

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

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(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency
PA Public Utility Commission (PUC or Commission)

(2) Agency Number: L-2013-2349042
Identification Number: 57-296

IRRC Number: 3033

(3) PA Code Cite: 52 Pa Code § 29.314(c)-(d) and 52 Pa Code § 29.333(d)-(e)

(4) Short Title: Proposed Rulemaking Re Motor Carrier Vehicle List
And Vehicle Age Requirements

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Ken Stark, Law Bureau (717)-787-5558, kenstark@pa.gov

Secondary Contact: Sherri Delbiondo, (717)-772-4597, sdelbiondo@pa.gov

(6) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

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

The proposed regulations will eliminate the vehicle list requirements for taxis and limousines. The proposed regulations will eliminate the waiver exception for taxis older than eight years and will replace the eight year age requirement for limousines with a mileage requirement.

(8) State the statutory authority for the regulation. Include specific statutory citation.

66 Pa. C.S. § 1501 and 66 Pa. C.S. § 501.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The proposed regulations are not mandated by federal law or state law or court order, or federal regulation.

Relevant case: *Keystone Cab Serv. v. Pa. Public Utility Commission*, 54 A.3d 126 (Pa. Cmwlth. 2012).

There are no deadlines for action.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The proposed regulations advance a compelling public interest by providing the Commission with a more viable and efficient tool to utilize in undertaking its difficult task of ensuring safe and reliable taxi and limousine service for the public. There will be safer and better vehicles for public use. Eliminating the waiver exception for vehicle age will result in more, newer taxis in service. In light of more stringent fuel economy and emissions standards as well as the rising potential of alternative fuel vehicles (AFVs), environmental benefits may tangentially and indirectly flow from this proposed regulation, as new vehicles and AFVs may become more widespread in the fleets.

Any attempt to quantify the benefits would be too speculative. The segments of the public that utilize taxi and limousine service will benefit.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

N/A. This is an intrastate issue that does not invoke federal jurisdiction.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Most jurisdictions limit the age and/or mileage of taxicabs, while the majority of jurisdictions do not establish a maximum age for limousines. The PUC's eight-year maximum vehicle age requirement for taxis is on par with similar regulations in other states. The Philadelphia Parking Authority (PPA) regulation for taxis is an eight-year maximum age or a 250,000 maximum mileage, whichever comes first. *See* 52 Pa Code § 1017.4. The PPA only provides an explicit waiver exception for antique vehicles pursuant to § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations). Here, the Commission proposes to eliminate the explicit waiver provided; however, a carrier regulated by the Commission may still file a petition for waiver of a Commission regulation. 52 Pa. Code § 5.43 (providing rules governing petitions for issuance, amendment, repeal, or waiver of Commission regulations).

These regulations should not affect Pennsylvania's ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Commission has become aware of an increasing use of older vehicles, which has the potential to raise issues of safety and reliability for the public. The Commission was mindful of considering historical input when drafting this regulation.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Carriers that provide motor carrier taxicab and/or limousine service throughout the Commonwealth will be affected. Carriers that have taxis will not be able to expressly file for a waiver exception. Limousine carriers will not be able to expressly file for a waiver exception and will now be subject to a mileage limitation instead of an age limitation.

As stated earlier, a carrier regulated by the Commission may still file a petition for waiver of a Commission regulation. 52 Pa. Code § 5.43 (providing rules governing petitions for issuance, amendment, repeal, or waiver of Commission regulations).

The public will be positively impacted because customers will have a greater opportunity to ride in newer vehicles, and will likely be more inclined to use taxi service, which should serve as a boost for small and large municipalities, as well as to the service industries (restaurants, hotels, commercial stores, etc.) in those respective communities.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

There are approximately 295 taxi carriers and 417 limousine carriers operating in the Commonwealth that would be affected by the proposed regulations.

Two organizations that may also be impacted are the Pennsylvania Taxicab and Paratransit Association and the Philadelphia Regional Limousine Association.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Carriers in the short-term may have to invest in new vehicles. However, investing in newer fleets will actually help carriers in the long-term, as fewer maintenance and upkeep costs will be incurred (since older vehicles usually require more maintenance and service).

The use of newer vehicles also yields less down-time for the vehicles and therefore decreases the need for carriers to keep more back-up vehicles. As a result, carriers will realize higher revenues per vehicle and less overall expense and investment in maintenance and service.

In regard to the vehicle list requirement, the Commission contends that the elimination of this requirement should provide a positive, though minimal financial impact for taxi and limo companies.

In regard to the elimination of the 8 model year waiver provision for taxicabs, the elimination of the waiver provision would likely require some companies to make an investment in vehicles sooner (than if the waiver were still available). However, the waiver provision was not a guarantee that the vehicle would be granted an inspection. In recent years, many waiver requests were denied. Since the 8 model year provision has been in existence since 2006, there has been ample time for taxi owners to adjust to the 8 year rule, and no longer rely on the waiver. Overall, the financial impact upon taxi owners will not be significantly adverse. The social impact upon taxi users will be very positive - customers who have the opportunity to ride in newer vehicles will likely be more inclined to use taxi service, which should serve as a boost for small and large municipalities, as well as to the service industries (restaurants, hotels, commercial stores, etc.) in those respective communities.

In regard to the elimination of the 8 model year requirement and waiver for limousines (to be replaced by the 200,000 mileage cap requirement), the PUC may have been too restrictive with its proposed 200,000 mileage cap in the Proposed Rulemaking, especially for sedan service operated by limo companies. The 200,000 mileage cap will not be as financially adverse to stretch limousines as to carriers operating sedan service. However, since the PUC does not have a bifurcated limo service type, i.e. sedan service AND luxury limo service, the PUC may need to re-examine the maximum mileage figure of 200,000 if the comments provide sufficient justification for doing so. If some of the commenters are accurate with their statements about yearly mileage and replacement costs, this proposed regulation may cause a more significant financial impact without a corresponding social improvement for limo passengers. As a result, the PUC would likely increase the mileage cap or otherwise amend the proposed regulation.

