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PROPOSED RULEMAKING

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PHILADELPHIA PARKING AUTHORITY

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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, PRM-10-001

IRRC NO. 2885 PHILADELPHIA PARKING AUTHORITY

REG NO. 126-1 PHILADELPHIA TAXICAB AND LIMOUSINE REGULATIONS

INTRODUCTION

I, Edward M. Burckhardt, residing at 2857 Walnut Hill Street, in Philadelphia PA 19152, am submitting these comments to the Philadelphia Parking Authority's, (hereafter referred to as "PPA"), proposed regulations as referred to above, individually and as Vice President of Yellow Cab Inc., Executive Transportation Company Inc., and Bucks County Services Inc.

These comments, despite submission on behalf of the aforementioned companies, as well as individual representation, are certainly not inclusive of all our concerns and/or legal challenges referencing these proposed regulations.

Because of the complexities involved in interpreting these regulations and the constitutional violations that will be infringed if implemented as proposed, and because I am not a lawyer, one of our attorneys' will also be submitting additional comments on our behalf, detailing and defining the legitimacy or lack thereof, of these proposed regulations.

The creation of a system and/or governmental checks and balances were crucial elements implemented by our founding fathers to deliberately ensure that such safeguards were rigidly established, as is evident in the Executive Branch of our government.

An interesting phrase that I stumbled upon in preparing these comments, quoting Earl of Chatham, is "ignorantia legis neminem excusat", which translated is "where law ends tyranny begins". Considering that these proposed regulations are being submitted now by the PPA, as opposed to expected submission in 2004, the resulting hardships that have inevitably followed, both emotional and financial, regardless of intention, make the credibility of these comments both germane and effective.

BACKGROUND

It is important to understand the history leading up to the submission of these proposed regulations to ensure that no person's Constitutional rights will be violated, and to eliminate the potential of giving them the authority or power to construct and/or implement rules, regulations, and/or orders preventing the industry from receiving Due Process. Without Due Process protection, the PPA will continue to have the ability to create regulations and/or polices that are immediately valid and/or binding without established safeguards to ensure the legality or comprehensive studies to determine the ramifications of such actions.

The PPA, as is redundantly evident with their past actions, shows little concern for accountability, or the adverse effects evoked by rash decision. The enabling language of Act 94 states, as found in § 5701.1. **Legislative findings.**

The General Assembly finds and declares as follows:

- (1) The health, safety and general welfare of the people of this Commonwealth are directly dependent upon the continual encouragement, development, growth and expansion of business, industry, commerce and tourism.
- (2) Unemployment, the spread of poverty, and the heavy burden of public assistance and unemployment compensation can be avoided by the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in this Commonwealth through the development of a clean, safe, reliable, and well regulated

taxicab and limousine industry locally regulated by parking authorities in cities of the first class.

In my opinion, through the review of these proposed regulations and their past actions, it seems that the opposite holds true. Regardless of intended purposes, the end result holds importance, and it is my belief that the above legislative mandate is not being abided.

Examples to enforce this belief are further justified with their handling of the Hospitality Initiative (HI), as found in Act 94. Act 94 allowed the PPA to spend up to a sum of no more than \$2,000,000.00. However, after a questionable allotment of another approximately \$2,000,000.00, for a total expenditure of over \$4,000,000.00, the PPA made the decision to select a system from Taxitronic, now referred to as VTS. Even to date, this system is not fully operational, and key features/components have been deleted, thus preventing the last \$1,000,000.00 payment to be withheld because triggering requirements for the "Go-Live" date have not been met, to the best of my knowledge.

Interestingly enough, through both oral vocalization and written correspondence, we informed the PPA several times that VTS was misrepresenting their qualifications. Our attempt at communication was repeatedly ignored, and instead, we were informed that we were mistaken in our assessment. Ironically enough, however, we were ultimately found to be correct.

Although written correspondence was submitted to the PPA, in which I copied the Attorney General of Pennsylvania, alongside other agencies and state officials calling for an independent investigation in this selection process, the response received was harsh, and vigorously disputed the necessity of the investigation.

The PPA has also reduced our service area, capped our open-ended limousine certificate, and charged our limousine company 400% more per vehicle in assessments than any other limousine company, which, as dictated within Act 94 is clearly outside their scope and prevue. Although the enabling legislation grants them the right to regulate our certificate, it does not award them the authority to modify, reduce and/or restrict our rights.

In an Opinion Filed December 2006, by Judge Leavitt, Commonwealth Court in the case of Ming Luen Hui v. The City of Philadelphia Parking Authority, No.1186 C.D.2006, is another example of the PPA forcing an industry member to incur unnecessary legal fees and time in a procedural issue. In summary, the Courts had to correct the PPA's erroneous practice of placing the burden of proof on the accused instead of themselves.

Examples referencing questionable regulations, policies, practices, and/or procedures can easily be cited, per request. However, I must now focus on commenting through the proposed regulations in question.

Comments

All text below in black is the referenced proposed regulation as submitted by the PPA, and all text in blue are my comments to that referenced regulation.

Section 1001.1(C): Rights issued by the Authority through issuance of a waiver prior to the date these regulations are published in final form in the *Pennsylvania Bulletin* will expire one year from the date of that final form publication.

If some of the waivers in question did not exist, it would place various companies that have been operating for over 25 years or longer, out of business. Consequently, if some of these companies were forced out of business, it would directly contradict the legislative mandate, and would deter servicing capabilities to the riding public.

Section 1001.6(D): The Authority may require redundant, immaterial, obscene or otherwise inappropriate comments stricken from documents filed with it.

The PPA should not be given the broad power to determine what may or may not be immaterial and/or inappropriate. Such authority could potentially allow them the ability to remove evidence and/or testimony that may be found detrimental or contrary to their beliefs, regardless of the standing rights of others.

Section 1001.13(A): In computing a period of time involving the date of the issuance of an order by the Authority, the day of issuance of an order will be the date the Clerk enters the order. An order will not be made public prior to its entry except where, in the Authority's judgment, the public interest so requires. The date of entry of an order may or may not be the day of its adoption by the Authority. The Clerk will clearly indicate on each order the date of its adoption by the Authority and the date of its entry.

