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Pennsylvania Taxi Association
2301 Church St.
Philadelphia, PA 19124

August 6, 2015

Via Electronic Mail

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

Re: Proposed Regulation No. 126-10

Dear Members of the Commission:

It has become apparent that Proposed Regulation No. 126-10 is in direct conflict with the Philadelphia Parking Authority's ("PPA") Proposed Rulemaking Order Docket No. 126-12 dated June 25, 2015 (attached hereto). Although 126-12 has not yet been published in the Pennsylvania Bulletin and submitted to IRRC for review, it is our understanding that it will be submitted in the near future. Accordingly, 126-10 should not be enacted until 126-12 goes through the rulemaking process. Once that occurs, 126-10 should be amended to reflect the regulation set forth in 126-12. The conflicts between 126-10 and 126-12 are presented below:

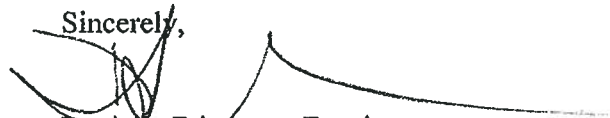
Proposed Rulemaking Order Docket No. 126-12 proposes to delete subsection (h) from 52 Pa. Code § 1017.74, which will eliminate the requirement that safety cameras transmit images to the taxicab's dispatcher and the PPA in the even the taxicab's distress button is pressed.

Proposed Regulation No. 126-10 makes multiple references to subsection (h), but if 126-12 is enacted such references will be moot. If 126-10 is enacted at the present time it will only add to the confusion surrounding the PPA's safety camera regulations. There is no need to enact regulations that will be made obsolete if 126-12 is passed.

For example, subsection (c) of § 1017.78, the subject of 126-10, refers directly to § 1017.74(h). Additionally § 1017.78(d)(a) refers to the transmission of images to dispatchers (which is also being disputed before the Commonwealth Court), however if 126-12 is enacted, images will no longer be transmitted to dispatchers.

For the foregoing reasons, there is no need to approve and enact 126-10 until 126-12 goes through the rulemaking process. Once it is clear what the final version of 126-12 will be, then 126-10 should be amended to reflect such the current safety camera regulations. We strongly object to the passage of 126-10.

Sincerely,



Danielle Friedman, Esquire
Counsel for Pennsylvania Taxi Association

THE PHILADELPHIA PARKING AUTHORITY

In Re: Proposed Rulemaking Order :
Philadelphia Taxicab and :
Taxicab Safety Cameras : Docket No. 126-12
:

PROPOSED RULEMAKING ORDER

BY THE AUTHORITY:

The Authority is the sole regulator¹ of all taxicab and limousine service in Philadelphia.² The purpose of the proposed rulemaking is to revise the current taxicab safety camera regulation to assure more rapid compliance.

A. Background and discussion.

As provided in Section 1017.71, safety cameras were to begin appearing in taxicabs in Philadelphia earlier this year. The most challenging part of the implementation of the safety camera regulation has been related to the transmission of images from the taxicab to the Authority and dispatcher. The regulation provides that the images will only be transmitted upon the activation of the panic button already in the taxicab. However, the need to maintain a separate data plan, the technical capacity of vendors and the assertion of specious constitutional violations have slowed the advance of this vital program. The Authority has received repeated requests for delays and modifications of the camera system from

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

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

medallion owners, taxicab drivers and dispatchers, primarily focused on the image transmission requirement.

Therefore, the Authority seeks to amend the safety camera regulation to remove the transmission requirement. We believe it is crucial to begin this safety program by having safety cameras installed in taxicabs as soon as possible. The elimination of the image transmission requirement will remove the most significant barrier to the prompt installation of safety cameras. We will continue to review the safety camera system for advances in the future, including the potential re-introduction of a transmission requirement, through regulation.

B. The regulation.

We propose amending the below referenced section as follows:

§ 1017.74. Safety camera requirements.

The proposed regulation will amend Section 1017.74 by deleting subsection (h) to eliminate the requirement that the safety cameras transmit images to the taxicab's dispatcher and the Authority in the event the taxicab's distress button is depressed for the above referenced reasons.

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) (53 Pa.C.S. §§ 5505(d)(17), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 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;

Therefore,

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. 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. 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. The Executive Director shall do all such other things necessary to advance this regulation through the appropriate promulgations process in an expeditious manner.
5. 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*.

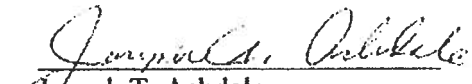
6. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.

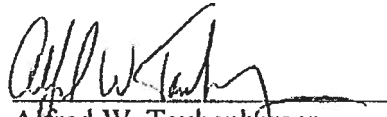
7. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's website at www.philapark.org/tld.

8. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

**THE PHILADELPHIA PARKING
AUTHORITY**

Certified:


Joseph T. Ashdale
Chairman
(SEAL)


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

ORDER ADOPTED: June 25, 2015
ORDER ENTERED: June 25, 2015

§ 1017.74. Safety camera requirements.

(a) The purpose of this section is to establish certain minimum safety camera system requirements.

(b) A taxicab safety camera system must work in conjunction with the approved meter system used in the taxicab.

(c) The safety camera system must be in operation during the entire time the vehicle's engine is running and for not less than 1 hour after the engine is turned off.

(d) The safety camera system may not make an audio recording.

(e) The safety camera system must record images at designated intervals, including the following:

(1) Vehicle door openings and closings.

(2) Meter engagement.

(3) Distress button activation.

(f) The safety camera system must be able to record data including:

(1) The full face of the driver and all occupants seated in passenger seats and facing forward.

(2) The date and time of the recording.

(3) The taxicab number.

(4) The safety camera serial number.

(g) The safety camera system must record and store images in a unit separate from any camera. The recording and storage unit must be concealed from view and fastened securely to the vehicle.

[(h) In the event that a driver presses the distress button required under § 1017.24(d)(8) (relating to meter activation and display), the safety camera system must immediately transmit all images to the taxicab's dispatcher, in addition to transmission to TLD Headquarters.]