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

The proposed regulations advance a compelling public interest by providing the Commission with a more viable and efficient tool to utilize in undertaking its difficult task of ensuring safe and reliable taxi and limousine service for the public. There will be safer and better vehicles for public use. Eliminating the waiver exception for vehicle age will result in more, newer taxis in service. In light of more stringent fuel economy and emissions standards as well as the rising potential of alternative fuel vehicles (AFVs), environmental benefits may tangentially and indirectly flow from this proposed regulation, as new vehicles and AFVs may become more widespread in the taxi fleet.

These expected benefits to the public interest easily outweigh any adverse financial impacts to small carriers in the short-term that have to invest in new vehicles. In fact, investing in newer fleets will actually help small carriers in the long-term, as fewer maintenance and upkeep costs will be incurred.

(19) 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.

There is no specific estimate of savings.

Costs to carriers in the short-term will revolve around the investment in new vehicles. However, investing in newer fleets will actually help carriers in the long-term, as fewer maintenance and upkeep costs will be incurred (since older vehicles usually require more maintenance and service). Furthermore, carriers have reported that carriers can actually save money in the long-term through investment in new vehicles.

It appears that the 200,000 mileage cap requirement for limousine carriers may be more costly to those carriers operating sedans that are utilized frequently for airport and corporate trips.

(20) Provide a specific estimate of the costs and/or savings to the **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 directly affected by the proposed regulations.

(21) Provide a specific estimate of the costs and/or savings to the **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.

The state government, including the Public Utility Commission, will not incur additional costs as a result of these proposed regulations. The Commission will likely save time and resources by not processing as many waiver applications.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

N/A. Any additional reporting, recordkeeping, or other paperwork would be *de minimus*.

(23) 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:	\$	\$	\$	\$	\$	\$
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A					

State Government	N/A					
Total Savings	Cannot be quantified	Cannot be quantified	Cannot be quantified	Cannot be quantified	Cannot be quantified	Cannot be quantified
COSTS:						
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Costs	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal
REVENUE LOSSES:						
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Revenue Losses	N/A					

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Estimating the expenditures attributed to the Waiver Program would be very speculative. Commission review of a waiver request can be a fairly extensive and time-consuming process, depending on the completeness of the application and the timing of the filing of the application. Commission denial of waiver applications are often appealed, resulting in more use of Commission time and resources expended on the Waiver Program. The entire Commission review process of vehicle age limitation waiver requests is thoroughly discussed in the Commission's Proposed Rulemaking.

Of the 172 taxi companies regulated by the Commission eligible to file requests for waivers in 2012, only 25 companies requested waivers for 2013 for a total of 112 vehicles. The Commission approved the applications of nine companies for a total of 16 vehicles. All carriers whose applications were denied filed requests for reconsideration. These statistics demonstrate that out of 112 self-selected vehicles presented for waiver applications, less than 15% passed the Commission's safety and reliability standards for taxis to operate in motor carrier service for the public. Given this extremely low passing rate, the Commission's administrative costs to manage the waiver program and the potential safety risks associated with the use of older taxis outweigh any public benefit of maintaining and administering the waiver program.

In 2009, 2010, and 2011, nearly half of the motor carriers (taxi and limousine) that requested waiver exceptions did not file requests until a few weeks before the deadline. In 2012, over half of the motor carriers that requested waiver exceptions did not file requests until a few weeks before the deadline. This has placed a tremendous burden on the small contingent of motor carrier enforcement officers at the Commission since the officers are unable to carry out any other assignments during this time period.

Importantly, in the proposed regulations, the Commission would **eliminate the Waiver Program and save financial and human resources**, not incur additional costs and expenditures.

Program	FY -3	FY -2	FY -1	Current FY
Waiver Program	N/A	N/A	N/A	N/A

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

- (a) There are approximately 295 taxi carriers and 417 limousine carriers operating in the Commonwealth that would be affected by the proposed regulations.
- (b) Since the regulations propose eliminating certain requirements (e.g., vehicle list) and paperwork (waiver applications), there will be significantly less projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulations.
- (c) As discussed, costs to carriers in the short-term will revolve around the investment in new vehicles. However, investing in newer fleets will actually help carriers in the long-term, as fewer maintenance and upkeep costs will be incurred (since older vehicles usually require more maintenance and service). Furthermore, carriers have reported that carriers can actually save money in the long-term through investment in new vehicles.
- (d) The Commission does not find there to be a less intrusive or less costly alternative method for achieving the purpose of the proposed regulations: streamlining Commission procedures to more effectively and efficiently use Commission resources in regulating motor carriers of passengers to ensure a safe and reliable taxi and limousine fleet for the public.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

In recognition of potentially adverse financial impact on small carriers in the short-term, the Commission emphasized in its proposed rulemaking that a carrier regulated by the Commission may still file a petition for waiver of a Commission regulation. 52 Pa. Code § 5.43 (providing rules governing petitions for issuance, amendment, repeal, or waiver of Commission regulations).

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

N/A

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

There are no express provisions that exempt small businesses. However, as stated earlier, a small carrier regulated by the Commission may still file a petition for waiver of a Commission regulation. 52 Pa. Code § 5.43 (providing rules governing petitions for issuance, amendment, repeal, or waiver of Commission regulations).

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the primary basis for this regulation. However, statistics are discussed in Number 23(a) of this Regulatory Analysis Form as well as in the Commission's Proposed Rulemaking. A log that provides waiver applications from the past year (2012) is attached at the end of this Regulatory Analysis Form.