Considering that the regulated, (the industry), is a public Utility, and the Regulator of a Public Utility's number one objective and purpose is the general welfare and protection of that utility being regulated, then all Orders shall be made public prior to the day of issuance, and not left to the PPA's discretion. Additionally, no Order and/or Regulation should be effective immediately, and should have to meet all of the requirements of the Commonwealth Document Act as prescribed by law.

Section 1001.14: (a) An order of the Authority promulgating regulations shall be effective upon publication in the *Pennsylvania Bulletin* unless otherwise specially provided in the order.

(b) Except as provided in subsection (a), an order of the Authority shall be effective as of the date of entry unless otherwise specially provided in the order.

(c) Subsections (a) and (b) supersede 1 Pa. Code §31.14 (relating to effective dates of agency orders).

The same comments above, listed for Section 1001.14, are applicable here also. They should not be allowed to bypass any Laws, Requirements, or Safeguards established either Federally, State, or City just because they have tried to circumvent them per their own regulations.

Section 1011.4(C): (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).

In the past, the industry has been permitted to pay these assessments quarterly, in four equal installments. This reduction may cause significant financial hardship for individuals and/or corporations that may hold more than one same type of Certificate. As such, it seems that no valid reason encompassing this decision is present.

Section 1011.4(D): *Assessment payment by appointment.*

(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 rescheduling fee as provided in §1001.43 (relating to Authority fee schedule), in addition to any penalty entered against the certificate holder.

Such a schedule should not be dictated, but rather, should be settled and agreed upon by all involved parties. It is not just to impose fines and/or penalties when prior obligations may be present at the allotted time.

(2) The scheduled appointment will become the new due date for the installment assessment payment.

Given the current state of the economy, and the relevant cash flow problem some individuals and/or corporations in question may be experiencing, appointing a new due date that will move payments forward by more than a reasonable period may result in budgetary problems or more severe financial impediments.

(3) The Authority will provide notice of assessment payment appointments as provided in §1001.51 (relating to service by Authority).

(e) *Eligibility.* A certificate will be ineligible for assessment installment payments if the certificate holder or any person having a controlling interest in the certificate holder has done any of the following in the previous five years:

This is quite unreasonable, and any Certificate Holder in good standing should be allowed the opportunity for installment payments. The PPA's goal should be to encourage good will, not destroy it. Forcing full payments will most likely have Certificate Holders defaulting, and may potentially result in a loss of their Certificates. Such consequences would not encapsulate the best interest of the riding public, nor would it help stimulate the economy, as the enabling legislation dictated.

- (1) Failed to pay an assessment to the Authority on schedule.**
- (2) Failed to begin and complete the annual rights renewal process on schedule.**
- (3) Been subject to suspension or cancellation of any rights issued by the Authority pursuant to the act, this part or an order of the Authority.**

(f) *Payment of renewal fees by taxicab drivers.* The annual renewal fee for taxicab drivers is due with the filing of the DR-3 as provide in §1011.3 (c)(3)(D).

(g) *Payment of renewal fees by brokers.* The annual renewal fee for brokers is due with the filing of the BR-4 as provide in §1011.3 (c)(3)(E).

(h) *Late assessment or renewal fee payments.*

(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.

This requirement is obscure at best. Hypothetically speaking, if you are in line by 3p.m. and you are not processed until after the deadline, are you considered late? Instead of implementing unnecessary schedules to impose rigidity, we should be permitted to mail the relevant paperwork, regardless of whether you are a fleet or not. Additionally, it is now required that assessment paperwork mailed to them must be received by the due date. It would seem more reasonable that as long as it is post-marked by the due date, it should be considered punctual. If this qualification meets the standards of the IRS, then it should be good enough for the PPA. We should not be unjustly penalized for delayed mail, especially when it may be sitting on someone's desk, perpetually waiting to be processed.

(2) An installment assessment payment will be considered late if not paid at the appointed time and date for payment.

(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).

Section 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.

Although it is not explicitly declared in the Constitution of the United States (The Presumption of Innocence), it is widely held to follow from the 5th, 6th and 14th Amendments. This right is extensively withheld not only in the United States, but in numerous countries worldwide. It would be a gross injustice to authorize the PPA the assumption of 'guilty until proven innocent.' Damage following such attributed power may lead to financial ramifications that would be catastrophic.

Section 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 completed.

The ARD program is established to deal with summary offenses, specifically with first time offenders, as a way to lessen the burden on the court system and the expenses that comes with trying a case. Entering the ARD program is not an admission of guilt and should not

be held against you as if you were found guilty. Additionally, Act 94 only specifically mentions restricting your rights if you were convicted of a felony.

As found in chapter 3 of the PA Code, “[t]hat the crime charged is relatively minor and does not involve a serious breach of the public trust.” As a rule of procedure the original charges are even expunged as found in Rule 320 of Chapter 3, “[T]he cases have held that a defendant’s arrest record shall be expunged upon successful completion of an ARD program, unless the Commonwealth presents compelling reasons why the arrest record should be retained.”

Section 1011.7(C): 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.

This regulation is out of their prevue, as Act 94 did not confer the right, duty, or responsibility of tax collector to the PPA.

Section 1011.11(C): Paper records required by this section must be stored in dry areas protected by a fire suppression system.

A fire suppression system is certainly not practical, and may not even be possible, depending on the building of leasing.

Section 1011.13(B): An interruption of service by a dispatcher for more than 30 minutes shall be reported to the Director in writing within two hours of the beginning of the service interruption. The written statement must include the cause of interruption and its probable duration.

This requirement is certainly not practical and is unattainable in the event of loss. When utility companies are involved, an estimate of time referencing restoration may not be possible. The minimum time for notification should be at least two hours.

Section 1015.1(B): Due to the substantially similar nature of service provided within Philadelphia by partial-rights and medallion taxicabs, most regulations related to taxicab service in Philadelphia do not differentiate between medallion taxicabs and partial-rights taxicabs.

These are two uniquely different types of services, and as such should not be grouped together. Unlike medallion taxicabs, partial rights taxicabs must also be compliant with all of the PUC regulations, which, in some cases, conflict with PPA regulations. Also most of, if not all of the partial right carriers, have much larger service areas outside of Philadelphia rather than within.

Some of the regulations that the PPA are proposing will create a disadvantage with the Partial Rights carriers and potential competitors in the suburban communities which we service.

