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Pennsylvania Taxi Association  
2301 Church St.  
Philadelphia, PA 19124

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Philadelphia Cab Association  
208 N. Maple Ave.  
Lansdowne, PA 19050

November 20, 2013

Hon. Silvan B. Lutkewitte, III, Chairman  
Independent Regulatory Review Commission  
333 Market St., 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Re: Docket No and Agency/ID No. 126-5  
Proposed Rulemaking  
Philadelphia Taxicab and Limousine Regulations  
52 Pa. Code §§ 1001, 1011, 1017, 1019, 1021  
Wheelchair Accessible Taxicabs

Dear Chairman Lutkewitte:

The following are comments regarding the Proposed Rulemaking Order of the Philadelphia Parking Authority's ("PPA") Taxicab and Limousine Regulations and the PPA's Proposed Regulations attached hereto as Exhibit "A". Pennsylvania Taxi Association ("PTA"), an association of the owners of over 1,000 taxicab medallions, and Philadelphia Cab Association ("PCA"), an association of over 3,000 taxicab drivers, respectfully request that the Independent Regulatory Review Commission ("IRRC") take these comments into consideration and implement the requested changes before promulgating the Proposed Rulemaking as a Final-Form Regulation.

Proposed Regulations

§ 1011.2

We take issue with the PPA's proposed definition of "common wheelchair". We do not believe that the PPA should redefine well-established definitions that have been promulgated by the United States Department of Transportation at 49 C.F.R. § 37.3. This authority preempts the PPA's definition of a common wheelchair. There is no need to fix, or re-define, a definition that has worked and continues to work for the transportation industry.

*§ 1017.8(b)*

We believe that WAV taxicabs should only be required to meet the specifications set forth in the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles codified at 49 C.F.R. §§ 38.23, 38.28 and 38.31, no more and no less. Not only do we believe that the PPA is preempted in this area, but also that the PPA is not in the business of regulating how vehicles should be constructed, nor does it have the expertise to weigh-in on such issues.

*§ 1017.8(c)(1)*

The PPA's proposal that a WAV taxicab be "one of the manufacturer's two latest vehicle model years with an odometer reading of less than 500 miles" requires clarification and is not economically viable. Additionally, while we generally agree that newer vehicles need to be used for WAV taxicabs, we believe that the newer vehicle standards should be imposed uniformly upon all taxicabs in Philadelphia.

It is not clear what the PPA means when it says that a vehicle be one of the manufacturer's two latest model years. We propose that this language be clarified to state that a vehicle's model year may not be more than 2 years older than the year in which the vehicle is placed into service. For example, if a vehicle is being placed into service on December 31, 2013, the vehicle may not be older than a 2011 model; if a vehicle is being placed into service on January 1, 2014, the vehicle may not be older than a 2012 model. This method is supported by the PPA's current practices under 52 Pa. Code § 1001.1 et seq. and is simple and straightforward.

The requirement that a vehicle have less than 500 miles is not economically viable. This essentially requires all WAV taxicabs to be brand new. Even if brand new, a vehicle cannot be transported to Philadelphia from a locale that is more than 500 miles away. A common industry practice is to purchase vehicles from dealers or reputable car rental agencies (i.e. Avis and Hertz) after they have been leased or utilized for 2 years, because at that point the price of the vehicle depreciates by 40% to 50%, making the purchase of the vehicle economically feasible. These vehicles are still in excellent condition and many are still covered by manufacturer's warranties, making them desirable for use as taxicabs. The PPA's Proposed Regulations would disrupt this common practice and would make an already expensive undertaking even more costly. In place of the Proposed Regulations, we propose that all taxicabs, including WAV taxicabs, should be no older than 2 years old and have an odometer reading of no more than 50,000 miles when first entering service.

Replacing vehicles that are damaged in accidents needs to be economically feasible. If there is a total loss of a vehicle, the part of the vehicle that was converted to make the vehicle wheelchair accessible is not salvageable and reusable. A replacement vehicle needs to be freshly outfitted and converted in order to become wheelchair accessible. Thus, permitting a vehicle that is no older than 2 years old with less than 50,000 miles provides medallion owners and taxicab drivers with some relief given the high cost of outfitting these vehicles in order to make them wheelchair accessible.

Lastly, insurance premiums for brand new vehicles are twice as high as they are for gently used vehicles that have less than 50,000 miles.

Again, we propose that all taxicabs, including WAV taxicabs, be no older than 2 years old and have an odometer reading of no more than 50,000 miles when first entering service.

*§ 1017.8(c)(2)*

We disagree that vehicles should be retired after only 5 years. Currently, all taxicabs must be put out of service after the earlier of 8 years or 250,000 miles. We propose that all taxicabs, including WAV taxicabs, be retired at the earlier of 6 years or 250,000 miles given the high cost of implementing WAV taxicabs.

*§ 1017.24(d)(9) and (10)*

We disagree with the requirement that the WAV taxicab meters be equipped with a button that the driver will push when a person in a wheelchair begins taxicab service. This feature is an unnecessary additional cost being added to an already expensive undertaking. Additionally, there is no need to differentiate between customers in wheelchairs and customers that do not use wheelchairs. Designating customers as wheelchair-bound is discriminatory. Dispatchers will already have a record of when a WAV taxicab is dispatched. The specialized button is unnecessary.

Outfitting WAV taxicabs with cameras to take pictures of passengers in wheelchairs is offensive to common sensibilities and infringes upon these passengers' rights to privacy. The PPA does not have the consent of these passengers to take their pictures and it is discriminatory to only photograph one class of passenger solely based upon their use of a wheelchair. There is no need to open the can of worms that is inevitable as a result of this Proposed Regulation. Instead, it has already been proposed that all taxicabs in Philadelphia, including WAV taxicabs, be equipped with video cameras in order to ensure passenger and driver safety.

*§ 1019.8(a), (b) and (c)*

We propose that all dispatchers be authorized and trained as WAV taxicab dispatchers, not just those affiliated with 10% or more of the WAV taxicabs in Philadelphia. First of all, as written, the Proposed Regulations are illogical. How can a dispatcher ever become a WAV taxicab dispatcher if WAV taxicabs can only join established WAV taxicab dispatchers? If a dispatch company needs to accumulate no less than 10% of the WAV taxicabs in Philadelphia in order to become a WAV taxicab dispatcher, but WAV taxicabs are not permitted to work for non-WAV taxicab dispatchers, a regular dispatcher can never become a WAV taxicab dispatcher because they will never be able to, and are effectively not permitted to, accumulate the requisite number of WAV taxicabs.

The Proposed Regulations also place unfair restrictions upon taxicab drivers and infringes upon their freedom of association. If a taxicab driver works for a non-WAV taxicab dispatcher but then wishes to drive a WAV taxicab, that driver will be required to switch

dispatch companies regardless of the driver's preference. Switching dispatchers involves repainting the driver's vehicle and replacing and reprogramming the radio and GPS equipment, among other things, in addition to the already high costs associated with operating a WAV taxicab. If a WAV taxicab driver desires to work for a specific dispatcher because of the reputation or amount of work (or other feature) available from the dispatcher, the driver should be able to join that dispatcher without any hurdles. The same can be said for medallion owners who prefer their taxicabs to be affiliated with a specific dispatcher.

Additionally, if a customer has a preferred dispatch company, the Proposed Regulations make it impossible for that customer to use his or her preferred dispatcher if the customer needs a wheelchair accessible taxicab but the preferred dispatcher is not a WAV taxicab dispatcher.

If a WAV taxicab dispatcher cannot fulfill a customer's request for a WAV taxicab, then the dispatcher shall immediately forward the customer's request to another taxicab dispatcher as stated by the Proposed Regulations. However, the proposed waiting period of 45 minutes (§1019.8(c)(5)) seems unnecessary; no customer would ever wait 45 minutes for a taxicab, nor would a dispatcher expect a customer to wait for a taxicab for this time period. In addition, this provision is nearly impossible to enforce. This provision of the Proposed Regulations is unnecessary and should be stricken.

In addition to the Proposed Regulations, VeriFone Transportation Systems ("VeriFone")<sup>1</sup> has developed a computer and smartphone application called Way2Hail that will allow customers to see all VeriFone-affiliated taxicabs, including WAV taxicabs, available for use based on a customer's location. This application will allow a customer to use any of the 12 VeriFone dispatchers to order a taxicab. A customer may choose which dispatch company it wants to use or the order will be assigned to the closest available taxicab, regardless of the dispatch company that taxicab is affiliated with. If a customer requests a WAV taxicab from his or her preferred dispatcher and the WAV taxicab is not available, then the order is automatically assigned to the closest available WAV taxicab. A customer can track his or her order and see which taxicab was assigned to him or her. All details of the reservations are stored on the customer's computer or smartphone, as the case may be, in addition to the dispatcher's computerized records. This proposed system of dispatching is superior to the current and proposed system and is more useful to customers, drivers, dispatchers and medallion owners.

In lieu of the Proposed Regulations, all dispatchers should be authorized and trained as WAV taxicab dispatchers (as stated above), however the proposal that WAV taxicab dispatchers complete the same training as WAV taxicab drivers does not make sense (§ 1019.8(c)(3)). Dispatchers and taxicab drivers do not have overlapping job characteristics and a taxicab driver's training is not applicable to a dispatcher's and vice-versa. This requirement should be stricken for lack of relevance. If the PPA wants to train dispatchers, it should develop separate standards that are relevant to the job requirements of taxicab dispatching, however we believe this type of training falls outside the scope of the PPA's regulatory authority.

