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Pennsylvania Taxi Assoc., Inc.
2301 Church St.
Philadelphia, PA 19124

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January 10, 2014

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

Re: Docket No. and Agency/ID No. 126-7
Philadelphia Taxicab and Limousine Regulations
Taxicab Emergency Lights

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. Pennsylvania Taxi Assoc., Inc. ("PTA"), a medallion lender, medallion loan broker and medallion sale broker for the owners of thousands of medallions in Philadelphia, respectfully requests 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.

While we agree that emergency lights are necessary, we are concerned that the proposed rulemaking does not go far enough. In addition to implementing emergency lights in all taxicabs, the PPA should mandate video recording devices in each taxicab. These devices will deter criminals and also provide recorded evidence of crimes that do occur. Video recording is necessary to protect taxicab drivers and the public. There have been too many instances where criminals have avoided prosecution because cameras did not record their crimes.

The PPA held a meeting with the taxicab industry on September 18, 2013 to discuss this issue and the general consensus from all parties involved was that cameras are necessary. The PPA agreed with this sentiment and the PPA Board committed to promoting legislation that required video cameras. We are not sure why cameras were left off this proposed rulemaking but we urge IRRC and the PPA to amend this proposed rulemaking to include video cameras out of concern for the safety of taxicab drivers and the riding public.

Respectfully,

Pennsylvania Taxi Assoc., Inc.

By: 
Lana Friedman, President

IF/df

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

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: 7

IRRC Number: 3044

(3) PA Code Cite: 52 Pa. Code § 1017.5 (relating to basic vehicle standards)

(4) Short Title: Taxicab Medallion Sales by the Authority

(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)

The regulation will require the installation of a lighting system on the rear and front of each taxicab in Philadelphia, which will illuminate and flash when activated by the driver to indicate that the driver is in distress and requires assistance.

(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.*, §§ 5714 (a), 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).

(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.

(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.

Both taxicab owners and drivers have specifically requested that the Authority impose an industry-wide requirement to have emergency distress lights installed in all taxicabs in Philadelphia. This request has been made in writing and through comments received during public hearings and meetings focused on crimes committed against taxicab drivers. The Authority and the regulated community believe that the

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presence of an emergency distress light system will add one additional level of driver safety precautions (and perhaps a crime deterrent) to taxicabs in Philadelphia. The lights are intended to become operational upon activation by the driver and serve as a signal to anyone in the area that the driver is in need of emergency assistance. The proposed regulation has been in place in New York City for several years and serves there as an economical driver safety tool. The hastening of responses to drivers in distress will benefit all drivers and the owners of the taxicabs, currently constituting approximately 5,000 individuals and small businesses.

(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. No.

(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 regulation is substantially similar to those of other states, including New York City. The Authority does not believe that this regulation will have any impact upon Pennsylvania's ability to compete with other states. This is a minor and inexpensive vehicle requirement mirroring requirements in place in the largest taxicab market in the United States, including New York City.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations. Other than amending the stated regulation, the proposed regulation will not affect any other regulations of the Authority or other state agencies.

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

The Authority has been repeatedly petitioned through letters, comments at Sunshine Act meetings of its Board and at a special public comment hearing focused on driver safety issues to impose an emergency distress. These comments, requests and even demands have come from medallion owners, dispatchers and drivers.

(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?

The Authority approximates that those affected by the regulation will be:

Drivers: 4,300 drivers all of whom are individuals.

Owners: 700 taxicab medallion owners and 6 partial-rights carriers, all of whom are small businesses.

Drivers will be positively affected through the installation of an additional safety tool in each of their taxicabs. Drivers are not the owners of taxicabs for purposes of this response.

Owners will be economically impacted in the amount of approximately \$75, being the cost to acquire and install the emergency distress lighting system. The Authority believes that the owners of taxicabs will benefit from the increased levels of driver safety provided by this system. Fewer driver assaults and robberies will economically benefit owners through the uninterrupted operation of their taxicabs, in lieu of time necessary make police reports and address injuries to drivers.

(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 have provided this number in response to paragraph No. 15, which we incorporate here.