Section 1015.3(D): The number of taxicabs that may be operated by a partial-rights certificate holder may not exceed the number duly registered by the certificate holder with the Authority on November 1, 2010.

There is no statutory authority in Act 94 granting any right, power and/or privilege to allow the PPA to arbitrarily restrict or limit our potential for growth on what has historically been an open-ended certificate. This type of governmental action is nothing more than an illegal taking protected by the 5th & 14th Amendments.

Section 1015.5: (a) Each partial rights company shall submit a Form PR-1 "Partial-rights Taxicabs in Operation" to the Authority on the first business day of each month. A Form PR-1 may be obtained at www.philapark.org/tld. The Form PR-1 must include all of the information required by the Authority, including the following:

- (1) The taxicab number assigned to each taxicab pursuant to §1017.14 (relating to taxicab numbering).**
- (2) The Vehicle Identification Number assigned to the vehicle at the time it was manufactured.**
- (3) A list of the taxicab drivers then permitted to operate the certificate holder's partial-rights taxicabs.**

This requirement is not only cumbersome, but unnecessary. First, there is no valid reason to resupply redundant information every month. Additionally, there is no purpose to supply them information for vehicles and/or drivers which are not specifically registered with them.

Section 1017.3(B1-A) [pg.120]: 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.

Act 94 specifies that vehicles shall be no more than 8 years old. A 5 year limitation will cause financial hardships in an industry that is already strained. It is almost impossible and financially impractical to secure comprehensive & collision coverage for a taxicab and as such an accident could lead to the likelihood of said taxicab becoming totaled and the driver and/or owner still facing a loan that cannot be satisfied.

Section 1017.3(B1-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.

The cost of this regulation is prohibitive. As established above, without being able to secure comprehensive & collision coverage, this requirement could impose a destabilizing

effect on the industry. Additionally, this would restrict a driver's ability to transfer his vehicle to a different medallion owner, potentially penalizing a driver.

Section 1017.4(A-1): (a) *Mileage at vehicle introduction.* A vehicle may not be first introduced for taxicab service with a cumulative mileage registered on the odometer as follows:

- (1) For a taxicab, 15,000 miles or more.**

For the same arguments from my previous two comments, this requirement is unreasonable and impractical.

Section 1017.4(B-1) [pg. 121]: (b) *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:

- (1) For a taxicab, 200,000 miles or more.**

A maximum mileage restriction is overly burdensome and unnecessary. If the vehicles in question are being inspected bi-annually, and are being subject to random field inspections, this more than ensures that they are safe and cosmetically aesthetic.

Section 1017.5(B-3) [pg.122]: 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.

As previously referenced by the PPA in their proposed regulations, they are grouping Partial Rights providers within the use of Taxicabs. Because of the vast difference between the two subsets of taxicabs, what might seem appropriate or practical for one is not necessarily for the other. More hardship than benefit will be administered if Partial Rights provider is forced to use Mobile Data Terminals designed for the Medallion cabs.

The Mobile Data Terminal's referenced by the PPA are still not fully operational and the PPA is still with holding the last approximately million dollars still due because features and functionalities as originally specified in the contract are still not operational approximately four years later. The PPA is also forcing all drivers to utilize their credit card processor of their choice.

Since 2000 we have been using our own Mobile Data Terminals that is more efficient then the PPA system and in my opinion more efficient. Dispatchers of Partial Right companies are not under PPA jurisdiction or regulatory control and as such should not have to pay for or use an inferior product.

Shortly after the PPA's selection of Taxitronic the PPA forced us to remove all of our MDT's from our Yellow Cab's while we were negotiating with them to have both units

installed. This action resulted in our association members losing significant revenue and some fleet owners losing a good portion of their drivers due to the drivers not wanting to continue driving a Yellow Cab without the work and benefits they were receiving with the use of our system installed. Additionally, because of the loss of revenue from not being able to continue to use these MDT's and still having to pay monthly maintenance fees to the vendor ,we became seriously delinquent, As a result of this delinquency we had to send them back 50 previously purchased units along with a cash settlement to rectify this delinquency.

Section 1017.5(13) [pg.124]: A taxicab must be equipped with a meter approved for use as provided in §1017.23 (relating to approved meters) and may not be equipped with a device that has the capability of allowing the meter to register a non-approved rate.

Please see my comment above, which is applicable for this proposed regulation also.

Section 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 at www.philapark.org/tld.

Again this should not be applicable to Partial Right providers for the same reasoning. Additionally I believe it is unethical for any regulatory agency to dictate forcing you to purchase a specific meter from a specific vendor. I am not implying that anything inappropriate or unethical is happening, however what is to stop an agency and/or an employee of said agency with this type of power to request or receive kick backs or other motivating to be that approved vendor.

Section 1017.24: (a) A taxicab meter must be activated for fare calculation by the driver when the passenger and the passenger's belongings are securely in the taxicab and the trip begins.

(b) The meter must be deactivated for fare calculation by the driver when the taxicab has arrived at the destination designated by the passenger and the taxicab is able to safely and legally stop.

The fare should start when the passenger and/or their belongings first occupy the taxicab in question and the fare should only stop when the last passenger and/or their belongings are entirely removed. There can very well be circumstances where the driver has to wait when all passengers are not ready at the same time or the time it takes to load or remove their belongings.

(c) The meter must continuously display the current rate charged for an active fare and the display must be visible to the passenger.

(d) 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:

(1) The ability to issue a receipt containing information required by the Authority, including:

- (i) The mileage of the trip and amount paid, expressed in United States Dollars.**
- (ii) The vehicle's taxicab number.**
- (iii) The taxicab's dispatcher.**
- (iv) The driver's certificate number.**
- (v) The Authority's phone number or email address to be used to report complaints.**
- (vi) The time and date of the fare.**

(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.

(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.

(5) A driver recognition function to permit only Authority certified drivers in possession of a taxicab driver's certificate to activate and then use the meter to provide taxicab service.

(6) The ability to be remotely disabled by the Authority.

(7) The ability to communicate voice and text messages between the driver, dispatcher and the Authority.

(8) A distress button that can be easily activated by a driver to silently communicate to the dispatcher the need for emergency assistance.