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<sup>1</sup> VeriFone is the preferred provider of automated dispatch systems in Philadelphia. Originally all 1,600 taxicabs in Philadelphia were equipped with VeriFone technology. Today 12 out of 13 dispatchers in Philadelphia utilize VeriFone technology, approximately 1,400 taxicabs.

*§ 1021.5.1(b), (c), (d) and (e)*

While we agree that taxicab drivers should be trained by the PPA to operate WAV taxicabs, we propose that all drivers be required to have such training, not just a select few. The pool of taxicab drivers in Philadelphia is limited and the taxicab business is such that taxicab drivers are constantly switching vehicles and working for different operators. Only having a limited number of WAV taxicab drivers would disrupt industry operations; if an owner of a WAV taxicab medallion needs to replace his current driver and cannot find a suitable driver because the supply of WAV taxicab drivers is limited, that taxicab may go unutilized and the supply of WAV taxicabs will be reduced, which goes against the very purpose of Act 119 of 2012.

Instead, all drivers should be required to receive WAV taxicab driver's certificates. The PPA provides no reason why only a limited number of drivers should have such certification. The requirement that a driver must exhibit a high degree of experience (§ 1021.5.1.(b)(7)) is vague and is not justified by the PPA. What does a high degree of experience mean and who is authorized to make this determination? Additionally, the requirement that a driver applicant have at least 2 years of experience driving a Philadelphia taxicab is arbitrary and unjustified. For example, what if a taxicab driver moved from New York to Philadelphia after operating a WAV taxicab in New York for 5 years—would he be disqualified from becoming a WAV taxicab driver? With proper training, all taxicab drivers should be able to transport persons in wheelchairs.

The cap and statistics proposed by the PPA (§ 1021.5.1 (c) and (d)) are impractical and impossible to keep. Just because a driver has a certificate does not necessarily mean that he is working in the industry. Such is the case currently, where a driver may obtain a certificate and renew it annually but never actually set foot in a taxicab. Additionally, how could the PPA possibly keep track as to which drivers are providing service in WAV taxicabs or otherwise?

It would simplify matters greatly and make things more uniform if all taxicab drivers were required to become WAV taxicab drivers regardless of experience or other factors. There is no harm with such a requirement and the PPA has not stated otherwise.

Additionally, while the PPA's incentive program (§ 1021.5.1(e)) has good intentions, it misses the mark. Most of the time, it is not up to taxicab drivers whether they are going to transport a wheelchair-bound passenger; a driver is simply dispatched a job based on his proximity to a customer. There is hardly any choice involved, thus it is difficult to incentivize drivers. Additionally, it seems nearly impossible for the PPA to keep records of which drivers provide service to persons in wheelchairs and the Proposed Regulations do not state how the PPA intends to conduct its recordkeeping. The proposed incentive program seems wasteful and unnecessary given the realities of how the industry operates.

*§ 1021.9*

In conjunction with the comments above regarding § 1021.5.1, the WAV taxicab driver's test should be required for all taxicab drivers in Philadelphia as stated above.

§ 1021.11(j)

This proposed requirement essentially transforms a taxicab driver into a dispatcher, which is not part of a taxicab driver's job responsibilities. This proposed regulation does not state what a driver is to do if he has a passenger, nor does it state exactly how a driver is supposed to stop if stopping will result in a parking or moving violation. How is a driver supposed to contact the dispatcher? What if the passenger is across the street—is the driver supposed to turn his vehicle around? How will such a regulation be enforced? There are so many uncertainties and complications with this proposed requirement that it is impossible to address every concern in this letter. This requirement is unnecessary and complicated. The PPA should simply publicize the availability of WAV taxicabs and commit to a public education campaign encouraging persons in wheelchairs to call the city's dispatchers or use VeriFone's computer and smartphone applications in order to obtain a WAV taxicab.


§1021.11(k)

Please see our response § 1017. 24(d) regarding this requirement.

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We believe the PPA's goals should be simplicity, clarity and uniformity. Please consider the above comments and make the requested changes prior to issuing Final Regulations.

Respectfully,



Danielle Friedman, Esquire  
Attorney for Pennsylvania Taxi Association and  
Pennsylvania Cab Association

DF/

cc: Hon. Keith Gillespie, Chairman, Urban Affairs Committee  
Hon. Nicholas A. Miccarelli, III  
Dennis Weldon, Esquire (*via email*)

**EXHIBIT "A"**

# Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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

(1) Agency

Philadelphia Parking Authority

(2) Agency Number: 126

Identification Number: 5

IRRC Number: 3036

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(3) PA Code Cite: 52 Pa. Code Part II, Chapters 1001, 1011, 1017, 1019, 1021.

(4) Short Title: Wheelchair Accessible Vehicle ("WAV") Taxicabs

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

Primary Contact: Dennis Weldon, General Counsel, at PRM101@philapark.org, 215-683-9630 (FAX: 215-683-9619), 701 Market Street, Suite 5400, Philadelphia, PA 19106.

Secondary Contact: James R. Ney, Director, Taxicab and Limousine Division at jney@philapark.org, 215-683-6417 (FAX: 215-683-9437), 2415 South Swanson Street, Philadelphia PA 19148.

(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)

Currently, there are 7 taxicabs in Philadelphia of nearly 1,800 that are wheelchair accessible. The Legislature has recognized the inequity associated with that disposition. To that end, the Authority has been authorized to begin to remedy that shortcoming through the issuance of 15 taxicab medallions that may only be attached to wheelchair accessible taxicabs. See Act 119 of 2012. The Authority may then continue to issue additional medallions with identical or similar restrictions over the next nine years.

The purpose of this proposed regulation is to create mandatory requirements for the operation of taxicabs through medallions restricted to wheelchair accessible taxicab service. The proposed regulation will also provide guidelines related to the operation of wheelchair accessible taxicabs generally, because taxicab owners may opt to voluntarily provide wheelchair accessible taxicab service, although not required to do so by conditions that run with their medallions or certifications. We understand that this is a complicated issue that encompasses fundamental transportation matter, as well as technological and funding challenges.

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

Sections 13 and 17 of the act of July 16, 2004, (P.L. 758, No. 94), as amended, 53 Pa.C.S. §§5701 et seq., §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P.L. 287, No. 22), as amended, 53 Pa. C.S. §§ 5505(d)(17) (d)(23), (d)(24). The act of July 5, 2012, (P.L. 1022, No. 119) ("Act 119"), 53 Pa.C.S. §§ 5706(a.1), 5711(c)(2) and 5717(b).



(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.

No. Although there is a federal action pending in the Eastern District of Pennsylvania in which several disabled plaintiffs have sued the Authority under the theory that it has failed to provide for more wheelchair accessible taxicabs, among other claims. The case is pending at *Ward v. Philadelphia Parking Authority*, Docket No. 2:11-cv-04692-CDJ.

(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.

We incorporate our response to question No. 8.

As the United States Department of Justice noted when generally referring to the application of the Americans with Disabilities Act of 1990 ("ADA")\*:

More than 50 million Americans – 18% of our population – have disabilities, and each is a potential customer. People with disabilities are living more independently and participating more actively in their communities. They and their families want to patronize businesses that welcome customers with disabilities. In addition, approximately 71.5 million baby boomers will be over age 65 by the year 2030 and will be demanding products, services, and environments that meet their age-related physical needs. Studies show that once people with disabilities find a business where they can shop or get services in an accessible manner, they become repeat customers.

<http://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm>

\* The ADA was originally enacted in public law format and later rearranged and published in the United States Code. The United States Code is divided into titles and chapters that classify laws according to their subject matter. Titles I, II, III, and V of the original law are codified in Title 42, chapter 126, of the United States Code beginning at section 12101. Title IV of the original law is codified in Title 47, chapter 5, of the United States Code. See <http://www.ada.gov/pubs/adastatute08mark.htm>

While it is impossible to determine the exact number of persons in the Philadelphia area, or traveling in or about the Philadelphia area, who use wheelchairs to move outdoors, the Legislature has determined that, at minimum, 15 WAV medallion taxicabs are necessary. (A WAV medallion will be restricted to use on a WAV taxicab; however a WAV taxicab may provide standard taxicab service.)

The issuance of the first 15 WAV medallions will add to the few WAV taxicabs currently in service in Philadelphia today. This growing number of WAV taxicabs will permit the development of new information regarding the needs of the disabled community and the interest among that community in using taxicabs for transportation in lieu of mass transportation or other means of transportation. This information will permit the continuing development of regulations and procedures as additional medallions become available for sale over the next 9 years and permit a full assessment of associated costs. See 53 Pa.C.S. § 5711(c)(2).

The increased mobility among those previously restricted to scheduled mass transportation services or who opted not to travel based on associated challenges will advance the public purpose of the Americans with Disabilities Act and directly benefit those who use these services. These new users of taxicabs will benefit taxicab companies by increasing ridership and positive impact the local economy by attending events, dining, purchasing goods and services that were not otherwise available to them.

Last year 11,114,949 taxicab trips were recorded as being provided in Philadelphia. (This number does not include partial-rights taxicabs; therefore, the gross number of Philadelphia taxicab trips is much higher.) Taxicab owners, drivers and dispatchers only make money when people use their services. Therefore, an increase to the aggregate number of taxicab trips each year anywhere approaching the number of people estimated to be disabled by the Department of Justice could have a tremendously positive impact on the revenue figures for these carriers.

(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.