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

- | | |
|---|---|
| A. The date by which the agency must receive public comments: | 30 days after publication |
| B. The date or dates on which public meetings or hearings will be held: | None |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | 2 nd /3 rd quarter 2014 |
| D. The expected effective date of the final-form regulation: | upon publication as final |
| E. The date by which compliance with the final-form regulation will be required: | upon publication as final |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The regulation will be reviewed on an as-needed basis.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	RECEIVED DATE	PUC AUTHORITY NUMBER & BP8 CaseID	NAME OF CARRIER	District	# TX	# LM	INSPECTION DENIED NUMBER OF TX or LM	INSPECTION APPROVAL DATE	INSPECTION COMPLETED DATE	# TX APPROVE D	# LM APPROVE D	# TX FAILED	# LM FAILED	
2	6/28/2012	A-00114791 - 2313021	903 RENTALS INC	SCR		1		7/10/2012	8/13/2012		1			
3	10/2/2012	A-00116384 - 2327567	A RIX LIMOUSINE SERVICE INC	ALT		1		11/9/2012	12/10/2012		1			
4	7/3/2012	A-00109151 - 2323577	A ROYAL LIMOUSINE LLC	PHI		2		10/11/2012	11/14/2012		2			
5	11/30/2012	A-00105327 - 2337627	A TOUCH OF CLASS LIMOUSINE SERVICE, INC	HBG		1	1							
6	7/9/2012	A-00122873 - 2326470	AA TAXI INC	ALT	3			10/1/2012	11/1/2012	3				
7	7/9/2012	A-00116120 - 2327554	ADAMO LIMOUSINE SERVICE LTD	SCR		6	2	10/22/2012	12/11/2012		4			
8	1/7/2013	A-00112577 - 2342439	AIRPORT LIMOUSINE SERVICE, INC.	PGH		3	3							
9	7/9/2012	A-00121477 - 2326632	ALL AMERICAN LIMO INC	PHI			4							
10	7/11/2012	A-6410504 - 2327400	ALTOONA VIP LIMOUSINE AND CAR SERVICE LLC	ALT		3		10/4/2012	11/1/2012		3			
11	7/11/2012	A-00116120 - 2318045	AMEDEO'S LIMOUSINE SERVICE, INC.	PHI		2	2							
12	3/8/2013	A-00121500 - 2352191	AMEER MALIK T/A ON TIME TRANSPORT CAB CO	PHI	1		1							
13	7/16/2012	A-00122492 - 2327542	AMIGO TAXI, LLC	HBG	8		8							
14	7/16/2012	A-6412672 - 2313362	ANGEL CAKIR T/A A N S LIMO & CAR SERVICE	PHI		1	1							
15	7/16/2012	A-00115167 - 2312423	BAILEY COACH INC	HBG		2		7/3/2012	10/1/2012		2			
16	7/19/2012	A-00121049 - 2313018	BALDWIN LIMOUSINES INC	SCR		1	1							
17	7/24/2012	A-00116860 - 2327369	BEST RATE LIMOUSINE LLC - SENT OUT 10 DAY LETTER FOR ADDL INFO III	SCR		4	4							
18	7/27/2012	A-00120337 - 2321016	BEST VALUE LIMOUSINE, INC.	SCR		1	1							
19	7/30/2012	A-00111341 - 2327543	BILLTOWN CAB CO., INC.	SCR	3		3							
20	7/30/2012	A-00116255 - 2325244	BRANICK LIMOUSINE SERVICE	ALT		1		10/12/2012	10/25/2012		1			
21	8/1/2012	A-00124006 - 2323575	BUCKS CAB CO LLC T/A BUCKS LIMOUSINE	PHI		2	1	9/11/2012	10/4/2012		1			
22	8/1/2012	A-00118387 - 2316598	CARLISLE CAR AND DRIVER SERVICE	HBG		1		8/28/2012	10/10/2012		1			
23	8/1/2012	A-00108639 - 2326484	CHAMPAGNE LIMOUSINE SERVICE, INC.	HBG		2		10/23/2012	12/5/2012		2			
24	12/24/2012	A-00112166 - 2340426	CLASSIC LIMOUSINE TRANSPORTATION, LLC	PGH		2	2							
25	8/2/2012	A-00113582 - 2323613	CONCORD LIMOUSINE INC T/A CONCORD COACH TAXI	PHI	3		3							
26	8/6/2012	A-6411716 - 2327555	CORPORATE CARS OF LEHIGH VALLEY, LLC	SCR		4		10/22/2012	12/4/2012		3			
27	8/6/2012	A-00117072 - 2321395	CORRY CAB COMPANY	PGH	1			8/29/2012	9/14/2012	1				
28	8/8/2012	A-6411944 - 2325179	CURRY LIMOUSINE, LLC	HBG		1		9/21/2012	11/5/2012		1			
29	8/13/2012	A-00121720 - 2325245	D & L CAB CO INC T/A D & L CAB CO	HBG	2		2							