(e) Partial-rights certificate holders may seek one waiver from this provision for a period not to exceed one year from the date this regulation is published in final form in the *Pennsylvania Bulletin*. The purpose of the waiver is to permit additional time for the certificate holder to acquire and install the required meter system. The certificate holder's waiver petition shall be filed as provided in §1005.18 (relating to petitions for issuance, amendment, repeal, or waiver of Authority regulations).

Partial Right providers should not be subject to this regulation for reasons already stated concerning the difference between the two classifications of Taxicabs. For a Partial Rights provider to be forced to use this system and/or subject to its requirements would cause a coordination problem for the work they are dispatching between the Partial Right taxicabs that are registered with the PPA and the ones that are not registered with them. This would adversely affect the average service time that the customer would have to wait.

Section 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.

Being issued a fine is one thing but not afforded the accused due process is unconstitutional. There might have been circumstances or events that would have prevented a random inspection at that exact moment. There is the potential that the driver in question that the PPA officer is trying to pull over for the random inspection might not have noticed the PPA officer attempting to pull him over if he was driving in traffic. Additionally, if it is an unauthorized driver that the driver subleased to without the certificate holders approval and/or knowledge, the certificate holder should not be penalized or have the vehicle impounded in these or other similar events.

Section 1017.37: Inspection subsequent to vehicular accident or damage.

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

(1) An incident that must be reported to the police pursuant to 75 Pa.C.S. §3746 (relating to immediate notice of accident to police department).

(2) An incident involving contact with a vehicle owned or operated by any government entity.

(3) An incident resulting in damage to the taxicab which requires more than \$500 to repair.

(4) An incident involving any contact with a taxicab which renders it incapable of being legally operated on a highway.

(5) A motor vehicle accident resulting in injury or death to any person.

(b) The certificate holder and driver shall contact the Manager of the Enforcement Department immediately upon the occurrence of any incident set forth in §1017.37 (a) (relating to inspection subsequent to vehicular accident or damage) and the certificate holder shall remove the taxicab from service.

(c) In order for a vehicle to reenter service after the occurrence of a condition referenced in subsection (b), the certificate holder must schedule a compliance inspection with the Authority.

(d) On or before the scheduled time for the Authority compliance inspection required by subsection (c), the certificate holder shall provide the Authority with a written list of the repairs made to the taxicab subsequent to the incident which caused it to be removed from service. The list of repairs required by this paragraph must be provided on the letterhead of the repair facility and executed by the repairman.

In this day and age a minor scratch or even a repair of a side view mirror can cost over \$500.00 to repair. To be forced to take a vehicle off the street subject to repair and waiting for an appointment for inspection is unreasonable and will cause unnecessary financial hardships.

Section 1017.39: License plate change.

(a) A taxicab may not be operated with a license plate other than that which was assigned and attached to the taxicab at the time of its last compliance inspection.

(b) A license plate other than the one referenced in subsection (a) may be attached to a taxicab only upon completion of a compliance inspection.

There is no reason or justification a vehicle should be out of service and lose revenue over a change of license plate. I can understand notifying the PPA of said change, but considering there is no public safety concerns anything more than that is excessive and unreasonable.

Section 1017.5: Impoundment of vehicles and equipment.

(a) *Impoundments generally.* The Authority may impound vehicles, medallions, and equipment used to provide call or demand service as provided in section 5714 (g) of the act (relating to confiscation and impoundment of vehicles).

(b) *Enforcement Proceedings.* The Enforcement Department or Trial Counsel will initiate an enforcement proceeding as provided in §1005.10 (relating to formal complaints generally) against the regulated party or owner or the impounded property, if other than a regulated party, related to an impoundment made pursuant to this section and the act.

(c) *Notice of impoundment.* The Authority will issue a notice of impoundment to the registered owner of the vehicle and registered lienholder of the vehicle or medallion, or both, if any, as provided in section 5714 (g)(2)(ii) of the act.

(d) *Recovery of impounded property.* Except as provided in subsection (g), the owner or lienholder of the property impounded as provided in this section may recover the impounded property by paying all penalties, fines and costs required by section 5714 (g)(l) of the act.

(e) *Public auction.* If the owner or lienholder fails to recover the impounded property within 45 days as provided in section 5714 (g)(l) of the act, that property may be sold at public auction as provided in section 5714(g)(2)(i) of the act.

(f) *Return of funds.* In the event the enforcement proceeding initiated as provided in subsection (b) results in a determination that the respondent was not liable for the violations referenced in the complaint and that the grounds for the impoundment were unsubstantiated, the costs of towing and impoundment paid by the respondent as provided in paragraph (d) will be refunded.

(g) *Stay of auction.* Upon motion of the respondent or a registered owner or a registered lienholder as an intervening party as permitted by §1005.21 (relating to initiation of intervention), the presiding officer may enter an order staying the public auction of the impounded property for such period as the presiding officer deems just. Costs of impoundment will continue to accrue during the period of any stay imposed through this subsection.

(h) *Emergency hold on impounded property.*

(1) In order to advance the interests of the act or to protect the public good, the Enforcement Department or Trial Counsel may motion the presiding officer to stay the return of property impounded as provided in this section through the conclusion of the enforcement proceeding, although requirements for recovery as provided in subsection (d) have been met.

(2) The presiding officer will issue a decision in support of the determination required by this section.

(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).

(4) In the event the release of impounded property is stayed, the enforcement proceedings will be conducted on an expedited basis.

There needs to be careful safeguards in regards to the PPA impounding vehicles. Unless it is a safety issue vehicles should not be impounded without due process. For them to have the ability to hold the vehicle in question until the conclusion of an investigation and/or hearing is denying the accused of due process and the presumption of innocence until proven guilty. The loss of revenue while the vehicle cannot be used while impounded is nothing more than a de facto fine and/or punishment. To further aggravate this situation, as we have personally experienced that when you are found not guilty in their hearings you are not reimbursed for the towing and storage charges, which only increase for every day it is impounded. And this does not even take in to account the revenue that was lost while impounded.

Section 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.

(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).

(c) Basic components of a lease. A taxicab lease must be in writing and contain information required by the Authority, including the following:

(1) The name, address, and telephone contact information for each party.

(2) The certificate number or medallion number, or both, subject to the lease.

(3) The term of the lease.

(4) 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.)

(5) Any other consideration to be paid by a taxicab driver if different from that set forth in paragraph (4). .

