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IRRC

BEFORE THE
Independent Regulatory Review Board 2015 JAN 12 PM 12:37

PROPOSED RULEMAKING ORDER
IIRC#3081/126-10 (Image Retention and Use)
SUBMITTED OCT. 29, 2014

3081

Simon Abitbol, Advisory Committee Member
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sabitbol@moneymaxfunding.com

John F. Mizner, Esq., Chairman
Independent Regulatory Review Board
333 Market Street 14th Floor
Harrisburg, Pa. 19101

Date: January 12, 2015

Dear Chairman Mizner,

We are commenting on behalf of many Philadelphia Medallion Taxicab Owners (see attached) and drivers about the Philadelphia Parking Authority's proposed regulations at IIRC# 3081/126-10 (Image Retention and Use). We support safety cameras being installed in Philadelphia's Medallion Taxicabs; in fact taxicab drivers are faced with different types of personal assaults to including life threatening situations between the drivers and their passengers, sometimes resulting in the murder of a taxi driver over a few dollars. We support any initiatives taken to keep our drivers and the public safe.

The Regulation:

The regulation will require the installation of safety cameras in all taxicabs in Philadelphia, which will record the interior of the vehicle including the faces of passengers to discourage crimes against taxicab drivers and taxicab passengers and otherwise assist in regulatory oversight.

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)(17) (d)(23), (d)(24).

Both taxicab owners and drivers have specifically requested that the Authority impose an industry-wide requirement to have cameras installed in all taxicabs in Philadelphia. Several owners have already approached the Authority with camera systems that they would like to install unilaterally, some have mm (3) PA Code Cite: 52 Pa. Code § 1017.5 (relating to basic vehicle standards);

Chapter 1017, Subchapter F. (relating to Safety Cameras);- and 1019.8 (relating-to dispatcher requirements).been installed. These requests have 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 presence of security cameras will add one additional level of driver safety precautions (and perhaps a crime deterrent) to taxicabs in Philadelphia. The safety cameras will record images at designated interval or upon the occurrences of certain events, such as the opening of the taxicab's door. The cameras will not make audio recordings. All images will be captured in public places where individuals have no reasonable expectation of privacy. The use of safety cameras in taxicabs is not a new idea. Such cameras are already in place in New York City, New Orleans, Chicago, San Francisco and other US cities. In public transportation, cameras are commonly employed to improve safety and assist in the resolution of crimes and other disputes that occur in these public places. We anticipate that the implementation of this process will be relatively easy because this technology is in wide-use. This safety feature will benefit all taxicab- driver,- owners- and dispatchers-currently constituting approximately 5,000 individuals and small businesses. The public will similarly benefit from this increased level of safety in taxicabs.

Brief History: At 52 Pa. Code Chapter 1017 and 1019;

Proposed rulemaking was received by IRRC 2/25/2014, published in the Pa Bulletin on 3/8/2014 and closed for comments on 4/7/2014. Final form regulations were received on 6/16/2014 with a rare visit to Philadelphia by the commissioners to hold public meeting on 7/24/2014 with the regulation being published on 10/25/2014.

At 52 Pa. Code Chapter 1017.78 and 1021.12;

Proposed rulemaking was received by IRRC 10/29/14, published in the Pa Bulletin on 11/15/2014 and closed for comments on 12/15/2014. Final comments due by 12/15/2016 with IRRC comments due by 1/14/2015. There has been no final form regulations received or Public meeting scheduled for the final regulations at this time.

Comments:

Philadelphia Medallion taxicab industry in Philadelphia will not be able to have security cameras installed in the vehicles by the deadline stated for February 25th 2015. Point of fact all/any camera company(s) must first be approved by the Authority and to this point at this date it still unclear an approved company can or are interested in installing cameras.

There are several issues that should be addressed before any final rulemaking or implementation of cameras being installed in Philadelphia Taxicabs; please refer to the attached "petition for waiver" to be submitted to the Authority.

Respectfully submitted

Simon Abitbol, Advisory Committee Member

Before the Philadelphia Parking Authority
Taxicab and Limousine Division

Re: Petition for Waiver of
52 Pa. Code 1017.71(a)

PETITION FOR WAIVER OF 52 Pa. Code § 1017.71(a)

RELIEF REQUESTED

1. The Petitioners attached hereto on Appendix A hereby request a waiver to 52 Pa. Code § 1017.71(a).
2. This Petition is being requested under the authority granted in 52 Pa. Code § 1005.23.

FACTS

3. Philadelphia Parking Authority (“Authority”) Regulation #126-8 (IRRC #3048) Taxicab Safety Cameras, was unanimously approved by the Independent Regulatory Review Commission on July 24, 2014 and was adopted on October 24, 2014, to be effective October 25, 2014 (“Effective Date”).

4. Said regulation was codified in Subchapter G. of Title 52 of the Pennsylvania Code.

5. 52 Pa. Code § 1017.71(a) provides that beginning on February 23, 2015 (“Deadline”), a taxicab must be equipped with one safety camera systems that satisfies the requirements of Subchapter G.

ANALYSIS

6. The Petitioners request a six month extension of the Deadline.

7. The short amount of time that has passed between the Effective Date and the Deadline has not been sufficient to select appropriate vendors to supply the industry with safety camera systems.

8. Only two companies, VerifEye Technologies, Inc. (“VerifEye”) and 24/7 Security, Inc. (“24/7 Security”), were initially approved by the Authority to provide safety camera systems.

9. VerifEye has since withdrawn its participation in this process and is no longer available as a vendor for safety camera systems under § 1017.73.

10. 24/7 Security has yet to provide Petitioners with a pricing scheme or any other details of its intended operations.

