

# 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: 10

IRRC Number: 3081

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(3) PA Code Cite: 52 Pa. Code §§ 1017.78 (relating to use of captured images), 1021.12 (relating to additional requirements).

(4) Short Title: Image Retention and Use.

(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 proposed regulation establishes requirements related to the limited retention and use of taxicab safety cameras images, regardless of where the images are stored and will prohibit the unnecessary activation of the taxicab distress button, which accelerates the rate of images captured and initiates the transmission of the images to the Authority and the taxicab's dispatcher.

(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) and (b), 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) (23) and (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.

We incorporate our response provided in No 7. The regulation is needed in order to permit the proper use of captured images by law enforcement or regulatory enforcement purposes. The regulation will also prohibit the miss use these images and provide a clear timeline during which the images must be securely maintained and then deleted.

(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 proposed regulation will work in conjunction with the Authority's regulation implementing the taxicab safety cameras by providing needed guidance on the manner in which images must be retained, used and deleted. The regulation also specifically restricts the use of the emergency distress button in taxicabs to situations in which emergency responders are necessary. Pennsylvania's ability to compete with other states will not be impacted.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? No. We incorporate our response provided in No 12.

(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.)

There were no communications of this nature related to the proposed regulation.

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

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

Drivers: 3,750 drivers all of whom are individuals.

Owners: 700 taxicab medallion owners and 6 partial-rights carriers, each of which is a small business.

Dispatchers: 12, each of which is a small business.

No impact is anticipated at all. The regulation merely establishes necessary procedures for functions already performed by the Authority and dispatchers.

(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 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.

The regulation complements the existing safety camera regulation and will remove uncertainty associated with the manner in which images should be retained, secured and used by dispatchers. The vast majority of these images will be accessible only by the Authority and will not directly impact the regulated community or the public at all. Dispatchers are already required to receive and store these images. This regulation places a limitation on how long the images must be retained.

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

We incorporate our response provided in No. 17. We anticipate no additional costs or adverse effects.

(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. None.

(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. None.

(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.

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

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

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
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N/A.	n/a	n/a	n/a	n/a
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(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 alternatives 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. No data was necessary.

(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: | 1 <sup>st</sup> Quarter 2015              |
| D. The expected effective date of the final-form regulation:                                | May 1, 2015                               |
| 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.

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

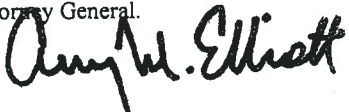
(Pursuant to Commonwealth Documents Law)

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DO NOT WRITE IN THIS SPACE

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

BY   
(DEPUTY ATTORNEY GENERAL)

OCT 20 2014

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)

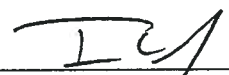
DOCUMENT/FISCAL NOTE NO. Pending with Office of Budget.

DATE OF ADOPTION August 27, 2014

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

8/27/14  
DATE OF APPROVAL

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

Proposed Rule Making No. 126-10  
Proposed Rulemaking  
Philadelphia Taxicab and Limousine Regulations  
52 Pa. Code §§ 1017.78 and 1021.12

The Philadelphia Parking Authority on August 27, 2014, adopted a proposed rulemaking order to clarify retention and use procedures related to images captured by a taxicab safety camera system. 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. 126-10  
Image Retention and Use :  
:

## PROPOSED RULEMAKING ORDER

### BY THE AUTHORITY:

The Authority is the sole regulator<sup>1</sup> of all taxicab and limousine service in Philadelphia.<sup>2</sup> The purpose of the proposed rulemaking is to clarify retention and use procedures related to images captured by a taxicab safety camera system. 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.**

All taxicabs in Philadelphia will soon be equipped with safety cameras. Those cameras will capture images of the interior of each taxicab at various intervals to deter crimes against drivers and bad behavior in general. In most cases, images recorded by these safety cameras will be stored locally and overwritten on a scheduled basis. The local images will be secure and accessible only by Authority's Taxicab and Limousine Division Enforcement Department. Images may also be transmitted to both the Authority and the taxicab's dispatcher to assist in law enforcement response times and investigations.

The proposed regulation establishes requirements related to the limited retention of safety cameras images, regardless of which entity has possession. The regulation will also prohibit the inappropriate use of these images. Finally, the

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<sup>1</sup> The act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§5701 *et seq.*, as amended, (the "act")

<sup>2</sup> The Authority may promulgate taxicab and limousine regulations. 53 Pa.C.S. §§ 5722 and 5742.

regulation will prohibit the unnecessary activation of the taxicab distress button, which accelerates the rate of images captured and initiates the transmission of the images to the Authority and the dispatcher.

**B. The regulation.**

We propose adding the below referenced sections to provide guidance and limitations upon the use and retention of images captured by safety camera systems and to prohibit the inappropriate activation of the taxicab distress button:

*§ 1017.78. Use of Captured images.*

(a) *Purpose.* This subsection identifies the purpose of the regulation.

(b) *Prohibitions.* This subsection requires safety cameras images to be confidentiality maintained and released or copied only as permitted in the regulation.

(c) *Local storage device.* This subsection provides that only the Taxicab and Limousine Division's Enforcement Department may access images stored on the data storage devices installed in each taxicab.

(d) *Maintenance of captured images.* This subsection requires all images in the possession of a dispatcher or the Authority to be maintained in password protected files. Additionally, images in the possession of the Authority will be securely maintained only by the Enforcement Department of the Taxicab and Limousine Division.



(e) *Deletion of captured images.* This section establishes timeframes for the deletion of images in the possession of either the dispatcher or the Authority, or both, as well as exceptions to those timeframes.