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1	RECEIVED DATE	PUC AUTHORITY NUMBER & BP# CaseID	NAME OF CARRIER	District	# TX	# LM	INSPECTION DENIED NUMBER OF TX or LM	INSPECTION APPROVAL DATE	INSPECTION COMPLETED DATE	# TX APPROVE D	# LM APPROVE D	# TX FAILED	# LM FAILED	
30	8/15/2012	A-00116544 - 2321393	DANIEL R KOEBLER & ELAINE M KUHN T/A WHITE KNIGHT LIMO	PGH		1		9/28/2012	10/22/2012			1		
31	8/17/2012	A-00111425 - 2321394	DANIEL R. KOEBLER T/A CROWN LIMOUSINE SERVICE	PGH		2		9/20/2012	11/29/2012			2		
32	8/20/2012	A-639925 - 2327541	DIAMOND TAXI, LLC	HBG	2		2							
33	8/23/2012	A-639927 - 2327530	DOLLAR TAXI, LLC	HBG	4		4							
34	8/24/2012	A-00119741 - 2327522	E Z TAXI, LLC	HBG	18		18							
35	8/24/2012		ERIE TRANSPORTATION	PGH										
36	8/27/2012	A-00108359 - 2326630	FANTASY LIMOUSINE SERVICE INC	PGH		1	1							
37	8/27/2012	A-6410537 - 2317215	FEEL GOOD LIMO, INC.	SCR		1		8/3/2012	9/4/2012			1		
38	10/22/2012	A-00122281 - 2330856	FRED AMENDOLA T/A VENUS LIMOUSINE	PGH		2	2							
39	8/28/2012	A-00009329 - 2326487	FULLINGTON TRAILWAYS LLC	ALT		1		10/11/2012	11/13/2012			1		
40	9/4/2012	A-00105768 - 2325177	GARDEN SPOT EQUIPMENT AUCTION INC T/A LANDIS LUXURY COACHES	HBG		1	1							
41	9/4/2012	A-6310376 - 2327556	GOLDEN TAXI, LLC	ALT	1		1							
42	9/4/2012	A-00120846 - 2327540	GOOD CAB, LLC	HBG	2		2							
43	9/6/2012	A-00122379 - 2327551	GREGORY E. RUFFO T/A RUFFO'S AUTO REPAIR	PGH		1	1							
44	9/10/2012	A-6410449 - 2325176	HAINES TRANSPORTATION SERVICES INC T/A MICHAEL'S CLASSIC LIMOUSINE	HBG		4		9/26/2012	12/11/2012			4		
45	9/12/2012	A-00107326 - 2316599	HANDY DELIVERY, INC	ALT	2		2							
46	10/26/2012	A-00122208 - 2332566	HARRISBURG CITY CABS, INC.	HBG	7		7							
47	9/12/2012	A-00110088 - 2327525	HENDERSON LIMOUSINE SERVICE INC	HBG		2		11/6/2012	12/12/2012					2
48	9/13/2012	A-00117413 - 2314228	HOMESTEAD TAXI, LLC	PHI	1			7/17/2012	8/8/2012	1				
49	9/14/2012	A-00123118 - 2314230	HOMESTEAD TRANSPORTATION, LLC	PHI	2			7/17/2012	8/8/2012	2				
50	12/10/2012	A-00120425 - 2338918	HUGHES LIMOUSINE SERVICE, INC.	SCR		1	1							
51	9/18/2012	A-00105282 - 2317028	J & J LEASING & RENTALS T/A J & J LIMOUSINE SERVICE	HBG		1		9/20/2012	10/19/2012			1		
52	9/18/2012	A-00110791 - 2313387	J J SERAFIN T/A AAAA LIMOUSINE	SCR		2		7/27/2012	8/22/2012			2		
53	12/10/2012	A-00116475 - 2338407	J. RANDALL & KEVIN C. THARAN T/A PRIME TIME LIMO SERVICE	PGH		1		12/11/2012						
54	9/19/2012	A-00112317 - 2316147	JAMES A. PETRILLI T/A RELIABLE LIMOUSINE SERVICE	SCR		1		7/27/2012	8/24/2012			1		
55	9/24/2012	A-00108693 - 2323578	JMT PROPERTY CORP	HBG		1		10/10/2012	11/8/2012			1		
56	10/1/2012	A-00116617 - 2327367	JOSEPH A TRAPUZZANO T/A BROADWAY LIMOUSINE	PGH		3		10/10/2012	10/31/2012			3		
57	9/24/2012	A-00118552 - 2327543	KEYSTONE CAB SERVICE, INC	HBG	20		20							

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	RECEIVED DATE	PUC AUTHORITY NUMBER & BP8 CaselD	NAME OF CARRIER	District	# TX	# LM	INSPECTION DENIED NUMBER OF TX or LM	INSPECTION APPROVAL DATE	INSPECTION COMPLETED DATE	# TX APPROVE D	# LM APPROVE D	# TX FAILED	# LM FAILED	
58	9/26/2012	A-6412097 - 2314225	KOOT LIMO CAR, LLC	PHI		1	1							
59	9/26/2012	A-00121506 - 2327520	LASTING IMPRESSIONS DEEJAY AND LIMOUSINE SERVICE	HBG		4		11/7/2012	12/12/2012			3		1
60	9/27/2012	A-00118075 - 2327553	LEA MORGAN T/A AMORE LIMOUSINE	PGH		1	1							
61	9/27/2012	A-00120808 - 2313024	LEBERT ATKINSON T/A CHAMBERSBURG CITY CAB	HBG	2			7/17/2012	10/1/2012	2				
62	9/28/2012	A-00121957 - 2324004	LINCOLN TAXI TRANSPORTATION LLC	SCR	1			8/24/2012	10/16/2012	1				
63	9/28/2012	A-6412480 - 2313017	MARK A GOLDING D/B/A CRANKERS ANTIQUE LIMO	SCR		1		7/17/2012	9/27/2012			1		
64	9/28/2012	A-00119955 - 2318046	MCT TRANSPORTATION, INC.	PHI	6		6							
65	9/28/2012	A-649649 - 2326486	MICHAEL MIZUR	HBG		1		9/28/2012	12/7/2012			1		
66	11/16/2012	A-00119364 - 2335147	MID-ATLANTIC TRANSPORTATION SERVICES, INC.	PHI		2	2							
67	9/28/2012	A-00105701 - 2317026	NORTHEASTERN TRANSIT, INC.	SCR		1		8/2/2012	8/16/2012			1		
68	9/28/2012	A-00110099 - 2325976	PARK AVENUE LUXURY LIMOUSINE, INC.	PHI		1		10/11/2012	10/24/2012			1		
69	9/28/2012	A-00117049 - 2317846	PAUL K BROWN INC T/A PROFESSIONAL LIMOUSINE SERVICE	PGH		3		11/6/2012	11/29/2012			3		
70	9/28/2012	A-00119031 - 2321020	PAUL LIBERATI T/A AN EXCEPTIONAL LIMOUSINE	PGH		1		9/21/2012	10/1/2012			1		
71	9/28/2012	A-00119340 - 2319682	PAULS CAB SERVICE, INC	HBG	3		3	8/31/2012	10/4/2012	3				
72	10/1/2012	A-6310463 - 2320086	PIKE COUNTY TAXI, INC.	SCR	2			8/21/2012	9/12/2012	2				
73	10/1/2012	A-6411164 - 2318790	PREMIERE #1 LIMOUSINE SERVICE LLC	HBG		2		8/16/2012	10/29/2012			2		
74	10/1/2012	A-6410817 - 2321398	ROBERT M. ZUSINAS	PGH	1		1							
75	10/1/2012	A-00117755 - 2319711	RUTH DIANE SITLINGER T/A TWILIGHT LIMOUSINE SERVICE	HBG		1		8/30/2012	10/4/2012			1		
76	10/1/2012	A-6411522 - 2326488	SCOTT R. RICE	PGH		1	1							
77	10/1/2012	A-00114058 - 2324003	STACIA H. GROVE T/A CENTRAL PENN LIMO SERVICE	HBG		1	1							
78	2/19/2013	A-00110765 - 2348753	SUSQUEHANNA VALLEY LIMOUSINE, INC.	HBG		1	1							
79	10/1/2012	A-6412474 - 2325977	T. M. MCDERMOTT & CO., INC	PHI		1	1							
80	10/1/2012	A-00114685 - 2317216	TDF SERVICES, INC.	PGH		1		8/13/2012	10/24/2012			1		
81	1/28/2013	A-6410505 - 2345463	TENGIZ KALANDADZ T/A PHILADELPHIA LIMO	PHI		1	1							
82	11/26/2012	A-00022037 - 2336028	THE PARRISH TRANSPORTATION, CO.	SCR		1	1							
83	11/26/2012	A-00111898 - 2336029	TOUCH OF CLASS LIMOUSINE, INC.	SCR		6	6							
84	10/1/2012	A-6413013 - 2319012	TROPICAL TANNING & BEAUTY SALON, INC T/A ARRIVE N STYLE LIMOUSINE SERVICE	ALT		1		8/28/2012	10/1/2012			1		
85	10/1/2012	A-00123218 - 2324002	V J LIMO, INC.	HBG		1	1							