Wheelchair ramps will need to be 32 inches wide, as opposed to the 30 inches attributed to "common wheelchairs" under the federal definition. Our experience has indicated that wheelchairs are simply wider than they were in the past and this additional width is necessary to accommodate the targeted group of passengers.

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

The regulations are substantially similar to those of other states, although direct comparisons are not possible. For example, taxicabs in New York City do not operate through dispatchers, but instead provide almost entirely hail taxicab service. New York City has 13,237 existing medallions in service, 233 of which are WAVs. Although approximately 2,000 more WAV only medallions are scheduled for release. Many of the vehicle standards employed in this proposed regulation are derived from standards used in New York. While Philadelphia has 1,600 taxicab medallions, Chicago has 7,000, 173 of which are reserved for WAVs.

The near absence of wheelchair accessible taxicabs in Philadelphia, the nation's fifth largest city, is unacceptable. The lack of wheelchair accessible taxicabs portrays the city as an uncaring and inaccessible place for those in wheelchairs and their friends, families and business. Implementing this proposed regulation, as refined during this promulgation process, will enhance the ability of the Commonwealth to compete with other states where wheelchair accessible taxicabs are already in service.

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

It is not anticipated that the proposed regulation will affect any other regulations of other state agencies. The proposed regulation will not directly affect existing Authority regulations, except to the extent that additional requirements or classifications (e.g. WAV taxicab driver, WAV dispatcher) will be created through the new provisions of the proposed regulation.

(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.)

On February 15, 2012, the Authority held a public comment hearing at the Pennsylvania Convention Center to discuss an initial draft of wheelchair accessible taxicab regulations. The following business and individuals attended:

Honorable Nicholas A. Miccarelli,  
Robert Delucca  
Jeff Hornstein  
Philameana Ward  
David Schembri  
Beldon Jones  
Danielle Friedman  
Rocco Ioculow  
Michelle McCanless  
Muhammad Chughtai  
Michael Henry, Esq.  
Jordan Rand, Esq.  
Ron Blount  
Dina Hubbart  
Muhammad Shukur  
Thadius Robinson  
Allison Brady

Also, on August 18, 2012 the Authority requested comments related to the implementation of the wheelchair accessible taxicab provisions of Act 119 of 2012 through publication in the *Pennsylvania Bulletin*. The Authority extended the deadline for those comments and provided notice of a scheduled public comment hearing through publication in the *Pennsylvania Bulletin* on September 29, 2012. The public comment hearing was held at the Pennsylvania Convention Center on October 3, 2012.

Written comments from the following individuals, businesses and interest groups were received: Alex Friedman on behalf of the Pennsylvania Taxi Association, Cabconnect, Filomena Ranieri Ward, Ron Blount on behalf of the Taxi Workers Alliance of Pennsylvania, Jeff Hornstein on behalf of the Greater Philadelphia Taxi Association, Ronnie Ellen Raymond.

Additional verbal comments were received at the October 3, 2012 public comment hearing from the following individuals, businesses and interest groups:

Jeff Hornstein, Greater Philadelphia Taxi Association  
Alex Freidman, Pennsylvania Taxi Association  
Mohammad Chughtai, Philadelphia Taxi Cab  
Patrick Anamah, Taxi Workers Alliance of Pennsylvania  
Michael Henry, Attorney  
Thomas Earle, CEO, Liberty Resources, Inc.  
Ron Blount, Taxi Workers Alliance of Pennsylvania  
Mark Longo, National Mobility Association

(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?

We incorporate our response to question No. 10 regarding the estimated number of disabled persons in the United States and by extrapolation in the Philadelphia area and the absence of adequate levels of wheelchair accessible taxicabs in Philadelphia.

Existing medallion owners who operate wheelchair accessible vehicles will be exempt from many of the requirements of the proposed regulation through the life of the vehicle in service on the date this regulation is approved. The proposed regulations will eventually apply to those medallion owners if they choose to continue to operate WAV taxicabs; however, even here we do not anticipate an alteration in the cost of operation because the WAV taxicabs in service now meet most, if not all, of the vehicle standards required by the proposed regulation.

The two dispatchers of the WAV taxicabs currently in service will also be exempt from the special authorization requirements applicable to WAV dispatchers through July 1, 2015. This will permit the continued operation of pre-existing WAV taxicabs, through their current dispatcher, after the regulation is approved while making adjustments to the new regulation. The dispatcher exemption will not extend to WAV *medallion* taxicabs.

The requirements that this proposed regulation makes upon WAV medallion taxicabs will increase the initial costs of placing each of these new vehicles in service. These service providers do not yet exist. These regulations will identify the significant alterations to the quality and operation of standard taxicab service compared to WAV medallion taxicab service. These new service requirements will apply to the new WAV medallions. Potential buyers of these new WAV medallions will be free to evaluate the costs of operation prior to submitting a sealed bid for the WAV medallions as they become available for sale. Because this service does not yet exist, we believe that there is no fiscal impact upon the presently non-existent WAV medallion owners.

The anticipated increased cost of purchasing a purpose-built wheelchair accessible taxicab or converting a minivan into a wheelchair accessible taxicab, increased costs of insuring these vehicles, particularly given the low age and mileage entry limitations and several other requirements will significantly increase the initial costs to place a WAV taxicab into service, as opposed to a standard 5 year-old, high mileage sedan, which most taxicab owners use. It is anticipated; however, that the known additional costs to place these WAV medallion taxicabs into service will result in a lower medallion sale price, negating much of the fiscal impact otherwise resulting from these heightened requirements. Of course, the end result will be a much higher quality vehicle in service for all users of taxicabs, not just people in wheelchairs.

Already, the 7 WAV taxicabs in service are sought after, not only persons in wheelchairs, but also by people who seek additional legroom or storage space for luggage. Therefore, we anticipate that these new WAV vehicles will continue to be sought out by all types of passengers. Additionally, WAV medallion taxicabs will be preferred because they will be newer. The attraction of more business to these special vehicles will also help reduce costs of operation by increasing revenue.

Because all medallion owners fit within the definition of a small business, every medallion owner that seeks to voluntarily employ the use of a wheelchair accessible vehicle to provide taxicab service and, upon information and belief, every potential owner of a WAV medallion will be a small business and all

of the impact, both positive and negative, will apply to those business.

The Authority regulates approximately 5,100 persons through its oversight of the local taxicab and limousine industry. That number includes approximately 4,300 drivers, 700 taxicab medallion owners, 6 partial-rights carriers 4 brokers, 13 dispatchers, and 127 limousine companies, although these numbers change marginally every day through the sale of medallions, approval of new dispatching services, drivers or limousines companies and the retirement of drivers. Each of those persons will be subject to the terms of this rulemaking.

Section 3 of the Regulatory Review Act, Act 76 of 2012 directs us to 13 CFR Ch. 1 Part 121 (relating to small business size regulations) to determine the applicability of the term "small business" to a given business concern and its affiliates. The definitions of taxi services and limousine services in terms of "small businesses" status hinge on the income of the carrier. *See* 13 CFR § 121.201, Subsector 485 (relating to what size standards has SBA identified by North American Industry Classification System codes?). However, the Authority does not require regulated parties to submit income information as part of its regulatory requirements. Therefore, it is difficult to ascertain exactly which individuals or businesses earn more than the "small business" ceiling for taxi service or limousine service, if any.

There are approximately 700 taxicab medallion owners. Most own one medallion and rarely more than 5 medallions, although some individuals have majority ownership interests in multiple companies with ownership of 1-5 medallions. We also believe that the six partial-rights taxicab certificate holders are small businesses, based on the size of their fleet. Similarly, we believe each of the 13 taxicab dispatching companies is a small business, based on the limited regulated functions available to these companies. Based on the size of the limousine fleet of each limousine owner, we believe that each of the 127 limousine companies registered with the Authority is also a small business. For purposes of this response and to most accurately address the concerns of the General Assembly regarding the impact of regulations upon small business, we believe the only safe path is to presume that every taxicab and limousine entity regulated by the Authority is a small business.

(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.

We incorporate our response to question No. 15.

The proposed regulation as to WAV medallions will not apply to anyone until the medallions are purchased through a public bidding process, which will be at a time subsequent to the final publication of this proposed regulation in final-form.

Drivers who seek to voluntarily provide service in WAV taxicabs will be required to adhere to the application, training and operation requirements of the proposed regulation. Existing medallion owners who wish to voluntarily place standard medallions on wheelchair accessible vehicles will have to comply with the vehicle condition, meter system, dispatcher and most other requirements related to WAVs, although not the heightened age and mileage requirements. Also, dispatchers who wish to dispatch WAV taxicabs will be required to adhere to the authorization process, employee or agent training and operational requirements specially associated with WAV taxicab service.

The regulation will not affect all regulated parties in Philadelphia, but instead only those who seek to

operate a WAV taxicab business or dispatch. For purposes of context, the Authority approximates that the total "regulated parties" in Philadelphia includes:

4,300 drivers  
700 taxicab medallion owners  
6 partial-rights carriers  
4 brokers  
13 dispatchers  
127 limousine companies

(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.

We incorporate our response to question No. 15. As to financial and economic impact generally. We incorporate our response to question No. 12 regarding the pressing need for more wheelchair accessible taxicabs. The increased mobility of so many people will have a tremendous positive social and economic impact on those persons in wheelchairs who find themselves able to easily move about the city visit friend and family and patronize businesses.