(f) *Release of captured images.* This section provides for the release of safety camera images by a dispatcher to the Authority or law enforcement or from the Authority to law enforcement.

§ 1021.12. *Additional requirements.* A safety camera system will transmit images when the taxicab meter system distress button is activated. While we believe it is axiomatic that a driver should not inappropriately activate the distress button, there is no specific prohibition from such conduct in the regulations at present. This section will address that issue.

## 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;

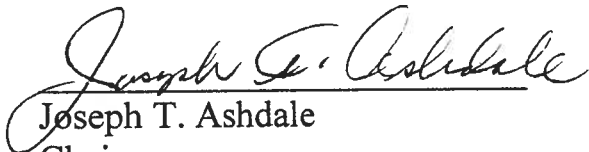
**THEREFORE,**

**IT IS ORDERED:**

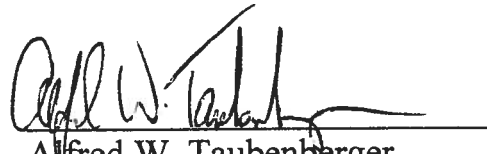
1. That a proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. That the Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. That the Executive Director shall submit this proposed 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](http://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: August 27, 2014  
ORDER ENTERED: August 27, 2014

## Annex “A”

### **1017.78. Use of Captured images.**

(a) Purpose. The purpose of a safety camera system is to discourage bad acts in taxicabs in furtherance of protecting the health and safety of taxicab drivers and the public.

(b) Prohibitions. Images from a safety cameras system shall be maintained in the strictest of confidentiality and may not be duplicated, released or disclosed except as provided in subsection (f).

(c) Local storage device. Data storage devices secured in a taxicab as provided in § 1017.74 (h) (relating to safety camera requirements) shall be configured to overwrite recorded images at intervals not to exceed 60 days. Only the Enforcement Department may access images stored on the data storage devices.

(d) Maintenance of captured images.

(1) Each dispatcher shall identify at least one, but no more than three, key employees to be responsible for the security of images transmitted to the dispatcher as provided in § 1017.74 (relating to safety camera requirements) on the Form No. DSP-4 as provided in § 1019.9 (relating to list of affiliated taxicabs). The dispatcher shall maintain safety camera system images in password protected files accessible only by the key employee or employees.

(2) Images from a safety camera system in the possession of the Authority will be maintained and secured by the Enforcement Department in password protected files.

(e) Deletion of captured images.

(1) A dispatcher shall delete safety camera system images on the 31<sup>st</sup> day after receipt, unless one or more of the following applies:

(i) The dispatcher is directed, in writing, by the Enforcement Department to withhold designated images from deletion.

(ii) The dispatcher is directed, in writing, by a law enforcement agency to withhold designated images from deletion.

(2) The Enforcement Department shall delete safety camera system images on the 31<sup>st</sup> day after receipt, unless one or more of the following applies:

(i) The image contains evidence of criminal activity.

(ii) The image contains evidence related to a regulatory investigation or complaint.

(iii) A law enforcement agency has requested, in writing, that the image be retained.

(3) The Enforcement Department shall maintain a log of all images excluded from deletion as provided in subparagraphs (i) through (iii), including reference to matter necessitating retention and the date each image is ultimately deleted.

(f) Release of captured images.

(1) A dispatcher shall release safety camera system images to the Enforcement Department or a law enforcement agency upon written request.

(2) The Authority will release safety camera system images to a law enforcement agency upon written request.

#### **§ 1021.12. Additional requirements.**

(a) Each taxicab driver shall know the rights and limitations of any taxicab used to provide taxicab service, including the geographical limitation of partial-rights taxicabs, if applicable.

\* \* \* \* \*

(g) A taxicab driver may not activate the distress button required under § 1017.24(d)(8) except when the driver is in need of emergency assistance by law enforcement or other emergency responders.



701 MARKET STREET  
SUITE 5400  
PHILADELPHIA, PA 19106  
215.683.9600

October 29, 2014

**VIA HAND DELIVERY**

John F. Mizner, Esquire  
Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Re: Docket No. and Agency/ID No. 126-10  
Proposed Rulemaking  
Philadelphia Taxicab and Limousine Regulations  
52 Pa. Code §§ 1017.78 and 1021.12  
Image Retention and Use

Dear Chairman Mizner:


The Philadelphia Parking Authority ("Authority") hereby submits its Proposed Rulemaking and the 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 August 27, 2014 (preamble) and the "Face Sheet" required by 1 Pa. Code § 13.12.

The proposed regulation will clarify retention and use procedures related to images captured by a taxicab safety camera system.

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  
(215) 683-9630

DGW/pdm  
Enclosures

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

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[www.philapark.org](http://www.philapark.org)

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT  
TO THE REGULATORY REVIEW ACT

ID Number: 126-10

Subject: Image Retention and Use

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>10/29/14</u>	<u>Mary Kipping</u>	<u>HOUSE COMMITTEE</u> (Gillierpie) Urban Affairs
<u>10-29-14</u>	<u>[Signature]</u>	
<u>10-29-14</u>	<u>[Signature]</u>	<u>SENATE COMMITTEE</u> (Tomlinson) Consumer Protection and Professional Licensure
<u>10/29/14</u>	<u>[Signature]</u>	
<u>10/29/14</u>	<u>[Signature]</u>	
<u>10/29/14</u>	<u>[Signature]</u>	Independent Regulatory Review Commission
<u>10/29/14</u>	<u>[Signature]</u>	Legislative Reference Bureau
<u>10/29/14</u>	<u>[Signature]</u>	
<u>8-28-14</u>	<u>M. Mussment</u>	Attorney General (does not need 2 go here with Proposed Reg)