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	RECEIVED DATE	PUC AUTHORITY NUMBER & BP8 CaseID	NAME OF CARRIER	District	# TX	# LM	INSPECTION DENIED NUMBER OF TX or LM	INSPECTION APPROVAL DATE	INSPECTION COMPLETED DATE	# TX APPROVE D	# LM APPROVE D	# TX FAILED	# LM FAILED	
86	11/9/2012	A-6410933 - 2333353	VAUXCO LIMOUSINES, LLC	PGH		1	1							
87	10/31/2012	A-00106782 - 2332565	WANISH LIMOUSINE SERVICE, LTD	PHI		1	1							
88	10/1/2012	A-00087075 - 2316150	WILLOW GROVE YELLOW CAB CO INC	PHI	1	2		7/30/2012	8/23/2012	1	2			
89	9/28/2012	A-00049926 - 2327531	YELLOW CAB COMPANY OF PITTSBURGH - REQUEST WITHDRAWN	PGH	15		15							
90	10/2/2012	A-639601 - 2326489	YORK CAB, INC.	HBG	2		2							
91														
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101	TOTALS				13	105	17			16	57	0	3	

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**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General.

Amy M. Elliott

BY _____
(DEPUTY ATTORNEY GENERAL)

JUN 25 2013

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)

DOCUMENT/FISCAL NOTE NO. L-2013-2349042/57-296

DATE OF ADOPTION April 4, 2013

Rosemary Chiavetta
BY _____
Rosemary Chiavetta

TITLE Secy
(SECRETARY)

Copy below is hereby approved as to form and legality. Executive or independent Agencies.

Bohdan R. Pankiw

BY _____
Bohdan R. Pankiw
Chief Counsel

4-4-2013

DATE OF APPROVAL

Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-2013-2349042/57-296
Proposed Rulemaking
Motor Carrier Vehicle List and
Vehicle Age Requirements
52 Pa Code, Chapter 29

The Pennsylvania Public Utility Commission on April 4, 2013, adopted a proposed rulemaking order amending its current motor carrier passenger regulations to eliminate the vehicle list requirements for taxis and limousines, eliminate the waiver exception for vehicle age limitation for taxis and replace the vehicle age limitation for limousines with a vehicle mileage requirement. The contact person is Assistant Counsel Ken Stark, Law Bureau, 717 787-5558.

EXECUTIVE SUMMARY
L-2013-2349042/57-296

Proposed Rulemaking Re Motor Carrier Vehicle List
And Vehicle Age Requirements

52 Pa Code § 29.314(c)-(d) and 52 Pa Code § 29.333(d)-(e)

Section 1501 of the Public Utility Code requires every public utility in Pennsylvania to “maintain adequate, efficient, safe, and reasonable service and facilities” and to “make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public.” 66 Pa. C.S. § 1501. Pursuant to that authority and Section 501 of the Public Utility Code, the Commission enacted the regulations at Sections 29.314(c)-(d) and 29.333(d)-(e) to ensure a safe and reliable taxi and limousine fleet for the public by requiring motor carriers of passengers to provide vehicle lists and to upgrade vehicles older than eight model years. The correlation between a vehicle's age and mileage and its reliability and safety is a matter of common sense and practical experience. *Keystone Cab Serv. v. Pa. Public Utility Commission*, 54 A.3d 126, 129 (Pa. Cmwlth. 2012) (observing that the Commission carefully considered comments from the industry during the rulemaking process).

Since the vehicle list regulations do not effectively aid in Commission enforcement efforts, the Commission proposes to eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d). The Commission has also determined that the waiver exception is no longer in the public interest since reviewing applications for waiver exceptions for taxis that are older than eight model years consumes limited Commission resources that could be more effectively and efficiently utilized in other areas of motor carrier enforcement. Accordingly, the Commission proposes to eliminate the waiver exception in Section 29.314(d). Since limousines tend to accumulate mileage and incur wear and tear at a slower rate than taxis, the Commission proposes to replace the vehicle age limitation for limousines in Section 29.333(e) with a vehicle mileage requirement.