(6) Specification of any service limitation of the taxicab in a city of the first class, including those related to partial-rights taxicabs.

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

(8) The original dated and witnessed signature of the certificate holder and the taxicab driver.

(9) The following provisions:

"The parties to this lease agree to adhere to the taxicab and limousine regulations of the Philadelphia Parking Authority found at 52 Pa.Code Part II."

"The parties to this lease agree that the obligations of the certificate holder to maintain the taxicab and its taxicab service related equipment may not be assigned through this lease."

"Either party to this lease may report violations of the taxicab and limousine regulations of the Philadelphia Parking Authority to the TLD's Enforcement Department by calling 215-683-9471 or appearing personally at TLD Headquarters."

(10) The driver's certificate number and the expiration date then appearing on the driver's certificate.

(d) *Copies of lease*, A copy of a taxicab lease agreement must be provided to the taxicab driver and a second copy must be in the taxicab for review by the Authority, the PUC or law enforcement upon demand.

(e) *Retention of lease*. The certificate holder shall retain copies of each taxicab lease as provided in §1011.11 (relating to record retention).

The PPA should not legally be able to interfere or dictate neither contractual content nor provisions. The PPA is quick to assign excessive penalties and if it is something that the leasee could or should have been able to avoid, correct, prevent and/or was directly reasonable for that fine or penalty should be there reasonability.

As far as an agreement being particular to each vehicle is also unreasonable and will cause excessive paperwork for fleet owners whereas a driver might drive a different taxicab daily or in the event of breakdowns multiple taxicabs in the same day.

Having a provision that each party must supply the other party a 10-day notice of intention to cancel the agreement is not practical, although the intention is good. The owner should not be forced to allow someone to continue driving for them if they are not getting paid, or if the driver is conducting him or herself in a manner detrimental to the equipment or the owner's reputation. Examples of this are reckless driving or blatant disregard for PPA regulations, etc.

In addition the legality of dictating specific language and provisions can have severe legal ramifications for both parties whereas the PPA and/or State could be named in a suit over said provisions and/or language.

Section 1017.64: Receipts,

(a) A taxicab certificate holder shall provide to each of its taxicab drivers a three part form receipt book to note any payment received for taxicab service in the event the meter does not provide a receipt as provided in §1017.24 (relating to meter activation and display). Each receipt must provide information substantially similar to that required by §1017.24 and identify the taxicab certificate holder's name and contact information, including address and telephone number.

- (b) The form receipts are for use only if the taxicab meter fails to provide legible receipts.**
- (c) The taxicab driver shall provide a copy of each receipt to the taxicab certificate holder.**
- (d) The Authority may design and require the use of standardized receipts.**

Again Partial Right carriers should not be subject to all of the same requirements as a medallion taxicab due to the burden of complying with two different set of sometimes contradicting regulations, from multiple regulatory agencies.

Specialized and custom 3-part receipts are excessive and redundant. Drivers and certificate holder already need to use and maintain log sheets that already record this information. Current single copy receipts being utilized by the industry is significant.

Section 1019.3: Dispatcher application.

(a) General. In order to obtain a dispatcher's certificate a person must complete and file a Form No. DSP-1 "Dispatcher Application", along with the application fee as provided in §§1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The D&P-1 may be obtained on the Authority's website at www.philapark.org/tld.

(b) DSP-1 application. The completed DSP-1 must be verified as provided in §1001.36 (relating to verification and affidavit) and be filed with the Director in person by the owner of the applicant and include all of the information required by the Authority, including the following:

- (1) The name of the applicant and contact information, including a mailing address, a Philadelphia business address, a telephone number, an email address and a facsimile number.**
- (2) Identification of the applicant as an individual or a person as provided in §1011.2 (relating to definitions).**
- (3) If the applicant is not an individual, the following must be included:**
 - (i) The articles of incorporation, operating agreement, formation documents or other applicable organizing documents for the applicant.**
 - (ii) A certificate of good standing for the applicant from the Pennsylvania Corporate Bureau.**
 - (iii) A copy of the Pennsylvania Department of State's entity page for the applicant.**
 - (iv) The trade name, if any, of the applicant and a copy of the trade name registration certificate, if applicable.**
- (4) The mailing address and physical address of the applicant if different.**
- (5) A list of all Authority or PUC certificates or other rights in which the applicant or any person with a controlling influence in the applicant has any controlling interest, including taxicab medallions.**
- (6) The name, address, telephone number, facsimile number, and email address of any attorney or broker, or both, assisting the applicant through the Authority's dispatcher certification process.**

(7) A complete certified criminal history report as provided in §1001.2 (relating to definitions), including any jurisdiction in which the following individuals have lived during the last five years:

- (i) An individual applicant.**
- (ii) Any person with a controlling interest in the applicant,**
- (iii) Each key employee,**

(8) A written statement verified as provided in § 1001.36 (relating to verification and affidavit), which provides the following:

- (i) That the applicant, each person with a controlling interest in the applicant and each key employee have not been subject to a conviction as provided in §1011.2 (relating to definitions).**
- (ii) That the applicant, each person with a controlling interest in the applicant and each key employee are in compliance with §1011.7 (relating to payment of outstanding fines, fees, penalties and taxes).**
- (iii) That the applicant, each person with a controlling interest in the applicant and each key employee are current on all reports due in relation to other rights issued by the Authority.**
- (iv) That the applicant can comply with the requirements of §1019.8 (relating to dispatcher requirements).**

(9) A copy of the applicant's business plan.

(10) A completed original of Form No. DSP-3 "Business Experience Questionnaire".

A copy of the DSP-3 may be obtained on the Authority's website at www.philapark.org/tld.

(11) The federal tax identification number of the applicant.

(12) The Philadelphia Business Privilege License numbers issued to the applicant.

(c) At the time a DSP-1 is filed, an applicant for a dispatcher's certificate shall also file a DSP-2 "Dispatcher Colors and Markings Change/Application" as provided in §1019.7 (relating to names, colors and markings review).

Much of these requirements, specifically requesting your corporation paperwork, articles of incorporation, business plans, etc., is outside of their prevue, unreasonable, and cumbersome. In addition they are seeking to be a collection / tax collector which I have already previously addressed.

Section 1019.5: Facility inspection.