(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 responses to question Nos. 15 and 16. This is a very straightforward and uncomplicated regulation that has been requested by the regulated community. The reduction of violence perpetrated against drivers has an obvious and positive social impact. Owners will be economically impacted in the amount of approximately \$75, being the cost to acquire and install the emergency distress lighting system. Fewer injured drivers directly benefits drivers, as well as owners who will be able to maintain a more stable work force. A reduced level of violence in our society is axiomatically positive and will have a positive derivative economic impact upon the City of Philadelphia and the Commonwealth in the form of reduced law enforcement activities and potential health care costs.

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

We incorporate our responses to question Nos. 15, 16 and 17. The cost of the lighting system is approximately \$75 and is transferable between vehicles. Both taxicab owners and drivers believe that it will make the job of taxicab drivers safer. That level of safety for so many drivers, year after year significantly outweighs this small investment.

(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.

Owners will be economically impacted in the amount of approximately \$75, being the cost to acquire and install the emergency distress lighting system.

(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, although we incorporate our response to paragraph No. 17.

(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.

None. The costs of the system will be paid by taxicab owners.

(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.

None.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government

for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
State Government(PPA)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Savings	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
COSTS:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Regulated Community	\$0.00	\$75.00	\$0.00	\$0.00	\$0.00	\$0.00
Local Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
State Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Costs	\$0.00	\$75.00	\$0.00	\$0.00	\$0.00	\$0.00
REVENUE LOSSES:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Regulated Community	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
State Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Revenue Losses	\$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.	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.

None.

(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; 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.

(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
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: | June 30, 2014 |
| D. The expected effective date of the final-form regulation: | July, 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:	N/A
(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.	
The Authority will continually analyze the impact of this regulation and the availability of more effective safety tools.	

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FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

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

BY *Angela M. Elliott*
(DEPUTY ATTORNEY GENERAL)

DEC 06 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 October 28, 2013

BY *Vincent J. Fenerty, Jr.*

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.*
Dennis G. Weldon, Jr.
General Counsel

October 28, 2013
DATE OF APPROVAL

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

Proposed Rule Making No. 126-7
Proposed Rulemaking
Philadelphia Taxicab and Limousine Regulations
52 Pa. Code § 1017.5 (relating to basic vehicle standards).

The Philadelphia Parking Authority on October 28, 2013, adopted a proposed rulemaking order to provide for the installation of lights on all taxicabs that will illuminate at the front and rear of the vehicle in the event the driver is in distress and presses a panic button. 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. 126-7
:
:

PROPOSED RULEMAKING ORDER

BY THE AUTHORITY:

In accordance with of the act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§5701 *et seq.*, as amended, (the "act"),¹ the Authority formally commences its rulemaking process to promulgate a regulation to provide for emergency distress lights to be installed on the exterior of Philadelphia taxicabs. The Authority seeks comments from all interested parties on the proposed regulation, which are found at Annex A to this Order.

A. Background and discussion.

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. It has been widely recommended to the Authority on several occasions, including a recent public comment hearing related driver safety issues, that an emergency distress lights be affixed to all taxicabs in Philadelphia. The purpose of the emergency distress light is to signal to the public that a driver is in need of emergency assistance, including the existence of a robbery in progress.

B. The regulation.

We propose amending 52 Pa. Code § 1017.5. (relating to basic vehicle standards) by adding a new subsection (b.1) to require each taxicab in Philadelphia to be equipped with emergency distress lights. The lights must be capable of activation by the driver and will be placed at the front and rear of the vehicle as specifically provided in the regulation.

A substantially similar regulation has been in place in New York City for several years; therefore, we anticipate its implementation will be relative easy because this technology is both simple and already in wide use. We have opted not to pursue a roof top emergency light because there is already a dome light on each taxicab and in many cases an adverting panel, which could obscure the view of an emergency light.

¹ See 53 Pa.C.S. §§ 5722 and 5742 .

§ 1017.5. Basic vehicle standards.

We propose amending 52 Pa. Code § 1017.5 (relating to basic vehicle standards) to require as a basic vehicle standard that every taxicab in Philadelphia be equipped with emergency lights on the front and rear capable of activation by the driver in the event the driver is a victim of a crime or another distressing situation arises.