The PUC contact person for this proposed rulemaking is Ken Stark, 717-787-5558.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held April 4, 2013

Commissioners Present:

Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
Wayne E. Gardner
James H. Cawley
Pamela A. Witmer

Rulemaking Re Motor Carrier Vehicle List
And Vehicle Age Requirements

Docket No. L-2013-2349042

PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

The Pennsylvania Public Utility Commission (Commission) proposes to amend its current motor carrier passenger regulations to: (1) eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d); (2) eliminate the waiver exception for vehicle age limitation for taxis in Section 29.314(d); and (3) replace the vehicle age limitation for limousines in Section 29.333(e) with a vehicle mileage requirement. The Commission seeks comments from all interested parties on these proposed regulation amendments, attached as Annex A to this Order.

BACKGROUND

On March 24, 2005, the Commission issued a Proposed Rulemaking Order that discussed, *inter alia*, adding Sections 29.314(c)-(d) and 29.333(d)-(e) to the Pennsylvania Code to establish vehicle list and age requirements for taxis and limousines. *Proposed*

Rulemaking Amending 52 Pa. Code Chapters 29 and 31, Docket No. L-00020157, 2004 WL 1585868 (Mar. 24, 2005). In its proposed rulemaking, the Commission believed at the time that the annual vehicle list requirement for taxis and limousines would aid the Commission in enforcement efforts. The Commission also determined that an eight-year vehicle age limitation for vehicles utilized in taxi and limousine service would ensure a current, reliable fleet. In the Proposed Rulemaking Order, the Commission did not propose a waiver exception to the eight-year vehicle age limitation. *Id.*

After receiving and considering numerous public comments, the Commission issued a Final Rulemaking Order on August 16, 2005. *Final Rulemaking Order Amending 52 Pa. Code Chapters 29 and 31*, Docket No. L-00020157, 2005 WL 2205731 (Aug. 16, 2005). The Commission had received extensive commentary on the vehicle age requirement for taxis, suggesting that the requirement would unnecessarily increase industry costs and that a vehicle's age is not necessarily an accurate barometer of the vehicle's condition. In the Final Rulemaking Order, the Commission responded that while "age is not synonymous with condition," age is still one of the most important factors indicating whether a vehicle is fit for service. The Commission further noted that age is a viable and efficient tool for the Commission to utilize in undertaking its difficult task of ensuring a safe and reliable taxi fleet for the public. However, given the potential undue hardship asserted by select motor carriers, the Commission decided to impose the eight year limit, subject to a specific exemption for vehicles that are otherwise deemed safe by the Commission. Observing that a waiver exception would necessitate a certain amount of discretion by the Commission's enforcement personnel, the Commission added the waiver exception language "Unless otherwise permitted by the Commission" to the vehicle age requirement for taxis to Section 29.314(d).

The Commission received similar comments and concerns from interested parties regarding the vehicle age requirement for limousines. Therefore, the Commission also

added the waiver exception language “Unless otherwise permitted by the Commission” to the vehicle age requirement for limousines to Section 29.333(e).

The Commission’s regulations at Sections 29.314(c)-(d) and 29.333(d)-(e) became effective on August 5, 2006 and remain in effect.

DISCUSSION

In an effort to streamline procedures to more efficiently and effectively use Commission resources in regulating motor carriers of passengers, the Commission now seeks to amend its regulations to: (1) eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d); (2) eliminate the waiver exception for vehicle age limitation for taxis in Section 29.314(d); and (3) replace the vehicle age limitation for limousines in Section 29.333(e) with a vehicle mileage requirement.¹

Section 1501 of the Public Utility Code requires every public utility in Pennsylvania to “maintain adequate, efficient, safe, and reasonable service and facilities” and to “make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public.” 66 Pa. C.S. § 1501. Pursuant to such authority and Section 501 of the Public Utility Code, the Commission enacted the regulations at Sections 29.314(c)-(d) and 29.333(d)-(e) to ensure a safe and reliable taxi and limousine fleet for the public by requiring motor carriers of passengers to provide vehicle lists and to upgrade vehicles older than eight model years. The Commission acted well within its statutory authority in enacting the eight-year age limitation on vehicles. *Keystone Cab Serv. v. Pa. Public Utility Commission*, 54 A.3d 126, 128 (Pa. Cmwlth. 2012) (observing that the Commission

¹ The Commission receives many applications requesting to use older vehicles in good condition in limousine service. Unlike taxis that are subject to more constant use, limousines tend to accumulate mileage and incur wear and tear at a slower rate. Therefore, the use of older limousines generally does not invoke the same kind of safety and reliability concerns as older taxis. The Commission finds that a mileage limitation (1) provides a clear and fair standard for the industry and (2) is a viable and efficient tool for the Commission to utilize in ensuring safe and reliable limousine service for the public.

carefully considered comments from the industry during the rulemaking process). The Court also observed that the correlation between a vehicle's age and mileage and its reliability and safety is a matter of common sense and practical experience. *Id.* at 129.

The Commission has now determined that the vehicle list regulation is an unnecessary requirement since it does not effectively aid in Commission enforcement efforts. The Commission has also determined that the waiver exception is no longer in the public interest since reviewing applications for waiver exceptions for taxis that are older than eight model years consumes limited Commission resources that could be more effectively and efficiently utilized in other areas of motor carrier enforcement. As to limousines, the Commission finds that a mileage limitation is more appropriate than an age limitation since limousines generally tend to accumulate mileage and incur wear and tear at a slower rate than taxis.

I. Eliminating the Vehicle List Requirement for Taxis and Limousines

In 2001, the Legislative Budget and Finance Committee (LBFC) recommended that all Pennsylvania taxis and limousines should be individually registered with the Commission to: (1) enable the Commission to maintain basic management information on taxis and limousines and (2) enable the Commission to systematically inspect vehicles based upon poor maintenance histories. Commonwealth Regulation of Taxicab and Limousine Service: A Report in Response to House Resolution 247, *Legislative Budget and Finance Committee*, at S-7 (Dec. 2001).