(a) An applicant for a dispatcher's certificate shall make its proposed operating locations available for inspection by the Enforcement Department as part of the application process and throughout the term of its status as a dispatcher. A facility inspection may be conducted without prior notice. .

(b) Dispatchers must provide all dispatching services from facilities located in Philadelphia.

There is nothing in Act 94 giving them the authority to dictate where our office is located. We should have the luxury in establishing our office wherever makes the most business sense, taking in to account possible tax credits, wage considerations, safety to our employees and equipment, potential employee pool, etc.

§1019.6. Review of dispatcher application.

(a) An application for a dispatcher's certificate will be denied by the Authority if the dispatcher is unable to meet the requirements of this chapter, including §1019.8 (relating to dispatcher requirements).

(b) An application for a dispatcher's certificate will be granted if the applicant complies with the requirements of this subchapter and the Authority finds that the applicant is capable of providing dependable service according to the act, this part and orders of the Authority.

The legislative intent in act 94 as specifically stated is clear, [T]he General Assembly finds and declares as follows:

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

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

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

In my opinion, as evident in review of these proposed regulations, they will stymie growth, welfare, business, and commerce. Isn't it their responsibility to ensure the best interest and safety of individuals using this utility and not creating additional revenue streams or bloated payrolls?

§1019.7. Name, colors and markings review.

(a) In order to change or establish any name, colors or markings, a dispatcher must file a DSP-2 "Dispatcher Colors and Markings Change/Application" along with the application fee as provided in §§1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The DSP-2 may be obtained on the Authority's website at www.philapark.org/tld.

(b) The Authority will not approve a DSP-2 application if it determines that the requested name or colors and markings are similar to those of an existing dispatcher.

(c) Upon approval of a DSP-2 application the dispatcher shall have the exclusive right to use the approved name, colors and markings, provided the certificate has not expired or been cancelled,

- (d) Each dispatcher must use only a single name, colors and marking scheme for all the medallion taxicabs it dispatches.**
- (e) Each dispatcher must use a distinctive name, colors, and marking scheme for partial-rights taxicabs it dispatches as provided in § 1017.11 (b) (relating to distinctive colors and markings).**
- (f) A dispatcher may not change an approved name, colors and markings scheme without advance approval of the Authority as provided in this section.**
- (g) The colors and markings of a dispatcher must be consistent with the requirements of Chapter 1017 of this subpart (relating to vehicle and equipment requirements).**

Although, it doesn't seem that this regulation is unreasonable, I would like to ensure that there are specific guidelines established to define and who makes the distinction of their definition of "Determines". We have already had, and still currently have issues with the PPA concerning this regulation. Being the owner of Yellow Cab, which has an international brand and recognition of the use of the actual Yellow color on our cabs, we have had to initiate legal actions, have hearings in front of their Hearing Officer, with who ruled in our favor and the Board still refused to take his recommendations on the issue and forced us to a compromise that still allows a competitor to use our colors on their taxicabs. Still to date, after repeated notification and complaints to the PPA, this competitor still violates this forced compromise, and to the best of my knowledge the PPA hasn't actively forced them to correct this violation.

Section 1019.8: Dispatcher requirements.

- (a) A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including the following:**
 - (1) Control a radio frequency signal of sufficient strength to transmit and receive real time verbal communication and data throughout Philadelphia.**
 - (2) Respond to customer calls 24 hours a day.**
 - (3) Have taxicabs available for dispatch 24-hour, 7 days-a-week.**
 - (4) Dispatch taxicabs with current Authority rights to provide the service requested.**
 - (5) Obtain the Authority's confirmation, which may be provided by the Authority through email, of a taxicab's good standing before commencing to provide it with dispatching service.**
 - (6) Have at least one display advertisement in a telephone book with citywide circulation in Philadelphia and a website which displays all of the information necessary to order a taxicab through the dispatcher.**
 - (7) Have a minimum of four coordinated telephone lines to receive incoming calls for service from the public,**
 - (8) Operate and maintain a taxicab meter system approved by the Authority as provided in §1017.23 (relating to approved meters), including computer hardware and software, means of communication between the dispatcher and each taxicab meter and the Authority.**
 - (9) Answer customer questions about rates and services provided within 12 hours.**
 - (10) Answer customer questions or complaints about service in writing and within five days of receipt of the complaint.**
 - (11) Maintain records as provided in §1019.15 (relating to dispatcher records).**

(12) A dispatcher may not discriminate against nor allow its affiliated drivers to discriminate against any member of the public and may not refuse service to any section of Philadelphia. Partial-rights taxicabs may only be dispatched to provide service consistent with the certificate holder's rights.

(13) A dispatcher must be able to receive and respond to emergency or distress alerts received from taxicab drivers 24-hour, 7 days-a-week.

(14) In addition to the requirements of the act, this part or an order of the Authority, a dispatcher may institute rules of conduct for drivers and certificate holders associated with the dispatcher.

(15) A dispatcher shall report violations of the act, this part or an order of the Authority committed by a driver or certificate holder associated with the dispatcher to the Authority immediately..

Item 8 is my main concern here, again as previously commented, requirements and regulations specifically referring to, or forcing Partial Right providers to process and/or use this equipment that the PPA is currently using or may use in the future places Partial Right providers at a disadvantage, especially when already using a more efficient system that is standard throughout their whole fleet.

§1019.9. List of affiliated taxicabs.

A dispatcher shall file a complete Form No. DSP-4 "Dispatcher Affiliated Taxicabs" with the Authority on the first business day of each week noting the taxicab numbers and certificate holders associated with the dispatcher at that time. A Form No. DSP-4 may be obtained at www.philapark.org/tld. In the event a taxicab is added or removed from a dispatcher's customer list, the dispatcher shall report the change within 24 hours to the Authority by email.

This regulation is redundant to keep providing the PPA with the same information every week and creates undo work that is not needed. Supplying the PPA any changes, additions or deletions from our membership enrollment weekly will suffice and is more practical.

§1019.10. Dispatcher rates,

(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 www.philapark.org/tld.

(b) A dispatcher may amend its DSP-5 filing at any time, with an effective date 30 days from the date of filing.

(c) A dispatcher shall provide a copy of its DSP-5 to each of its associated drivers and certificate holders.

