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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17120

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OFFICE OF
SECRETARY OF TRANSPORTATION

February 10, 2014

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Sir or Madam:

On behalf of the Pennsylvania Department of Transportation (PennDOT), this correspondence is being submitted during the public comment period related to the Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Document Number 126-7.

If approved, this proposed regulation would require lollipop-style flashing "Distress Signal Lights" on the front and back bumpers of taxicabs operating in the City of Philadelphia. While we recognize the intent of the proposed regulation to enhance safety for taxicab drivers, we respectfully observe that the proposal would be in direct conflict with current law and regulations. Even with this new proposed regulation, the display of these lights would appear to violate the Pennsylvania Vehicle Code and regulations promulgated by the Department thereunder.

The Vehicle Code regulates the use of lighting equipment on all vehicles operated on the highway. Section 4301 of the Vehicle Code provides that the Department shall promulgate regulations governing the number, size, color and location of lighting equipment. The Department has promulgated regulations relating to vehicle lighting at 67 Pa. Code Chapter 153 ("Lamps, reflective devices and associated equipment") and Chapter 175 ("Vehicle equipment and inspection").

Section 175.66 of 67 Pa. Code addresses lighting and equipment. The proposed lights do not appear to be a lamp enumerated in this section or on the tables of the chapter. Subsection 175.66(h) specifically states that a lamp not enumerated in the section or tables is prohibited unless it is available as original equipment. The inclusion of taxicabs as being subject to the lighting requirements is recognized by the statement that: "An illuminated sign is prohibited except on taxi-cabs, ambulances and trucks." 67 Pa. Code §175.66(h). The subsection also references that flashing or revolving lights are addressed in other regulations.

The use of flashing or revolving lights is regulated by both the Vehicle Code and Department regulations. The use of flashing or revolving yellow lights is specifically regulated in Section 4572(b) of the Vehicle Code. Flashing or revolving yellow lights may only be used on emergency vehicles designated by the State Police under Section 6106 of the Vehicle Code or authorized vehicles designated by the Department under Section 6107 of the Vehicle

Page 2

Independent Regulatory Review Commission

Code. Taxicabs are not among the vehicles designated by the Department, 67 Pa. Code Chapter 15 (Authorized vehicles and special operating privileges), or the State Police, 37 Pa. Code Chapter 41 (Designation of emergency vehicles).

We do not believe the authority of the Parking Authority to promulgate regulations under 53 Pa.C.S. §5722 overrides the provisions of the Vehicle Code and the Department's regulations promulgated thereunder. If vehicle lighting provisions are inapplicable, could the Authority then also promulgate regulations setting a speed limit for taxis other than as established under the Vehicle Code?

Thank you for your consideration of our comments regarding this proposed regulation. In short, addressing the concern identified requires a legislative change to the Vehicle Code or a change to the regulations promulgated by the Department under the Vehicle Code. We do not believe the Parking Authority may do so under its authority. If you have any questions, please contact me at 717-705-1000 or by e-mail at kumyers@pa.gov.

Sincerely,


Kurt J. Myers, Deputy Secretary
Driver and Vehicle Services