This vehicle list requirement did permit the Commission to maintain basic management information for carriers that complied with the vehicle list requirement. However, since the list is only required for submission once a year between December 1 and December 31, the list often became unreliable and outdated due to frequent vehicle turnover. Presently, enforcement officers can obtain an up-to-date vehicle list for all the

vehicles in a carrier's fleet on the date of inspection of any vehicle in the carrier's fleet. Therefore, the Commission finds that vehicle list requirement has not provided the Commission with accurate, up-to-date information. Accordingly, since requiring vehicle lists for taxis and limousines is unnecessary as the lists do not effectively aid in Commission enforcement efforts, the Commission proposes eliminating the existing vehicle list requirements at Section 29.314(c) for taxis and Section 29.333(d) for limousines.

II. Eliminating the Waiver Exception For Vehicle Age of Taxis

A. Commission Review Process of Vehicle Age Limitation Waiver Requests

Commission review of a waiver request can be a fairly extensive and time-consuming process, depending on the completeness of the application and the timing of the filing of the application. Upon receiving a waiver request for a single vehicle, the Manager of the Transportation Division (the manager) assigns the application for review to a motor carrier compliance specialist (the specialist). The specialist reviews the application to ensure all information is included. If the application is missing information, the specialist contacts the carrier via letter, providing 10 business days to provide the missing information. If no information is received, the specialist, with approval of the manager, submits a letter to the carrier that dismisses the application with a reason and explains that a carrier can challenge the dismissal within 20 days by filing a request for reconsideration.

If incomplete information is submitted again, the specialist submits a second letter, providing an additional 10 working days to receive the missing information. If information is still missing, the specialist, with approval of the manager, submits a letter to the carrier that dismisses the application with a reason and explains that a carrier may

challenge the dismissal within 20 days by filing a request for reconsideration. If the application is complete, the specialist begins processing the application.

Upon obtaining a completed application, the specialist first reviews photographs to assess the condition of the vehicle and checks the mileage. The specialist then reviews one year of maintenance records to determine whether the vehicle has been properly maintained. The specialist reviews the reason provided by the applicant as to why the vehicle is worthy to remain in service. The specialist reviews financial records to verify existence of a financial hardship. The specialist reviews Commission records to verify the carrier's compliance with all fines and assessments. The specialist then verifies that the financial information provided matches information listed on the assessment report. The specialist checks records at the Pennsylvania Department of Transportation to ensure the vehicle is properly registered to the carrier and has been in service.²

If the specialist determines that a vehicle will not be approved at any point in reviewing the application, the specialist, with approval of the manager, submits a letter to the carrier that dismisses the application with a reason and explains that a carrier may challenge the dismissal within 20 days by filing a request for reconsideration. Upon receiving a request for reconsideration, the Commission re-opens the entire case and reviews again. The Commission's Office of Special Assistants prepares an order for all appeals.

If the vehicle survives the above review of the application, the specialist, with approval of the manager, submits a letter to the carrier indicating that the vehicle was approved to be inspected and that the carrier will be contacted by an enforcement officer within 60 days to arrange a mutually agreeable time for the inspection. The letter

² The Vehicle Identification Number is checked instead of license plate tags to avoid any possibility of a carrier transferring tags from one vehicle to another that is already older than eight model years, thereby requesting a waiver on a vehicle that was not in service.

specifically informs the carrier to ensure that the vehicle has no defects causing the vehicle to be “rejected” and thus not subject to re-inspection. With approval by the manager, the specialist then submits a memorandum and a certificate to the relevant District Office of the Commission’s Bureau of Investigation and Enforcement, requesting an inspection for the vehicle. An enforcement officer will contact the carrier within 60 days to schedule a time for a “four wheels off” inspection. If the vehicle does not pass inspection, the Enforcement Officer notifies the carrier who signs the inspection report. The Enforcement Officer then submits a copy of the inspection report signed by the carrier, the certificate, and the original inspection report to the compliance specialist.

If the vehicle passes inspection, the Enforcement Officer issues the certificate, performs proper documentation, and sends the original inspection report back to the compliance specialist in charge of the case. Then, the compliance specialist verifies and closes the case.

B. Statistics Regarding Recent Waiver Requests Filed With the Commission

Of the 172 taxi companies regulated by the Commission eligible to file requests for waivers in 2012, only 25 companies requested waivers for 2013 for a total of 112 vehicles. The Commission approved the applications of nine companies for a total of 16 vehicles. All carriers whose applications were denied filed requests for reconsideration.

These statistics demonstrate that out of 112 self-selected vehicles presented for waiver applications, less than 15% passed the Commission’s safety and reliability standards for taxis to operate in motor carrier service for the public. Given this extremely low passing rate, the Commission’s administrative costs to manage the waiver program and the potential safety risks associated with the use of older taxis outweigh any public benefit of maintaining and administering the waiver program.

In 2009, 2010, and 2011, nearly half of the motor carriers (taxi and limousine) that requested waiver exceptions did not file requests until a few weeks before the deadline. In 2012, over half of the motor carriers that requested waiver exceptions did not file requests until a few weeks before the deadline. This has placed a tremendous burden on the small contingent of motor carrier enforcement officers at the Commission since the officers are unable to carry out any other assignments during this time period.

Accordingly, since Commission review of a waiver request can be a fairly extensive and time-consuming process, the Commission finds that the waiver exception³ is no longer in the public interest and takes resources away from the Commission's statutory mandate to ensure safe and reliable taxi service for the public.

III. Replacing the Vehicle Age Limitation for Limousines With A Vehicle Mileage Limitation

Due to the number of applications requesting to use older vehicles in good condition in limousine service, the Commission proposes to replace the eight-year vehicle age limitation for limousines with a vehicle mileage limitation of 200,000 miles.

The Commission receives many applications requesting to use older vehicles, including antiques, in good condition in limousine service. Unlike taxis that are subject to more constant use, limousines tend to accumulate mileage and incur wear and tear at a slower rate. Therefore, the use of older limousines generally does not invoke the same kind of safety and reliability concerns as older taxis. The Commission finds that a mileage limitation for limousines (1) provides a clear and fair standard for the industry

³ A carrier regulated by the Commission may still file a petition for waiver of Commission regulations. 52 Pa. Code § 5.43 (providing rules governing petitions for issuance, amendment, repeal, or waiver of Commission regulations). For example, carriers with antique or classic vehicles in good condition still have the option to file a petition for waiver of Commission regulations to provide motor carrier passenger service to the public.

and (2) is a viable and efficient tool for the Commission to utilize in ensuring safe and reliable limousine service for the public.