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

The most significant costs of the program will be carried initially by the new owners of new WAV medallions. We note in response to question 15 how many of those costs will be mitigated. The operation of WAV taxicabs with a standard medallion will be voluntary. The benefits of providing such a significant class of people the capability of more freely move through the city are tremendous and significantly outweigh operational costs.

(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.

Costs to convert small vans to wheelchair accessible vehicles and have them placed in a condition that will pass an Authority inspection is estimated to be \$15,000 above the cost to have a non-wheelchair accessible vehicle so approved. This estimate is based on the costs incurred by the existing WAV taxicab owners in Philadelphia. We anticipate that the costs to complete these conversions will decrease as the number of conversions increases. One cost has already been reduced over even that cited above because a local profession has recently been authorized by applicable automobile manufacturers to complete this retro-fitting, which will eliminate travel costs previously incurred.

Most of the WAV taxicabs now in service in Philadelphia (voluntarily) were brought into service with less than 50,000 miles and at approximately 3 years of age; the proposed regulation does not create any requirements related to age and mileage for those carriers. However, for WAV medallion taxicabs this cost will be significantly higher because WAV medallions will need to be attached to new vehicles. We estimate that the cost of acquiring a new small van, as opposed to those commonly used now, to be \$27,000, with an estimated conversion cost of \$15,000. Other costs of the regulation are anticipated to be negligible and outweighed by increased revenue from new users of these taxicab services.

(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. None.

(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 Authority will incur costs associated with the operation of the WAV taxicab program including training, increased monitoring and investigations and the creation of a new position to coordinate WAV matters. However, these costs will be mitigated by a portion of the net revenue of WAV medallion sales.

(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.

If a dispatcher wished to dispatch a WAV taxicab as defined in this proposed rulemaking, the dispatcher will have to submit additional information in the form it already submits to the Authority each month regarding the status of its operations, now the report will include information about WAV taxicab service provided by it and taxicabs in its association. The form is already used by dispatchers and will only be slightly modified and is straightforward and well known to dispatchers.

(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<br>Year | FY +1<br>Year | FY +2<br>Year | FY +3<br>Year | FY +4<br>Year | FY +5<br>Year |
|--|--------------------|---------------|---------------|---------------|---------------|---------------|
| <b>SAVINGS:</b>  | \$                 | \$            | \$            | \$            | \$            | \$            |
| <b>Regulated Community</b>                                   | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |
| <b>Local Government</b>                                      | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |
| <b>State Government(PPA)</b>                                 | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |
| <b>Total Savings</b>   | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |
| <b>COSTS:</b>  |                    |               |               |               |               |               |
| <b>Regulated Community<br/>(per non-WAV medallion owner)</b> | \$1,410            | 61            | 62            | 64            | 65            | 66            |
| <b>Local Government</b>                                      | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |
| <b>State Government</b>                                      | \$219,349          | \$298,466     | \$377,830     | \$457,454     | \$537,355     | \$617,549     |
| <b>Total Costs</b>   | \$220,759          | \$298,466     | \$377,892     | \$457,518     | \$537,420     | \$617,549     |
| <b>REVENUE LOSSES:</b>                                       |                    |               |               |               |               |               |
| <b>Regulated Community</b>                                   | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |
| <b>Local Government</b>                                      | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |
| <b>State Government</b>                                      | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |
| <b>Total Revenue Losses</b>                                  | \$0.00             | \$0.00        | \$0.00        | \$0.00        | \$0.00        | \$0.00        |

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

| Program                          | FY -3 | FY -2 | FY -1 | Current FY |
|----------------------------------|-------|-------|-------|------------|
| N/A. WAV taxicab program is new. | 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.

N/A

(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.

N/A

(c) A statement of probable effect on impacted small businesses.

N/A

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

N/A

(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.

The entire WAV taxicab program is a special provision drafted to address the needs of persons with disabilities.

(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.

No other alternative were considered.

(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;

N/A

b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

N/A

c) The consolidation or simplification of compliance or reporting requirements for small businesses;

N/A



d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and

N/A

e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

N/A

We incorporate our response to question No. 18.

(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 basis for this proposed regulation. The need to comply with Act 119 of 2012 and to provide common carrier transportation services for persons in wheelchairs is the basis for the proposed regulation.

(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<br>in <i>Pa. B</i> |
| B. The date or dates on which public meetings or hearings will be held:                     | N/A  |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | January 15, 2014                             |
| D. The expected effective date of the final-form regulation:                                | April 15, 2014                               |
| E. The date by which compliance with the final-form regulation will be required:            | Upon publication in <i>Pa. B</i>             |
| F. The date by which required permits, licenses or other approvals must be obtained:        | Existing dispatchers: July<br>1, 2015        |

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

The Authority will analyze information related to users of wheelchair accessible taxicabs to determine the evolving need and to determine more efficient ways to address the need for this unique service.

CDL - 1

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


**(Pursuant to Commonwealth Documents Law)**

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

BY   
(DEPUTY ATTORNEY GENERAL)

OCT 04 2013

DATE OF APPROVAL

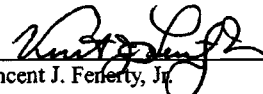
Check if applicable  
Copy not approved. Objections attached

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

Philadelphia Parking Authority  
(AGENCY)


DOCUMENT/FISCAL NOTE NO. Pending with Office of Budget.

DATE OF ADOPTION July 23, 2013

BY   
Vincent J. Fenerty, Jr.

TITLE: Executive Director

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

BY   
Dennis G. Weldon, Jr.  
General Counsel

8/15/13  
DATE OF APPROVAL

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

Proposed Rule Making No. 126-5  
Proposed Rulemaking  
Philadelphia Taxicab and Limousine Regulations  
52 Pa. Code §§ 1001, 1011, 1017, 1019, 1021.

The Philadelphia Parking Authority on July 23, 2013 adopted a proposed rulemaking order which to provide for the regulation of wheelchair accessible taxicabs in Philadelphia. The contact person is Dennis G. Weldon, Jr., General Counsel, 215-683-9630.

# THE PHILADELPHIA PARKING AUTHORITY

In Re: Proposed Rulemaking Order :  
Philadelphia Taxicab and :  
Limousine Regulations : Docket No. 126-5  
: :  
: :

## PROPOSED RULEMAKING ORDER

### BY THE AUTHORITY:

In accordance with of the act of July 16, 2004, (P.L. 758, No. 94), *as amended*, 53 Pa.C.S. §§5701 *et seq.*, (the "act"),<sup>1</sup> the Authority formally commences its rulemaking process to promulgate regulations to provide regulations related to the provision of wheelchair accessible taxicab service in Philadelphia. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

#### A. Background

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. The Authority's regulations may be found at 52 Pa. Code Part II. The Authority has been authorized by the Legislature through the act of July 5, 2012, (P.L. 1022, No. 119) ("Act 119") to issue an additional 15 taxicab medallions in Philadelphia, provided those medallions be used for the purposes of providing wheelchair accessible taxicab service.<sup>2</sup> Act 119 also increased the number of authorized Philadelphia taxicab medallions by an additional 15 on June 1, 2013 and will continue to increase the aggregate statutory medallion cap by 15 each June 1 until 1,750 Philadelphia taxicab medallions are authorized for issuance by the Authority.<sup>3</sup>

#### DISCUSSION

Currently, fewer than 10 taxicabs in Philadelphia of nearly 1,800 are wheelchair accessible. The Legislature has recognized the inequity associated with that disposition. To that end, the Authority has been authorized to begin to remedy that shortcoming through the issuance of 15 taxicab medallions that may only be attached to wheelchair accessible taxicabs. The Authority may then continue to issue additional medallions with identical or similar restrictions over the next nine years as identified above.

<sup>1</sup> See 53 Pa.C.S. §§ 5722 and 5742.

<sup>2</sup> See 53 Pa.C.S. § 5711(c)(2)(i).

<sup>3</sup> See 53 Pa.C.S. § 5711(c)(2)(ii).

Many cities in the United States are striving to implement regulations to address this important issue. While market conditions and variations in taxicab service vary from city to city, there is little debate that people with disabilities must have broader access to these transportation services.

The purpose of this proposed regulation is to create mandatory requirements for the operation of taxicabs through medallions restricted to wheelchair accessible taxicab service. The proposed regulation will also provide guidelines related to the operation of wheelchair accessible taxicabs generally, because taxicab owners may opt to provide wheelchair accessible taxicab service, although not required to do so by conditions that run with their medallions or certifications. We understand that this is a complicated issue that encompasses fundamental transportation issues, as well as technological and funding challenges.

The Authority has received preliminary comments related to the expense of purpose built wheelchair accessible taxicabs, the costs to retrofit minivans to provide this service, the additional costs of insurance that may apply, the need to train drivers and coordinate dispatching operations and many other facets of wheelchair accessible taxicab service. We have drafted this proposed regulation with those comments in mind and with the anticipation that updated and more narrowly tailored comments will be forthcoming during the comment period. We will rely on those comments when drafting final-form regulations.

#### **B. The regulation.**

##### *§ 1001.9. Sessions of the Authority.*

We propose amending this section to reflect the address of the Authority's new headquarters.

##### *§ 1001.10. Definitions.*

We propose amending the definition of "Dispatcher" to include the term "WAV taxicab dispatcher", unless the context of the term clearly indicates otherwise. The addition of the term "WAV taxicab dispatcher" is proposed in section 1011.2.

We propose amending the definition of "Taxicab driver" to include the term "WAV taxicab driver", unless the context of the term clearly indicates otherwise. The addition of the term "WAV taxicab driver" is proposed in section 1011.2.

