Notice of Veto

[36 Pa.B. 6846]
[Saturday, November 11, 2006]

October 27, 2006

*To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania*

I am returning, without my approval, House Bill 2545, which amends certain provisions of the parking authorities' law primarily relating to the regulation of taxicabs and limousines in cities of the first class.

One of the most troubling aspects of the bill is the provision that allows the Philadelphia Parking Authority to depart from the standard administrative law practice of setting forth clear and understandable reasons why a particular decision, following a hearing to contest the Authority's action with respect to the rights or obligations of a taxicab or limousine owner, was made. The grounds upon which a taxicab or limousine owner may appeal a decision are limited, so how is the owner supposed to know if he or she has grounds for an appeal if the Authority's hearing officer doesn't have to include his or her reasons in the decision? Because such a decision could involve taking away an owner's right to make a living, this seems to be patently unfair and bordering on a violation of due process for the taxicab or limousine owner. At the very least, it will mean that everyone who receives an unfavorable decision will automatically have to file an appeal--and, most likely, spend some amount of money to hire a lawyer to do so--even before they know whether they have any chance of being successful.

Moreover, the bill is fraught with provisions that are confusing and seem not to serve the interests of the Parking Authority or the citizens it was created to serve. For example, the bill exempts limousines and taxicabs that operate in Philadelphia, but are "based outside" of the city from the oversight of the Authority. Besides the fact that the bill does not define what being "based outside" of the city means, it seems that this gives suburban taxicab and limousine services a distinct advantage over those that are located in the city for no apparent good reason. It also may induce companies that are already located in Philadelphia to move out of the city, which obviously is not good for the city's overall economy. In addition, House Bill 2545 exempts all parking authorities from compliance with the most important provisions of the Commonwealth Procurement Code--those relating to the openness with which contracts must be bid and awarded. This can only result in the loss of faith by the public in the integrity of these authorities.

Finally, the bill exempts wheelchair accessible taxicabs from the prohibition in the current

statute that a taxicab cannot be more than eight years old. There does not seem to be a good reason for this exemption.

For all of these reasons, I must withhold my approval from House Bill 2545.

Edmund C. Rendell

Governor

[Pa.B. Doc. No. 06-2192. Filed for public inspection November 9, 2006, 9:00 a.m.]

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