CONCLUSION

The Commission has proposed the amended regulations issued for comment by this Order in order to streamline Commission procedures and requirements pertaining to motor common carriers of passengers. The Commission, therefore, formally commences its rulemaking process to amend its existing regulations at 52 Pa. Code §§ 29.314(c)-(d) and 52 Pa. Code §§ 29.333(d)-(e) consistent with Annex A to this Order. The Commission seeks comments from all interested parties on these proposed amended regulations.

Accordingly, pursuant to Sections 501 and 1501 of the Public Utility Code, 66 Pa. C.S. §§ 501 and 1501; Sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201-1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; Section 204(b) of the Commonwealth Attorneys Act, 71 P.S. 732.204(b); Section 745.5 of the Regulatory Review Act, 71 P.S. § 745.5; and Section 612 of the Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231-7.234, we are considering adopting the proposed regulations set forth in Annex A, attached hereto; **THEREFORE**,

IT IS ORDERED:

1. That a proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. That the Secretary shall submit this proposed rulemaking order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. That the Secretary shall submit this proposed rulemaking order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. That the Secretary shall certify this proposed rulemaking order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. That original written comments referencing Docket Number L-2013-2349042 be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265.

6. That a copy of this proposed rulemaking order and Annex A shall be served on the Bureau of Technical Utility Services, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and all affected jurisdictional passenger motor carriers.

7. That the contact person for this proposed rulemaking is Kenneth R. Stark, Assistant Counsel, Law Bureau, (717)-787-5558. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, 717-772-4597.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta", written in a cursive style.

Rosemary Chiavetta,
Secretary

(SEAL)

ORDER ADOPTED: April 4, 2013

ORDER ENTERED: April 5, 2013

ANNEX A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart B. CARRIERS OF PASSENGERS OR PROPERTY
CHAPTER 29. MOTOR CARRIERS OF PASSENGERS
Subchapter D. SUPPLEMENTAL REGULATIONS

CALL OR DEMAND SERVICE

§ 29.314. Vehicle and equipment requirements.

* * * * *

(c) [*Vehicle list.* Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(d) [*Vehicle age.* Unless otherwise permitted by the Commission, a] A vehicle that [may not be operated in call and demand service which] is more than 8 model years old may not be operated in call and demand service. For example, the last day on which a [1996] 2014 model year vehicle may be operated in taxi service is December 31, [2004] 2022. This provision is effective after [August 6, 2007]____. (Editor's Note: the blank refers to the date of publication of final form regulation).

[(e)] (d) * * *

LIMOUSINE SERVICE

§ 29.333. Vehicle and equipment requirements.

* * * * *

(d) [*Vehicle list.* Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(e) *Vehicle [age] mileage.* [Unless otherwise permitted by the Commission, a] A vehicle with more than 200,000 miles of cumulative mileage registered on its odometer may not be operated in limousine service[which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in limousine service is December 31, 2004]. This provision is effective after [August 6, 2007] _____. (Editor's Note: the blank refers to the date of publication of final form regulation).



COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA 17120

ROBERT F. POWELSON
CHAIRMAN

October 3, 2013

The Honorable Silvan B. Lutkewitte, III
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: L-2013-2349042/57-296; Re Motor Carrier Vehicle List and Vehicle Age Requirements 52 Pa. Code, Chapter 29

Dear Chairman Lutkewitte:

Enclosed please find 1 copy of the proposed rulemaking and the Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." Pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15), the Commission is submitting today a copy of the proposed rulemaking and Regulatory Analysis Form to the Chairman of the House Committee on Consumer Affairs and to the Chairman of the Senate Committee on Consumer Protection and Professional Licensure.

The purpose of this proposal is to amend the Commission's current motor carrier passenger regulations to eliminate the vehicle list requirements for taxis and limousines, eliminate the waiver exception for vehicle age limitation for taxis and replace the vehicle age limitation for limousines with a vehicle mileage requirement. The contact person is Assistant Counsel Kenneth Stark, Law Bureau, 717 787-5558.

The proposal has been deposited for publication with the Legislative Reference Bureau.

Sincerely,

A handwritten signature in black ink that reads "Robert F. Powelson".

Robert F. Powelson

Enclosures

pc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert Godshall
The Honorable Peter J. Daley, II
Legislative Affairs Director Perry
Chief Counsel Pankiw
Assistant Counsel Stark
Regulatory Coordinator DelBiondo

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-2013-2349042/57-296

Subject: Proposed Rulemaking Re Motor Carrier Vehicle List and
Vehicle Age Requirements

Pennsylvania Public Utility Commission

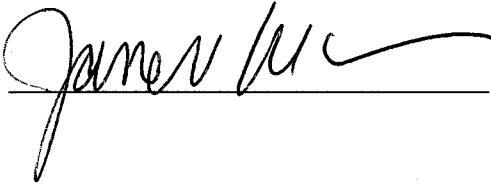
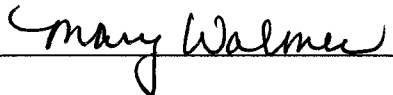
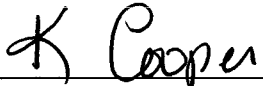
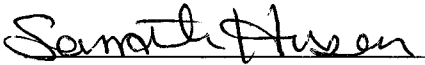
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TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted.
- Final Regulation
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
10/3/13		HOUSE COMMITTEE (Godshall) Consumer Affairs
10/3/13		SENATE COMMITTEE (Tomlinson) Consumer Protection and Professional Licensure
10/3/13		Independent Regulatory Review Commission Attorney General
10/3/13		Legislative Reference Bureau