(d) Pursuant to section 5721 of the act (relating to centralized dispatcher), the Authority may deny the filing of a DSP-5 if it determines that the suggested rates are unreasonable.

What will be the determining factor on what is unreasonable? The industry will naturally dictate this requirement. If your rates are not justified by your service then you will have no members joining your dispatch.

§1019.12, Bond required.

(a) Within 30 days of receipt of the Authority's email notification of its intention to grant an applicant's DSP-1 application, the applicant shall file a bond or irrevocable letter of credit consistent with this section with the Authority,

(b) A dispatcher may not provide dispatching services unless the bond or irrevocable letter of credit required by this section has been filed and accepted by the Authority and the requirements of §1003.30 (e) (relating to applications generally) have been satisfied.

(c) A dispatcher's bond or irrevocable letter of credit shall be issued in an amount of not less than \$50,000 and upon terms and in a form as will insure the dispatcher's adherence to the law, the Authority's regulations and orders and the interests of the dispatcher's clients, including payment of all fines, fees and penalties incurred by the dispatcher

I just would like to see guidelines and procedures established to ensure due process.

§1019.13. Maximum number of dispatcher certificates.

The number of dispatcher certificates in Philadelphia may not exceed 12.

As I commented above concerning the Legislative intent with Act 94, the PPA should be trying to promote and encourage, not restrict or limit opportunities.

§1019.14. Minimum number of taxicab affiliations,

(a) A dispatcher shall remain affiliated with not less than 20 active taxicabs for dispatching services with each taxicab displaying the name, colors and markings of the dispatcher approved as provided in this subchapter.

(b) In the event a dispatcher fails to maintain the minimum number of affiliated taxicabs the Enforcement Department or Trial Counsel will provide 30 days notice of its intention to initiate an enforcement proceeding through a formal complaint as provided in §1005.10 (relating to formal complaints generally) to cancel the dispatching certificate.

(c) Upon notice of planned enforcement proceedings as provided in subsection (b), the dispatcher will be permitted to initiate a certificate transfer as provided in Chapter 1027 (relating to sale of rights) or come into compliance with subsection (a).

(d) In the event a dispatcher and proposed buyer of the certificate initiate a certificate transfer within 30 days of the notice provided through subsection (b), the enforcement proceedings may be stayed unless the Enforcement Department or Trial Counsel determine that a transfer of the certificate is not likely to occur within six months of the date the transfer application was filed.

(e) In the event a dispatcher comes into compliance with subsection (a) within 30 days of the notice provided through subsection (b), the dispatcher shall provide notice of that status to the Enforcement Department or Trial Counsel, and if proven the matter will be closed.

As I commented above concerning the Legislative intent with Act 94, the PPA should be trying to promote and encourage, not restrict or limit opportunities. Additionally this requirement is unnecessary because if a dispatch membership is that small that will not be able to afford to continue to operate anyhow.

Section 1021.3 [pg.150]: Maximum number of taxicab driver's certificates.

(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.

(b) *Taxicab driver certification suspended.*

(1) The Authority will not issue new taxicab driver's certificates, except as provided in paragraph (2).

(2) Upon the conclusion of the driver designation period as provided in subsection (c), the Authority will accept applications for new taxicab driver's certificates as provided in §1021.5 (relating to standards for obtaining a taxicab driver's certificate) only when the number of taxicab drivers is below 3,000.

Again the legislative intent is not to restrict or stymie opportunities of work but to promote it. Restricting this to some arbitrary number will also limit the pool of drivers that a certificate owner may choose from. This will result in drivers of a lesser caliber potentially being utilized because the PPA is not allowing new drivers to enter the industry.

To be clear I am not implying that this will happen, however the illusion of the possibility shouldn't even exist, what is to prevent PPA employees from selling or extorting fee's and/or favors from friends or potential drivers wishing to acquire driver certifications out of order and/or certificates above this arbitrary allotment.

(c) *Driver designation.*

(1) Beginning on the date this part is published in final form in the *Pennsylvania Bulletin*, driver certification rights previously issued by the Authority pursuant to section 5706 of the act (relating to driver certification program) shall be designated by the driver as either a taxicab driver's certificate or limousine driver's certificate at the time those rights are scheduled for renewal as provided in § 1011.3 (relating to annual rights renewal process).

(2) Provided that all other terms of renewal are met, the TLD will renew the driver's certificate only for the rights selected by the renewing driver as provided in paragraph (1), without consideration of the limitations of subsection (a).

(d) *Dual driver authority.*

(1) This section does not prohibit a taxicab driver from obtaining a limousine driver certificate as provided in Subpart C (relating to limousines).

(2) This section does not prohibit a limousine driver from obtaining a taxicab driver certificate as provided in this chapter within the limitations of subsection (a).

This on the surface seems like nothing more than the PPA generating extra revenue from drivers? There is no need for this separation of driver certification. Why should a driver have to purchase two separate certificates and renew them yearly?

Section 1021.7: Taxicab driver training scheduled.

(a) Upon submission of a DR-1 application as provided in this chapter, the applicant will be scheduled by the Authority to attend an in-class training program.

(b) An applicant will not be scheduled for training as provided in subsection (a) if the application documents present information that clearly renders the applicant illegible to be a taxicab driver. For example, an applicant who does not possess a valid driver's license will not be scheduled for training.

(c) The Authority, or its authorized agent, will conduct the training. All drivers must now attend in-class training. [No more self-training by CD].

This will restrict a potential drivers' ability to begin working quickly. Creating this delay will cost the industry potential drivers when they cannot afford to wait until they are scheduled and then the time necessary to complete this course. The PPA has had a system in place to allow drivers to review training material on their own and take the test without the classroom instruction, allowing them to start working sooner.

Section 1021.12(B): Each taxicab driver must provide a weekly average of at least 24 hours of taxicab service for each year the taxicab driver's certificate is issued and a minimum aggregate number of 1,248 hours of taxicab service each year,

This again is directly contrary to the PPA's enabling legislative charter, as found in Act 94. If a person wishes to drive part time, one or two days per week for extra revenue, why should they not be afforded this opportunity? This does not help the economy. By having these types of drivers will ultimately provide the riding public with more service and quicker response times.

