

Comments of the Independent Regulatory Review Commission



Philadelphia Parking Authority Regulation #126-8 (IRRC #3048)

Taxicab Safety Cameras

May 7, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the March 8, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Philadelphia Parking Authority (PPA) to respond to all comments received from us or any other source.

1. Section 1017.74. Safety Camera Requirements. – Protection of the public health, safety and welfare; Reasonableness; Clarity; Need; Economic impact.

Safety camera images

We have three concerns. First, a commentator raises concerns that there may be a potential infringement of individuals' Constitutional privacy rights under the Fourth Amendment regarding the images captured on the interior and exterior of the taxicab. The commentator asks that these issues be addressed before the regulations are adopted. PPA should explain how the proposed rulemaking is lawful and how it does not intrude on the constitutional right to privacy.

Second, Paragraph (f)(1) requires “. . . a number of cameras sufficient to record: (1) The entire interior of the taxicab, including the faces of all occupants.” In the Preamble, PPA states it wants to avoid dictating a specific number of cameras because improving technology might allow the use of fewer cameras. We question the broad language that requires sufficient cameras to record the “entire” interior of the taxicab. The use of the word “entire” might require extra cameras to record extraneous images, such as images of the ceiling and floor of the taxicab. We recommend rewriting this paragraph to require specific images that are of value to identify people and criminal acts.

Third, protective shields between the front seat and the back seat of a taxicab are currently a “Standard taxicab vehicle requirement” under existing 52 Pa. Code § 1017.5(b)(12). A commentator believes it will be difficult, if not impossible, to create a 360 degree view of the interior of the cab with the protective shield in place (and the commentator supports the use of protective shields). PPA should explain how a taxicab can comply with both the existing requirements for protective shields required by 52 Pa. Code § 1017.5(b)(12) and the requirements for safety cameras proposed in Subsection (f).

Distress button

A commentator supports safety cameras, but expressed a concern that taxicab drivers want the distress button linked to the police. Subsections (g) and (h) state where transmission of the video must go. In addition, cross-referenced Paragraph 1017.24(d)(8) requires a meter to have “A distress button that can be easily activated by a driver to silently communicate to the dispatcher the need for emergency assistance.” While these provisions address notice of an emergency and video documentation of a crime, the regulation is not clear regarding when the police will be notified of the emergency so that they can respond to the driver’s need for emergency assistance. When a taxicab driver communicates the need for emergency assistance, does that communication also go directly to the police with the information needed to respond to the location of the driver in distress? If not, how does the regulation sufficiently protect the driver in distress?

Safety camera system to work in conjunction with the meter system

Subsection (b) requires the safety camera system to work in conjunction with the approved meter system. A commentator states there is no need for safety cameras to work with the meter system. We ask PPA to explain why Subsection (b) is needed.

2. Economic impact.

In response to Regulatory Analysis Form Question 15, PPA estimates that owners will incur a cost of approximately \$1,510 to acquire and install a camera system and \$240 in annual operation and maintenance costs. Commentators expressed the following in regard to cost:

- A commentator supporting the regulation estimates the cost of safety cameras at no more than \$400 to \$500.
- PPA did not provide enough explanation of the cost of a safety camera system.
- Requiring the safety camera system to work in conjunction with the meters will force drivers to buy cameras from only a handful of individuals.

We ask PPA to provide costs for more than one camera system to establish a range of costs for camera systems that will provide reliable performance to meet the goals of this regulation. These costs should delineate the cost to link the camera system to the distress button in the taxicab. We also ask PPA to explain how the number of safety camera systems that meet the requirements of the regulation will be enough to encourage price competition. Finally, we ask PPA to explain the cost to dispatchers to comply with Paragraph 1019.8(17).