##### *§ 1011.2. Definitions.*

We propose adding the term "WAV medallion" to identify the medallions that will be issued with the condition that the medallion be attached only to a wheelchair accessible taxicab. WAV is an acronym that stands for "wheelchair accessible vehicle" and is used commonly in the taxicab and limousine industries throughout the United States.

We propose adding the term "WAV medallion taxicab" to identify taxicabs to which a WAV medallion is attached by the Authority as provided in this chapter.

We propose adding the term "WAV taxicab" to identify taxicabs that are capable of duly transporting persons in wheelchairs. The term will apply equally to both taxicabs that are required to be WAVs through conditions imposed upon their respective medallions, as well as taxicabs that operate as WAVs voluntarily.

We propose adding the term "WAV taxicab dispatcher" to identify dispatchers authorized by the Authority to dispatch WAV taxicabs. The "WAV taxicab dispatcher" authorization is addressed in § 1019.8.

We propose adding the term "WAV taxicab driver" to identify taxicab drivers specially authorized to provide taxicab service in a wheelchair accessible taxicab pursuant to § 1021.5.1 and section 5706(a.1) of the act.

We propose adding the term "WAV taxicab driver's certificate" to identify the special driver's certificate that will be issued by the Authority to WAV taxicab drivers required by section 5706(a.1)(1) of the act.

We propose adding the term "Wheelchair" to define the devices that wheelchair accessible taxicabs must be able to transport. We have largely adopted the term as employed by the United States Department of Transportation and provided at 49 C.F.R. 37.3 because we believe it includes the types of personal transportation devices most commonly used by people with disabilities. However, we have altered the width of a "common wheelchair" from 30 inches to 32 inches to accommodate for widening of wheelchairs that we have witnessed thus far during the implementation of the 7 wheelchair accessible taxicabs in service today. This definition provides a guideline to certificate holders in terms of developing vehicles, equipment and policies to best transport persons in wheelchairs.

#### *§ 1017.8. WAV taxicab specifications.*

We propose adding this section to identify what it means to be a wheelchair accessible taxicab. The basic requirements of a taxicab will continue to apply to wheelchair accessible taxicabs, except as limited by the requirements of this section. The proposed regulation provides general standards for WAVs, and guidance on acceptable means of vehicle conversions. All WAVs in Philadelphia are currently minivans that have been retroactively altered to accommodate persons in wheelchairs. The means by which this retroactive fitting is accomplished is important to the overall operation and safety of the vehicle. Many of the standards used in the proposed regulation are in place in other jurisdictions and are adhered to by the wheelchair accessible taxicab owners currently employing this technology in Philadelphia.

This section will also reduce the acceptable age and mileage standards otherwise applicable to taxicabs in § 1017.4 for WAV medallion taxicabs. WAV medallion taxicabs are taxicabs operated through a WAV medallion. We propose reducing the entry level age and mileage for these WAV medallion taxicabs to new or nearly new and that the retirement age be lowered from

8 years to 5 years, although the maximum mileage is not adjusted from that applicable to all taxicabs.

The use of newer vehicles to provide taxicab service is a general goal of the Authority. This is because the public prefers newer, cleaner and more reliable vehicles to older, worn and less reliable vehicles. Implementing regulations to place better vehicles in taxicab service is crucial to the Authority's legislative directive to create a clean, safe, reliable, and well regulated taxicab and limousine industry..." 53 Pa. C.S. § 5701.1(2).

The Authority has not sold any WAV medallions and will not do so until WAV taxicab regulations are in place. This sequencing will permit those who opt to purchase a WAV medallion to understand the financial obligations associated with operating this class of taxicabs before buying the WAV medallion. Additional costs of operation may, therefore, be ameliorated through a reduced initial WAV medallion acquisition auction bid price.<sup>4</sup>

The proposed regulation will also require WAV taxicabs to be dispatched only by WAV dispatchers and operated only by WAV taxicab drivers. An exemption from the vehicle standards and age and mileage limitations of this section is also granted to taxicabs in service and approved by the Authority that are equipped to provide taxicab service to persons in wheelchairs without the need of the passenger to exit the wheelchair on the day the final-form regulation becomes effective. The purpose of this limited exemption is to encourage the use of as many of these Authority approved vehicles as possible now and not to discourage the continued use of these existing, if not completely compliant, wheelchair accessible taxicabs.

*§ 1017.24. Meter activation and display.*

We propose amending subsection (d) of this section to include a new paragraph (9) and (10). Paragraph (9) will require every WAV taxicab meter to be equipped with a button that the driver will push when a person in a wheelchair begins taxicab service. This is a crucial tool to track the emerging use of this new service by persons in wheelchairs. It is necessary because a WAV taxicab may also provide standard taxicab service; therefore, some method of differentiating between the types of service provided is necessary. The meter systems in place in medallion taxicabs currently have the capability to designate an existing button for this purpose.

We also propose in new paragraph (10) that the meter systems in WAV taxicabs be capable of taking a picture of the person in a wheelchair as a passenger in the WAV. This information may be reviewed to assure that the appropriate procedures for fastening wheelchairs into WAV taxicabs are followed and to assure that the driver has not pushed the button required by paragraph (9) when the passenger is not a person in a wheelchair.

The latter reason for the meter camera system goes to the requirement that WAV taxicab drivers be committed to provide taxicab service to persons in wheelchairs. WAV taxicab drivers will be paid by the Authority to train for this classification of service and each WAV taxicab driver's annual registration fee will also be paid by the Authority. These benefits are extended with the intent of encouraging drivers to proactively seek (and not avoid) service to persons in wheelchairs. WAV taxicab drivers will be required to provide a minimum number of taxicab

<sup>4</sup> See, 53 Pa. C.S. § 5717(b).

trips to persons in wheelchairs each year as provided in § 1021.5.1(d), and may receive monetary rewards based on the number of such passengers serviced. The camera system is the best means of assuring the accuracy of this data.

*§ 1019.8. Dispatcher requirements.*

We propose adding subsections (b) and (c) to this section and reidentifying the existing regulatory language as "(a) *General requirements*". The new subsection (a) applies to all dispatchers generally and will include the addition of a paragraph (16) that requires dispatchers to refer requests for a WAV taxicab to a WAV dispatcher. This is as opposed to terminating the request for service with instructions to "call another dispatcher". We have received comments emphasizing the need for a form of dispatching coordination to rapidly match a person in a wheelchair with an available wheelchair accessible taxicab by making only one phone call. This requirement is added in furtherance of that goal.

We propose that only WAV dispatchers be permitted to dispatch WAV taxicabs. Persons in wheelchairs will often require a unique form of interaction with a dispatcher, not the least of which will be the need for the dispatcher to have access to several WAV taxicabs. Dispatchers that understands the special requirements associated with WAV taxicab service will be of great assistance to the community of people with disabilities, as will the additional training that the proposed regulation will require of these WAV dispatchers as provided in the proposed language of subsection (c)(3).

Also, each WAV dispatcher must have at least ten percent of the WAV taxicabs then in service in Philadelphia associated with its dispatch service in order to maintain the WAV dispatcher status. The Authority's goal is to make it easy for persons in wheelchairs to obtain WAV taxicab service. A larger pool of WAV taxicabs increases the likelihood that a WAV dispatcher will have a WAV taxicab available for requested service.

We also propose that dispatchers apply for the WAV dispatcher authorization and that the authorization be temporary (for one year), but renewable. We believe that the improper or unenthusiastic dispatching of WAV taxicabs will cause the program to fail and that the process for changing WAV dispatchers must be efficient and uncomplicated. The potential for a non-renewal of this authorization will help assure that WAV dispatchers exercise their responsibilities properly. Dispatchers engaged in dispatching of wheelchair accessible taxicabs on the date these regulations become effective may continue to do so through July 1, 2015 (the beginning of fiscal year 2016), before formal WAV dispatcher authorization will be required. This will permit the existing dispatchers of these vehicles to continue to provide that service while they transition into the new regulatory framework. However, WAV medallion taxicabs may only be dispatched by authorized WAV dispatchers upon the effective date of the final-form regulation.

We propose that WAV dispatchers be required to maintain certain data about the service provided by the WAV taxicabs in their respective associations. The information includes each request to the dispatcher for a WAV taxicab and the dispatcher's response, each time a WAV taxicab in its association provides service to a person in a wheelchair and information related to

the WAV taxicab drivers who have accepted or rejected dispatched WAV taxicab service. This information will need to be added to and included in the monthly filing that all dispatchers already provide to the Authority about the status of their dispatch services.

WAV dispatchers will be required to maintain a system of immediate communication to refer requests for WAV taxicab service to the other WAV dispatchers if the initially contacted dispatcher is unable to provide the requested service within 45 minutes. Again, we have received comments about the need to have coordination between WAV dispatchers to dispense with the need for a potential customer to call multiple dispatchers to find an available WAV taxicab. We believe that this inexpensive and immediate form of instant communication (such as instant or email messages) will address this concern.

*§ 1021.5.1. Special WAV taxicab driver's certificate and requirements.*

We propose the development of a WAV taxicab certification program and certificate, as required by section 5706(a.1) of the act. To be approved, an applicant must have two years experience as an Authority certified driver within the three years preceding the application for this special certificate, among other identified requirements. An applicant may apply for both a standard taxicab driver and a WAV taxicab driver certificate. A WAV taxicab driver certificate encompasses all of the service rights of a standard driver's certificate; therefore, when an applicant received a WAV driver's certificate the standard certificate will be unnecessary.

