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Taxi Workers Alliance of Pennsylvania

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Philadelphia Parking Authority
 c/o Mr. Dennis Weldon – Chief Counsel
 3101 Market Street
 Philadelphia, Pa. 19104

Re: PPA Electronic Testimony Regulation # 126-2 (IRRC# 2943)

On behalf of the Taxi Workers Alliance of Pennsylvania and our 1,200 driver membership in the city of Philadelphia, we would like to submit comments concerning the electronic testimony regulations introduced by the Philadelphia Parking Authority. We have several serious concerns with this regulation and believe it will have an adverse effect on taxicab drivers' ability to due process. It is our hope that this issue is carefully vetted and dismissed. Our concerns are as follow:

- Taxi drivers should have a right to face their accusers, especially in hearings where the Authority intends to revoke or suspend their driver certificate, certificate of public convenience, or dispatcher license. Taxi drivers will not be able to properly cross examine the witness. The Authority presently provides transportation to witnesses to and from appeal hearings. This process has worked in the past and we see no reason why the Authority cannot continue this procedure. If the stakes were not so high, maybe this would be acceptable, for instance, unemployment compensation hearings, littering tickets, or something similar. But to rely on telephone testimony for something as important as a driver ability to earn a living, or to force a medallion owner to sell their property is wrong.
- How would a customer know whether the right driver is being charged if there is no face to face recognition? How would the driver know if it is the same customer? Anyone could be on the other end of the telephone or the customer could have mistakenly written down the wrong taxicab identification number or taxi driver certificate number. Remember, these people have only seen each other one time, unlike an ex-employer whose voice could be positively identified over the phone. For something as serious as revoking a taxi driver's privilege to work or revoking a certificate of public convenience, should require the Authority to conduct hearings at a higher standard.

- Electronic testimonies insinuate that the respondent/driver is already guilty, granting comforts to the Authority's witness, but forces the driver to take time off work to attend the hearing. Suppose the driver is innocent, should he /she stop earning a living and the Authority's witness just pick up a phone at their leisure? No matter how far you live from the Authority's parking division, if you get a hearing for a parking ticket or red light violation, you must appear in person. Plenty of people just pay the ticket because they know that they are responsible for the violation. Personally, I received a speeding ticket near Baltimore, MD., and both the police officer and I had to show up. But none of these scenarios are as serious as having your working privileges revoked. If the Authority's witness is allowed to make a phone call for testimony, then that privilege should be extended to the respondent/drivers. This would show true justice, as there will be no predetermination of guilt. If the customer truly feels that a violation has occurred, then they will show up. If it was just a clash of personalities, then it will not be worth their interest to show up. This is how it has been over the last seven (7) years.

- The bad sides of telephone testimony are many. The first is the possibility of a lost connection, equipment failure, or a malfunction. Malfunctions can include static, the inability of hearing the person talking or even a disconnection. Other problems with telephone testimonies include the possibility of court reporters making mistakes because they can't hear or the witness making mistakes because they can't hear either. Lastly, and most obviously, is the fact that not being able to see body language is actually a huge disadvantage, especially when attempting to portray as much information on the transcript as possible and also for lawyers to be able to change a question based on something the witness does. Furthermore, the Authority isn't clear how this will work. Will the respondent/driver have to wait until the customer is free to make the call, or will there be a set time for the hearing and the customer must avail themselves for the call? § 101.128. of the Pennsylvania codes relating to tribunals, states that the distance has to be at least 50 miles before electronic testimony can be considered. The Authority has lowered this radius to 25 miles and do not give the respondent/driver the option of objecting to the electronic testimony.

For all of the above reasons, we formally protest the Authority ability to implement electronic testimony. Taxicab drivers' penalties will begin as soon as a citation is written, forcing them to miss many hours of work whether they are innocent or not. The stakes are too high during revocation and suspension hearing to rely on something as whimsical as telephone testimony. Expert testimony would be something different and would not directly affect a driver's due process. Lastly, the 25 mile radius goes beyond a tribunal legal scope.

Respectfully submitted:



Ronald Blount - President