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 Executive Director shall do all such other things necessary to advance this regulation through the appropriate promulgations process in an expeditious manner.

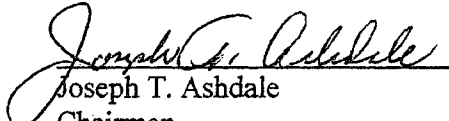
5. That the Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

6. 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.

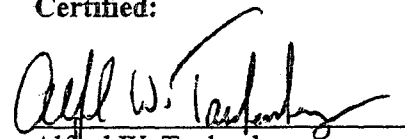
7. That a copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's website at www.philapark.org/tld.

8. 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: October 28, 2013
ORDER ENTERED: October 28, 2013

§ 1017.5. Basic vehicle standards.

* * * * *

(b.1) Distress signal lights.

All taxicabs shall be equipped with a distress signaling light system consisting of two turn signal type "lollipop" lights with the following specifications:

- (1) One light must be mounted on the front center of the vehicle, either on top of the bumper or forward or behind the grill. A second light must be mounted on top of the rear bumper, to the left of the license plate.
- (2) Each light must be three to four inches in diameter, have a total rated output of 32 candle power, and be amber-colored or have an amber colored lens so that the light output of the device is the color amber at 32 candle power.
- (3) The activator must be installed within easy reach of the driver, must be silent when operating, and must be fully solid-state.
- (4) The lights must be able to flash between 60 and 120 times per minute.
- (5) The wiring must not affect or interfere with, directly or otherwise, any wiring or circuitry used by the meter for measuring time or distance.

* * * * *



701 MARKET STREET
SUITE 5400
PHILADELPHIA, PA 19106
215.683.9600

December 17, 2013

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

Re: Docket No. and Agency/ID No. 126-7
Proposed Rulemaking
Philadelphia Taxicab & Limousine Regulations
52 Pa. Code Part II
Taxicab Emergency Lights

Dear Chairman Lutkewitte:

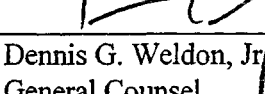
The Philadelphia Parking Authority ("Authority") hereby submits its proposed rulemaking and regulatory analysis form to the Independent Regulatory Review Commission for review pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L.73, No. 19) (71 P.S. §§745.1-745.15). Also enclosed is the Authority's Proposed Rulemaking Order entered October 28, 2013 (preamble) and the "Face Sheet" required by 1 Pa. Code §13.12.

The proposed regulation will require the use of certain emergency distress lighting on the exterior of every taxicab in Philadelphia.

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: 126-7

Subject: Regulation to provide for taxicab emergency lighting

Philadelphia Parking Authority

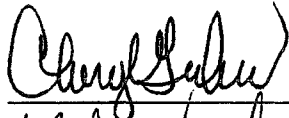
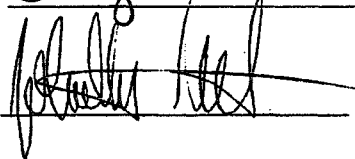
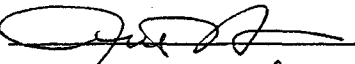

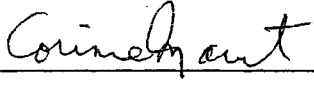
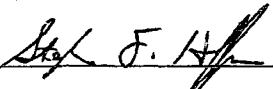
TYPE OF REGULATION

- 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

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FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>12-17-13</u>		<u>HOUSE COMMITTEE</u> (Gillertie) Urban Affairs
<u>12-17-13</u>		
<u>12-17-13</u>		<u>SENATE COMMITTEE</u> (Tomlinson) Consumer Protection and Professional Licensure
<u>12-17-13</u>		
<u>12/17/13</u>		<u>Legislative Reference Bureau</u> <u>Independent Regulatory Review</u> <u>Commission</u>
		Attorney General
<u>12/17/13</u>		<u>Independent Regulatory Review Commission</u> <u>Legislative Reference Bureau</u>