In order to prevent driver saturation of the WAV taxicab market, the number of these drivers will be capped at four times the number of then existing WAVs, not only WAV medallions. WAV taxicab drivers are expected to put their WAV training to use and gain additional experience in furtherance of improving this program. The number of drivers must be kept in proportion to the number of available vehicles in order to achieve this goal.

We propose that WAV taxicab drivers maintain a minimum amount of time in a WAV taxicab each year and that a minimum number of persons in wheelchairs be serviced by each driver in order for the driver to maintain the WAV driver certification. We also propose a graduated cash incentive program for drivers who provide a certain number of taxicab trips each year to persons in wheelchairs. We have received comment related to the need to incentivize drivers to actively service persons in wheelchairs in light of the fact that such service may be more physically challenging and time intensive, without a direct monetary benefit. We proposed both the negative incentive of potentially losing the certification in conjunction with the positive incentive of cash bonuses and the payment of the annual driver's certificate fee.

*§ 1021.8. Certain training subjects.*

We propose that WAV taxicab drivers attend WAV taxicab related training in addition to standard driver training. Again, this is required by section 5706(a.1) of the act. This training will evolve along with the technologies and challenges associated with the operation of this program; therefore, specific training indices are neither prudent nor necessary for purposes of the promulgation of this regulation. For certain, the actual operation of the WAV taxicab



equipment, including the demonstrated ability to assist persons in wheelchairs with the safe entry, exit and secure seating within a WAV taxicab will be required of each applicant.

We proposes that WAV taxicab drivers complete 4 hours of continuing training classes every 2 years in order to remain current on emerging technology, new or better understood needs of the community of people with disabilities and any changes to statutes, regulations or procedures.

*§ 1021.9. Taxicab driver test.*

We propose amending this section to clarify that WAV taxicab driver testing will also be required and that the applicant must pass the test within the existing time window required of all taxicab driver applicants.

*§ 1021.11. Driver requirements.*

We propose adding a new subsections (j) and (k) to this section. Subsection (j) will require all taxicabs to respond to hails of a person in a wheelchair, even if not in a WAV taxicab. A taxicab driver who responds to such a hail, but who is not operating a WAV taxicab must communicate the service request of the person in a wheelchair to the driver's dispatcher. If the dispatcher is a WAV dispatcher it can dispatch a WAV taxicab to the requestor as provided in the proposed regulation or forward the request to a WAV dispatcher as provided in proposed § 1019.8(a)(16).

We also propose that WAV taxicab drivers be required to identify the passenger as a person in a wheelchair through the meter system as provided in proposed § 1017.24(d)(9) and that drivers be prohibited from falsifying the status of the passenger.

## CONCLUSION

The Authority, therefore, formally commences its rulemaking process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the website of the Independent Regulatory Review Commission, which may be reached at 717-783-5417.

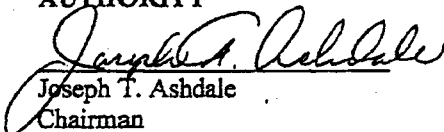
Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P.L. 287, No. 22), *as amended*, 53 Pa. C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 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 at 4 Pa. Code §§ 7.231-7.234 the Authority proposes adoption of the regulations set forth in Annex A, attached hereto;

**THEREFORE,**

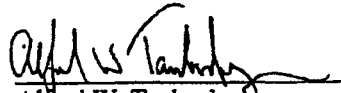
**IT IS ORDERED:**

1. That a proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. That the Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. That the Executive Director 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 of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. That an original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.
6. That a copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's website at [www.philapark.org/tld](http://www.philapark.org/tld).
7. That the contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

**THE PHILADELPHIA PARKING  
AUTHORITY**

  
Joseph T. Ashdale  
Chairman  
(SEAL)

**Certified:**

  
Alfred W. Taubenberger  
Vice-Chairman/Secretary  
(SEAL)

ORDER ADOPTED: July 23, 2013  
ORDER ENTERED: July 23, 2013

---

ANNEX "A"

**§ 1001.9. Sessions of the Authority.**

Public meetings of the Authority ordinarily will be held in its offices at [3101 Market Street, 2nd Floor,] 701 Market Street, Suite 5400, Philadelphia, Pennsylvania. Schedules for public meetings are advertised and posted under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act) and copies of the schedule can be obtained on the Authority's web site at [www.philapark.org](http://www.philapark.org).

\* \* \* \* \*

**§ 1001.10. Definitions.**

(a) Subject to additional definitions contained in subparts which are applicable to specific chapters or subchapters, the following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Dispatcher*—The owner of a certificate of public convenience to operate a dispatching service in Philadelphia issued by the Authority under section 5711(c)(6) of the act (relating to power of authority to issue certificates of public convenience) and Chapter 1019 (relating to dispatchers), the term includes a WAV taxicab dispatcher as provided in § 1011.2 (relating to definitions).

\* \* \* \* \*

*Taxicab driver*—The individual to whom a current and valid taxicab driver's certificate has been issued by the Authority under section 5706 of the act, the term includes a WAV taxicab driver as provided in § 1011.2 (relating to definitions).

\* \* \* \* \*

**§ 1011.2. Definitions.**

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*WAV medallion*—A medallion restricted to use on a WAV taxicab.

*WAV medallion taxicab*—A taxicab to which a WAV medallion is attached by the Authority as provided in this chapter.

*WAV taxicab*—A motor vehicle authorized by the Authority to provide taxicab service that meets the requirements of a "wheelchair accessible taxicab" as defined in section 5701 of the act and § 1017.8 (relating to WAV taxicab specifications).

WAV taxicab dispatcher—A dispatcher approved by the Authority to dispatch WAV taxicabs as provided in § 1019.8(b) (relating to dispatcher requirements).

WAV taxicab driver—The individual to whom a current and valid WAV taxicab driver's certificate has been issued by the Authority under section 5706 of the act.

WAV taxicab driver's certificate—The original photographic identification card issued by the Authority which confirms that an individual has complied with section 5706 of the act and § 1021.8 (relating to special certificate for WAV taxicab drivers).

Wheelchair—A mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A common wheelchair is such a device which does not exceed 32 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied and as further defined by 49 C.F.R. § 37.3 (relating to definitions) or its successor regulation.

\* \* \* \* \*

#### § 1017.8. WAV taxicab specifications.

(a) Basic requirements. WAV taxicabs must be in compliance with all requirements applicable to taxicabs, except where deviations are authorized or required by the act, this part or an order of the Authority.

(b) Standard specifications for WAV taxicabs. In addition to the requirements of subsection (a), a WAV taxicab is a vehicle that has been inspected and approved by the Enforcement Department to meeting the following requirements:

(1) The vehicle complies with the specifications set forth in the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles codified at 49 C.F.R. Sections 38.23, 38.25 and 38.31, as amended, and such higher standards set by the act, this part or an order of the Authority. For example, in the event the Authority required vehicle lift platforms to have provisions to prevent deployment, falling or folding any faster than 10 inches per second, that requirement would supersede the 12 inches per second requirement of 49 C.F.R. § 38.23 (b) (relating to mobility and accessibility).

(2) The vehicle must be capable of transporting at least one passenger seated in a common wheelchair with access and entry to the passenger compartment either from the right side of the vehicle to and from the curb or through rear entry.

(3) If modified to become a WAV taxicab, the vehicle's modification must be completed pursuant to the vehicle manufacturer's standards. The Authority may publish a list of approved vehicle modification entities on its website at [www.philapark.org/tld](http://www.philapark.org/tld).

- (4) The owner of a vehicle modified to be a WAV taxicab, shall upon presentation for a preservice inspection as provided in § 1017.2 (relating to preservice inspection) provide the certification of an engineer with at least a bachelors degree in either mechanical engineering or electrical engineering with at least 3 years' experience in automotive manufacturing that the vehicle has been modified using the design tested to meet or exceed impact protection requirements as provided in 49 C.F.R. Part 571 (relating to federal motor vehicle safety standards), as amended, and the specifications of the vehicle's manufacturer.
- (5) When loaded to gross vehicle weight rating, the distance between the ground and the vehicle's frame must be 5 inches or more.
- (6) The vehicle's passenger compartment length from the back of the passenger's seats to any barrier in front of it must be 56 inches or more.
- (7) The vehicle's effective legroom (L51) for the rear compartment must be at least 43 inches as defined by the Society of Automotive Engineers.
- (8) The vehicle's effective legroom (L34) for the front compartment must be at least 42 inches as defined by the Society of Automotive Engineers.
- (9) The floor of a WAV taxicab may be lowered, but only from the base of the firewall to the area immediately in front of the rear axle.
- (10) The floor of a WAV taxicab with a lowered floor assembly must be stainless steel (16 gauge minimum) and must meet or exceed the 1,000 hour salt spray rating and a vapor-insulating barrier of ½ inch marine grade plywood must be applied over the lowered metal floor and thoroughly secured.
- (11) The vehicle's wheelchair ramp must not block any part of the door or glass while in the stowed position.
- (12) The entry point of the vehicle must measure 56 inches from the ramp to the top of the entry point.
- (13) The system provided to securely hold one or more wheelchairs in place in the vehicle must be be the equivalent of the system known as Ostraint, ORT Standard or better.
- (14) No anchor points may project more than 1/8 of an inch above the vehicle's finished floor.
- (15) If the vehicle has a middle fold-up passenger seat, it must have a folding mechanism and base plate and must meet the requirements of the Federal Motor Vehicle Safety Standard No. 207, Code of Federal Regulations, Title 49, and section 571.207 (relating to seating systems).