Section 1023.3 (a) : As provided in section 5714 (c) of the act (relating to certificate and medallion required), the rates for taxicab service involving the transportation of parcels, packages and property, shall be at the same basic meter rates established by the Authority as provided in §1023.1 (relating to uniform taxicab rates), regardless of the presence of a passenger.

This shouldn't always be the case because the driver should be compensated for their time while they are walking in to pick up or drop off the package, waiting for signatures, or going back to their vehicle to get the balance of their delivery.

Section 1025.3: Insurance required.

(a) A regulated party may not engage in taxicab service and the certificate of public convenience will not be issued or remain in force, except as provided in §1025.4 (relating to applications to self-insure) until there has been filed with and approved by the Authority a certificate of insurance by an insurer authorized to do business in this Commonwealth, to provide for the payment of valid accident claims against the insured for bodily injury to or the death of a person, or the loss of or damage to property of others resulting from the operation, maintenance or use of a taxicab in the insured authorized service.

(b) The liability insurance maintained by a taxicab certificate holder shall be in an amount not less than \$50,000 to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. The \$50,000 minimum coverage is split coverage in the amounts of \$20,000 bodily injury per person, \$40,000 bodily injury per accident and \$10,000 property damage per accident. This coverage shall include first party medical benefits in the amount of \$25,000 and first party wage loss benefits in the amount of \$25,000 for passengers and pedestrians. Except as to the required amount of coverage, these benefits shall conform to 75 Pa.C.S. §§1701—1799.7 (relating to Motor Vehicle Financial Responsibility Law). First party coverage of the taxicab driver of taxicabs shall meet the requirements of 75 Pa.C.S. §1711 (relating to required benefits).

(c) The certificate holder's loss history with a current or former insurer shall be released to the Authority within two business days of a request by the Authority. The certificate holder shall authorize any release required by the insurer to facilitate the timely delivery of the loss history to the Authority.

(d) The Authority may direct insurers to file proof of insurance both electronically and in hard copy.

(e) The limits in subsections (b) do not include the insurance of cargo,

Although I understand the PPA's intention with this requirement it is not practical and might not be able to be obtained. Even if an insurance company provides this limit in any particular year, this has the potential to raise future premiums to a point where they cannot be afforded. The problem is that if you have 4 passengers in your taxicab and are rear-ended, an accident clearly not the drivers fault, each passenger can submit a claim against your insurance for twenty-five thousand dollars apiece. This will result in a Hundred Thousand dollars going against your loss runs for something that was not a chargeable accident. Unfortunately, the insurance companies do not care why they paid out these claims, just that they did. Ultimately you premiums reach a point where they cannot be afforded.

Section 1051.4(D-1) [pg.196]: All payments will be considered late if not received by 3pm of the due date.

This requirement is obscure at best. What happens if you are in line by 3pm and not processed to afterwards? Are you still considered late? Instead having rigid schedules and requirements we should be able to just mail the paperwork regardless if you are a fleet or not. Also, they have now made it a requirement that assessment paperwork mailed to them must be received by the due date. It should be that as long as it is post dated by the due date then it should be considered on time. If this is good enough for the IRS it should be good enough for the PPA. We should not be penalized for delayed mail, or worse it is sitting on someone's desk that just wasn't processed yet.

Section 1051.5(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 § 1051.2, 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.

Although the Constitution of the United States does not cite it explicitly, (the Presumption of Innocence), it is widely held to follow from the 5th, 6th, and 14th Amendments. This right is widely recognized not only in the United States, but most countries worldwide. It would be a gross injustice to allow the PPA to assume that you are guilty until proven innocent. The damage that this may result in, namely the financial ramifications would be catastrophic.

Section 1051.6(C): 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.

Again they were not giving the authority or power to be a tax agent or collector.

Section 1053.22(2): To charge for service based upon use of a limousine with payment made by a single person or organization and not by passengers as individuals.

I am not sure what exactly they are trying to accomplish with this regulation. Are they trying to say that the passenger that the ride is actually being provided for cannot pay the fare? That a third person or company must pay the fare? If that is in fact the case, how does that benefit the riding public?

Section 1055.3(2): Except as provided in paragraph (3), a vehicle must be removed from limousine service prior to the date the cumulative mileage registered on the vehicle's odometer reaches 350,000 miles.

Mileage should not be a determining factor as long as it passes the safety inspections.

Section 1055.4(15) : In additions to other posting required by this subpart, a limousine must have posted in the passenger compartment in a place easily observed by passengers information on how to submit a limousine service related complaint to the Authority in both written English and Braille.

Unlike a taxicab that is required to have a safety partition, there is no place in a limousine to tastefully post such a notice. And passenger's utilizing this type of service does not expect to have it posted with various notices. Have this notice on a receipt that can be supplied to the passenger is more than adequate.

Section 1063.2(B): Limousine rates shall be based solely on time, and shall be contained in a tariff filed, posted and published as provided in the act and this part. The use of meters is prohibited. The initial time period and each subsequent increment must be at least 30 minutes.

Executive Transportation has operated with a tariff calculated on mileage and or time since 1992, and to calculate this rate by meter since 1999, and has an exemption with the PUC to continue this methodology since legislation changing this practice was adopted.

Additionally the PPA has also granted us a Waiver allowing us to do the same. Our attorney when filling comments specifically on our company's behalf will expand on this comment

Section 1065.1(B-2): The liability insurance maintained by a limousine certificate holder shall be in an amount not less than \$1,500,000 to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. The \$1,500,000 minimum coverage is split coverage in the amounts of \$500,000 bodily injury per person, \$900,000 bodily injury per accident and \$100,000 property damage per accident. This coverage shall include first party medical benefits in the amount of \$100,000 and first party wage loss benefits in the amount of \$100,000 for passengers and pedestrians. Except as to the required amount of coverage, these benefits shall conform to 75 Pa.C.S. §§1701—1799.7 (relating to Motor Vehicle Financial Responsibility Law). First party coverage of the limousine driver of limousines shall meet the requirements of 75 Pa.C.S. § 1711 (relating to required benefits).

The same comments that I made above dealing with this insurance increase for Taxicabs are relevant here also, if anything more so. With 5 passengers at a PIP coverage of \$100,000.00 per could result in a loss of \$500,000.00 for a non chargeable accident.

I appreciate the opportunity to participate in commenting on these proposed regulations, and am available to answer questions if need be.

Edward M. Burkhardt