11. Since VerifEye’s withdrawal, only one other vendor, LINK Communications, Ltd., has been approved by the Authority.

12. Petitioners feel that only having one viable vendor to provide safety cameras is inadequate and Petitioners request that the Deadline be extended in order to allow them to find additional safety camera vendors.

13. The Authority’s safety camera requirements are expensive and these costs will fall on the shoulders of Petitioners.

14. Petitioners do not want to be at the mercy of a vendor monopoly because they will not be able to negotiate pricing, among other things.

15. Accordingly, Petitioners should be permitted to extend the process for implementing safety cameras in order to find the most cost effective options.

16. Additionally, at this juncture it is impossible for all 1,600 taxicabs in Philadelphia to be outfitted with safety camera by the Deadline given the outstanding list of things to do:

- a. Finding additional vendors
- b. Having the vendors approved by the Authority
- c. Negotiating costs
- d. Finalizing contracts

- e. Purchasing cameras
- f. Selecting a venue to install cameras
- g. Scheduling installation for 1,600 taxicabs
- h. Setting up, configuring and purchasing software for dispatchers

CONCLUSION

Petitioners support the Authority's initiative to improve the safety of taxicab drivers and the riding public, however, the Authority must consider the significant costs and effort involved in implementing safety cameras. The Authority's approved vendors have not provided Petitioners with a clear outline of how their systems will work and how much their services will cost. Petitioners would like the opportunity to make a wise financial decision that is best for drivers and the public. The looming Deadline does not permit Petitioners to do so.

WHEREAS, Petitioners respectfully requests that the Authority waive 52 Pa. Code § 1017.71(a) and extend the Deadline for six months.

Respectfully submitted,

Danielle Friedman
Attorney for Petitioner
2301 Church St.
Philadelphia, PA 19124

VERIFICATION

I, Danielle Friedman, attorney for Petitioner, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held on this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904.

January 8, 2015

Danielle Friedman

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1001.52 (relating to service by a party).

VIA EMAIL

James Ney, Director
Philadelphia Parking Authority-Taxi and Limousine Division
2415 S. Swanson St.
Philadelphia, PA 19148

VIA EMAIL

Dennis Weldon, Esq., General Counsel
Philadelphia Parking Authority
701 Market St.
Suite 5400
Philadelphia, PA 19106

VIA EMAIL

Charles Milstein, Esq., Assistant to the Director
Philadelphia Parking Authority-Taxi and Limousine Division
2415 S. Swanson St.
Philadelphia, PA 19148

HAND DELIVERY

Christine Kirlin, Deputy Manager
Philadelphia Parking Authority-Taxi and Limousine Division
2415 S. Swanson St.
Philadelphia, PA 19148

January 8, 2015

Danielle Friedman

APPENDIX A

Petitioners:

Aanniya Transportation, Inc.
CPC# 1023212-01

Aumbreen Transportation, Inc.
CPC# 1023235-01

Dhamthal Transportation, Inc.
CPC# 1026571-01

Nasrine Transportation, Inc.
CPC# 1023219-01

Jen-Kho Transportation, Inc.
CPC# 1024175-01

Kashif Corporation
CPC# 1014360-01

Khokhar Group USA, Inc.
CPC# 1023302-01

Khadim Transportation, Inc.
CPC# 1023272-01

Philadelphia Taxi Cab + Members

Officer's Name: _____
Khalid Khokhar

Aamir Transportation, Inc.
CPC# 1023752-01

Abaas Transportation, Inc.
CPC# 1026876-01

Amraan Transportation, Inc.
CPC# 1025306-01

Saas Cab Co.
CPC# 1000619-01

Officer's Name: _____
Meera Mehta

Anwar Hussain

Reliance Group USA, Inc.
CPC# 1023360-01

Zahid Transportation, Inc.
CPC# 1024161-01

Philadelphia Taxi Cab + Members

Officer's Name: _____
Anwar Hussain

123 CAB CORP

MEDALLION LIST (28) MEDALLIONS

P- 1184
P- 1218
P- 1221
P- 1250
P- 1251
P- 1252
P- 1253
P- 1254
P- 1268
P- 1271
P- 1281
P- 1293
P- 1297
P- 1298
P- 1303
P- 1319
P- 1433

P- 1445
P- 1446
P- 1468
P- 1484
P- 1495
P- 1496
P- 1497
P- 1498
P- 1499
P- 1500
P- 1501

Officer Name:


Andrea Abitbol

ABC CAB CORP

MEDALLION LIST (27) MEDALLIONS

P- 1137
P- 1141
P- 1144
P- 1147
P- 1160
P- 1181
P- 1182
P- 1502
P- 1503
P- 1504
P- 1505
P- 1506
P- 1507
P- 1508
P- 1509
P- 1510
P- 1511

P- 1512
P- 1513
P- 1514
P- 1515
P- 1517
P- 1527
P- 1533
P- 1534
P- 1535
P- 1536

Officer Name:


Simon Abitbol

AAG TAXI, LLC.
MEDALLION LIST

P- 944

P- 586

P- 1121

P- 1448

P- 1487

EAG TAXI, LLC.
MEDALLION LIST

P- 778

P- 1044

P- 1086

P- 1202

P- 1387

GZA CAB CORP.
MEDALLION LIST

P- 138

P- 283

NEW 60, INC.
MEDALLION LIST

P- 1055

PHL Taxi Management, LLC + 128 Members

Officer's Name:


Simon Abitbol

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Taxicab and Limousine Division

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Attorney for Petitioner
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HAND DELIVERY

Christine Kirlin, Deputy Manager
Philadelphia Parking Authority-Taxi and Limousine Division
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Philadelphia, PA 19148

January 8, 2015

Danielle Friedman

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