(16) Any modifications to the rear air conditioning must be approved by the vehicle's manufacturer.

(17) Any and all electrical wiring installed while modifying the vehicle to meet the requirements of this section must be PVC-or-better insulated and color-coded for positive identification.

(18) The vehicle must have an electrically operated back-up alarm device that produces an intermittent audible signal when the vehicle's transmission is shifted into reverse.

(19) The vehicle must display the universal logo for wheelchairs as a marking of at least 6 inches high and 6 inches on the rear of the vehicle and on each side of the vehicle.

(20) If powered by a hybrid-electric power plant, the vehicle must be equipped with an appropriate device to enable persons who are blind to hear the approach of the vehicle as readily as they can hear a conventional gasoline-powered taxicab.

(c) Age and mileage limitation.

(1) When a vehicle is proposed for WAV medallion taxicab service it must be one of the manufacturer's two latest vehicle model years with an odometer reading of less than 500 miles to qualify for inspection as provided in § 1017.2 (relating to preservice inspection).

(2) A WAV medallion taxicab will not be eligible for inspection as provided in § 1017.31 (relating to biannual inspections by Authority) upon reaching an age of 5 years old.

(d) WAV taxicab dispatching. Only a WAV dispatcher authorized by the Authority as provided in § 1019.8(b) (relating to dispatcher requirements) may dispatch a WAV taxicab.

(e) WAV taxicab drivers. Only a taxicab driver certificated by the Authority as provide in § 1021.8 (relating to WAV taxicab drivers) may provide taxicab service in a WAV taxicab.

(f) Current vehicles. Taxicabs authorized by the Authority on \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) that are capable of providing taxicab service to a person in a wheelchair without the need for the person to exit the wheelchair are exempt from the requirements of subsections (b) and (c) of this section. The exemption provided in this subsection will expire when the exempted vehicle is removed from taxicab service and will not run with the associated medallion or certificate of public convenience.

\* \* \* \* \*

§ 1017.24. Meter activation and display.

\* \* \* \* \*

(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:

\* \* \* \* \*

(9) The capability of identifying the passenger as a person seated in a wheelchair through the push of one button on the meter by the driver.

(10) An integrated camera system capable of recording and transmitting a photograph of the passenger at the time the meter is engaged and at the time the meter is disengaged at the termination of the taxicab trip.

\* \* \* \* \*

§ 1019.8. Dispatcher requirements.

(a) General requirements. A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including the following:

\* \* \* \* \*

(16) Upon receipt of a request for WAV taxicab service directly from any source, including a potential customer or as provided in § 1021.11(i) (relating to driver requirements), a dispatcher not authorized to dispatch WAV taxicabs shall immediately forward the potential customer's contact information and location to a WAV taxicab dispatcher through a means of electronic communication approved by the Authority.

(b) WAV taxicab dispatcher authorization and renewal.

(1) Only a WAV taxicab dispatcher may dispatch WAV taxicabs.

(2) A dispatcher or applicant for a dispatcher's certificate as provided in § 1019.3 (relating to dispatcher application) may request authorization to act as a WAV taxicab dispatcher by filing a Form No. DSP-7 "WAV Dispatcher Authorization" with the Manager of Administration. Form DSP-7 is available on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(3) The authorization to dispatch WAV taxicabs is nontransferable.

(4) A WAV taxicab dispatcher shall have no less than ten percent of the WAV taxicabs authorized by the Authority to provide city-wide call or demand service in its association at all times. The Authority will maintain a current list of all authorized WAV taxicabs on its website.

(5) A WAV dispatcher shall use a dispatching system that maintains the following data, in addition to the requirements provided in § 1019.8 and §1019.14 (relating to dispatcher records):



(i) Each request to the dispatcher for a WAV taxicab and the dispatcher's response to that request.

(ii) Each occasion of WAV taxicab service to a person in a wheelchair by a taxicab in the dispatcher's association, including the date of service, the amount of the fare paid and the manner in which the taxicab service was initiated.

(iii) The name and WAV taxicab driver certificate number for each driver that has accepted or declined a dispatch for service to a person in a wheelchair.

(6) The WAV Dispatcher's monthly filing of the Form No. DSP-4 as provided in § 1019.9 (relating to list of affiliated taxicabs) shall include the data maintained in its dispatch system as provided in paragraph (5).

(7) The authorization to dispatch WAV taxicabs will automatically expire on July 1 of each year. A dispatcher may reapply for WAV dispatcher authorization at the time it makes its annual filing as provided in § 1011.3 (relating to annual rights renewal process).

(8) The authorization to dispatch WAV taxicabs may be suspended, cancelled or revoked for a violation of the act, this part or an order of the Authority.

(9) Dispatchers engaged in dispatching of WAV taxicabs on \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) may continue without the authorization required by subsection (b)(2) until July 1, 2015. This exemption will not apply to the dispatching of WAV medallion taxicabs.

(c) WAV taxicab dispatcher requirements.

(1) A WAV taxicab dispatcher shall maintain a means of immediate and simultaneous telephone, Internet or other electronic communication with every WAV taxicab dispatcher, that is approved in advance by the Authority. The Authority will post a list of approved communication methods on its website at [www.philapark.org/tld](http://www.philapark.org/tld) as approved for use.

(2) Dispatchers shall give preference to persons seated in a wheelchair when dispatching a WAV taxicab.

(3) The employees or agents, or both, of a WAV taxicab dispatcher who are engaged in dispatching to WAV taxicabs shall complete the same training and applicable to a WAV taxicab driver as provided in section § 1021.8 (relating to certain training subjects).

(4) Customers referred to a dispatcher as provided in subsection (a)(16) or 1021.11(i) (relating to driver requirements) shall be serviced in all ways as if the request were made directly to the dispatcher.

(5) In the event that a WAV taxicab dispatcher can not provide a WAV taxicab to a requesting customer within 45 minutes, the request for service shall be forwarded by the WAV taxicab dispatcher to each other WAV taxicab dispatcher through the system required by paragraph (1).

(6) The information provided by the forwarding WAV taxicab dispatcher as provided in paragraph (5) shall include all of the information necessary to provide the requested service, including the following:

(i) The time the request was received by the forwarding WAV dispatcher.

(ii) The time that the service is requested to begin.

(iii) The location where the WAV taxicab is expected to appear to initiate service.

(iv) The telephone number and other contact information of the person requesting service, if available.

(v) The time that the forwarding WAV dispatcher would be able to initiate service, if at all.

(7) A WAV taxicab dispatcher shall immediately accept the request forwarded as provided in paragraph (6) if the dispatcher can provide a WAV taxicab as requested before the forwarding dispatcher and sooner than any other WAV dispatcher. If the request for service is not accepted, the forwarding WAV dispatcher shall provide the service as provided in paragraph (6)(v).

(8) Acceptance of the forwarded request shall be simultaneously communicated to all other WAV taxicab dispatchers through the system required by paragraph (1).

(9) The accepting dispatcher shall inform the person that has requested WAV taxicab service that it will dispatch a WAV taxicab to the requester immediately.

(10) The Authority will maintain a list of WAV dispatchers on its website at [www.philapark.org/tld](http://www.philapark.org/tld).

\* \* \* \* \*

§ 1021.5.1. Special WAV taxicab driver's certificate and requirements.

(a) Purpose. The WAV taxicab driver's certificate is created to ensure that the needs of the disabled community are known and fully addressed by the drivers of WAV taxicabs and to ensure that those in need of WAV taxicab transportation are efficiently and adequately provided with that transportation by the best qualified drivers available.

(b) WAV taxicab drivers.

(1) The Authority will issue a special driver's certificate for individuals to provide WAV taxicab service as provided in section 5606(a.1)(1) of the act.

(2) A WAV taxicab driver's certificate will identify the driver as having been trained in the operation of a WAV taxicab and in the best practices of transporting a person in a wheelchair.

(3) To obtain a WAV taxicab driver's certificate an individual, including a current taxicab driver, shall comply with all of the taxicab driver requirements of this chapter and submit a completed Form DR-4 "WAV Driver Application". Form DR-4 is available on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(4) An applicant may apply for both a taxicab driver's certificate and a WAV taxicab driver's certificate at the same time. In the event an applicant discontinues the WAV taxicab driver certification process or is unable to successfully complete such training, the applicant may pursue taxicab driver's certification.

(5) Applications for a WAV taxicab driver certificate will be processed by the Director in the order accepted for filing.

(6) A WAV taxicab driver certificate includes all of the authorizations applicable to a taxicab driver's certificate.

(7) An applicant for a WAV taxicab driver's certificate must exhibit a high degree of experience and maintain a record of compliance with the act, this part and orders of the Authority, as follows:

(i) A WAV taxicab driver applicant must have at least two years of Philadelphia taxicab driver experience as an Authority certificated driver completed within the immediately preceding consecutive 36 month period prior to the date of application.

(ii) A WAV taxicab driver application will be denied if an order has been entered against the applicant by the Authority or the PUC related to the provision of unsafe or discourteous taxicab service.

(iii) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate has ever been cancelled or revoked.

(iv) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate has been suspended for any reason in the immediately preceding consecutive 36 months.

(c) WAV taxicab driver cap.

(1) Except as provided in paragraph (2), the number of WAV taxicab drivers may not exceed the product of the number of WAV taxicabs multiplied by four. The Authority

will continuously maintain a list of the maximum number of WAV taxicab drivers on its website at [www.philapark.org/tld](http://www.philapark.org/tld).

(2) In order to address circumstances of increased need, the Authority may alter the cap imposed by this section, upon investigation, for a period not to exceed one year.

(3) The Director may not accept applications for WAV taxicab driver's certificates in excess of the cap established by the Authority.

(d) WAV taxicab driver renewal.

(1) A WAV taxicab driver's certificate may be renewed by filing the completed Form DR- 4 with the Manager of Administration and adhering to standard renewal requirements as provided in § 1011.3 (relating to annual rights renewal process).

(2) The Authority may deny the renewal of a WAV taxicab driver's certificate if the driver has failed to provide taxicab service in a WAV taxicab for 250 or more days and for not less than 8 hours each such day in the immediately preceding consecutive 12 month period.

(3) The Authority will not renew a WAV taxicab driver's certificate if the driver has failed to provide taxicab service in a WAV taxicab for 150 or more days and for not less than 8 hours each such day in the immediately preceding consecutive 12 month period.

(4) The Authority may deny the renewal of a WAV taxicab driver's certificate if the number of taxicab trips provided by the driver to persons seated in wheelchairs remains below the average provided by WAV taxicab drivers in the immediately preceding consecutive 12 month period.

(5) The annual taxicab driver renewal fee charged by the Authority shall be paid from the proceeds of the sale of WAV medallions authorized by section 5711(c) (relating to power of authority to issue certificates of public convenience) for each successfully renewed WAV taxicab driver.

(6) When a WAV taxicab driver's certificate is denied for a reason identified in paragraphs (2) through (5) and on no other basis, the Authority will issue the renewing driver a standard taxicab driver's certificate.

(e) Wheelchair service preference.

(1) A person seated in a wheelchair who requests taxicab service must be given preference by a WAV taxicab driver over a potential customer that is not in a wheelchair. For example, if a WAV taxicab is hailed by two people at the same time but only one of those people is seated in a wheelchair, service must be provided to the person seated in the wheelchair first.

A customer already seated in a taxicab may not be asked to exit the taxicab in order to accommodate a person seated in a wheelchair.

When a WAV taxicab has been dispatched and is in route to provide taxicab service to a person not in a wheelchair and is hailed by a person seated in a wheelchair, the WAV taxicab driver must stop and provide taxicab service to the person in a wheelchair. Prior to assisting the hailing customer into the WAV taxicab, the driver shall notify its dispatcher of the hail. The dispatcher shall arrange for an alternate taxicab to provide service to the original customer.

WAV taxicab driver incentive program. Beginning December 1, 2015, the Authority will provide the following incentives to WAV taxicab drivers, upon the successful renewal of their WAV taxicab driver's certificate, from proceeds of the sale of WAV taxicabs as provided in section 5711(c) of the act:

1) \$250 to each WAV taxicab driver who provided 75 or more taxicab trips to a person seated in a wheelchair in a WAV taxicab during the one year period immediately preceding the renewal of the WAV driver's certificate.

2) \$500 to each WAV taxicab driver who provided 135 or more taxicab trips to a person seated in a wheelchair in a WAV taxicab during the one year period immediately preceding the renewal of the WAV driver's certificate. The incentive provided by this paragraph shall be in addition to that provided in paragraph (1).

3) \$500 to each WAV taxicab driver who provided 250 or more taxicab trips to a person seated in a wheelchair in a WAV taxicab during the one year period immediately preceding the renewal of the WAV driver's certificate. The incentive provided by this paragraph shall be in addition to that provided in paragraphs (1) and (2).

**1021.8. Certain training subjects.**

a) *Continued training subjects.* The Authority will continually monitor issues related to taxicab drivers, including safety, WAV taxicab service and customer service, and maintain a current list of taxicab driver training subjects on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).

\* \* \* \* \*

(b.1) WAV taxicab driver training.

(1) In addition to training required by this section, WAV taxicab driver training will consist of such additional in-class instruction and field training necessary to address current and evolving issues related to WAV taxicab service, including sensitivity training, safe and proper use of applicable equipment and regulations related to WAV taxicab service.

(2) WAV taxicab driver training will consist of training in all aspects of WAV taxicab service, including the operation of a WAV taxicab and the entry, exit and securing of a passenger in a wheelchair.

(3) Each WAV taxicab driver shall attend a minimum of 4 hours of continuing WAV taxicab service training every 2 years. The Authority may order such additional training as it determines necessary to meet the requirements of the act and this part.

§ 1021.9. Taxicab driver test.

(a) The Authority will develop a test to assure that applicants for taxicab driver's certificates and WAV taxicab driver's certificates understand the information presented during training as provided in § 1021.8 (relating to certain training subjects).

\* \* \* \* \*

(c) Except as limited by this chapter, the test may be administered in a manner and in a form deemed appropriate by the Authority. The test may include:

(1) Questions requiring a written response.

\* \* \* \* \*

(5) For WAV taxicab driver applicants, the demonstration of an ability to operate a WAV taxicab and to assist with the entry, exit and securing of a passenger in a wheelchair in the WAV taxicab.

\* \* \* \* \*

(e) Failure to pass the test required by this section within 90 days of filing the DR-1 application as provided in §§ 1021.5 (relating to standards for obtaining a taxicab driver's certificate; and special WAV taxicab driver's certificate and requirements) will render the application void.

(f) Upon the denial or voiding of a DR-1 or DR-4 as provided in this chapter an applicant may not reapply for a driver's certificate for 6 months.

\* \* \* \* \*

§ 1021.11. Driver requirements.

\* \* \* \* \*

(i) A taxicab driver must respond to a hail by a person in a wheelchair and immediately inform their dispatcher of any request for taxicab service by a person in a wheelchair if that taxicab driver is unable to provide WAV taxicab service.

(k) Upon initiation of taxicab service, a taxicab driver must identify the passenger as a person in a wheelchair through the meter as provided in § 1017.24(d)(relating to meter activation and display. A driver may make the identification required by this section only if the passenger is a person in a wheelchair.



701 MARKET STREET  
SUITE 5400  
PHILADELPHIA, PA 19106  
215.683.9600

October 15, 2013

The Honorable Silvan B. Lutkewitte, III  
Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Re: Docket No. and Agency/ID No. 126-5  
Proposed Rulemaking  
Philadelphia Taxicab & Limousine Regulations  
52 Pa. Code Part II  
Wheelchair Accessible Taxicabs

Dear Chairman Lutkewitte:

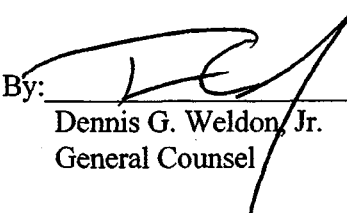
The Philadelphia Parking Authority ("Authority") hereby submits its proposed rulemaking and regulatory analysis form to the Independent Regulatory Review Commission for review pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15). Also enclosed is the Authority's Proposed Rulemaking Order entered July 23, 2013 (preamble) and the "Face Sheet" required by 1 Pa. Code §13.12.

The proposed regulation will provide the regulatory framework for the emerging use of wheelchair accessible taxicabs and the implementation of the wheelchair accessible taxicabs medallion system created by the Legislature through Act 119 of 2012.

The contact person is the undersigned and may be contacted at 215-683-9630.

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

Very truly yours,  
The Philadelphia Parking Authority

By:   
Dennis G. Weldon, Jr.  
General Counsel

DGW/pdm  
Enclosures

cc: Vincent J. Fenerty, Jr., Executive Director  
James R. Ney, Director, TLD



TRANSMITTAL SHEET FOR REGULATIONS SUBJECT  
TO THE REGULATORY REVIEW ACT

ID Number: 126-5

Subject: Regulation to provide for wheelchair accessible taxicabs.

Philadelphia Parking Authority

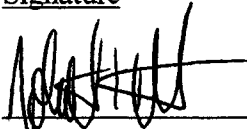

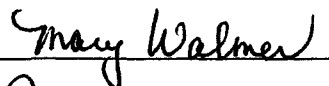
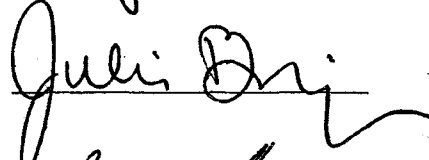
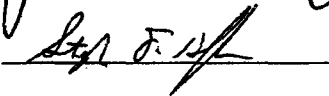
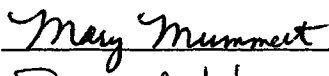
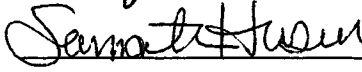
TYPE OF REGULATION

- 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

2013 OCT 15 PM 1:35

RECEIVED  
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FILING OF REPORT

| <u>Date</u>     | <u>Signature</u>  | <u>Designation</u>   |
|-----------------|---|--|
| <u>10-15-13</u> |  | <u>HOUSE COMMITTEE</u> (Gillierpie)<br>Urban Affairs                                     |
| <u>10-15-13</u> |  |  |
| <u>10/16/13</u> |  | <u>SENATE COMMITTEE</u> (Tomlinson)<br>Consumer Protection and<br>Professional Licensure |
| <u>10/15/13</u> |  |  |
| <u>10/15/13</u> |  | Independent Regulatory Review<br>Commission  |
| <u>8/16/13</u>  |  | Attorney General   |
| <u>10/15/13</u> |  | Legislative Reference Bureau   |