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INDEPENDENT REGULATORY
REVIEW COMMISSION

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Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Philadelphia Parking Authority

(2) Agency Number: 126

Identification Number: 12

IRRC Number: 3116

(3) PA Code Cite: 52 Pa. Code § 1017.74. (relating to safety camera requirements).

(4) Short Title: Taxicab Safety Cameras

(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 regulation will eliminate the existing requirement that taxicab safety cameras work in conjunction with the taxicab meter system and transmit certain images from the vehicle.

(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), 5722 and 5742; section 5505(d) of the Parking Authorities Law, act of June 19, 2001, (P.L. 287, No. 22), *as amended*, 53 Pa. C.S. §§ 5505(d) (23), (24) and 5714 (b).

(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.

Safety cameras were to begin appearing in taxicabs in Philadelphia in early 2015. The most challenging part of the implementation of the safety camera regulation has been related to the transmission of images from the taxicab. 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 more specious assertions of 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 medallion owners, taxicab drivers and dispatchers.

Therefore, the final-form regulation will remove the transmission requirement. We believe it is crucial to begin this safety program as soon as possible and the elimination of the image transmission

requirement has been identified as the most significant stumbling block. 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.
(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 regulation will not impact the commonwealth's ability to compete.
(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? No.
(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 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: approximately 4,000 drivers all of whom are individuals. Owners: 713 taxicab medallion owners and 6 partial-rights carriers, each of which is a small business. Dispatchers: 10, each of which is a small business.
The regulation reduces the requirements applicable to all regulated parties.
(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. It is anticipated that the regulation will hasten the installation of safety cameras in taxicabs in Philadelphia, which will enhance the safety of both taxicab drivers and the traveling public.
(18) Explain how the benefits of the regulation outweigh any cost and adverse effects. We incorporate our response provided in No. 10 and 17.
(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. It is estimated that the monthly cost to maintain data communication between each taxicab and its dispatcher and the Authority is \$10. Therefore, each medallion owner will save approximately \$120 each year through implementation of this regulation. The information was derived from various telephone communication companies, rates are always subject to change.
(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. **Cost analysis at Exhibit "A".**

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$0.00	\$	\$	\$	\$	\$
Regulated Community		120	120	120	120	120
Local Government						
State Government(PPA)						
Total Savings		120	120	120	120	120
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs		None	None	None	None	None
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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

Program	FY -3	FY -2	FY -1	Current FY
N/A.	n/a	n/a	n/a	n/a

(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.

There is no additional information responsive to these points not expressed above.

(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. None.	
(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:	
<ul style="list-style-type: none"> 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 <u>in detail</u> 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. None.	
(29) Include a schedule for review of the regulation including:	
A. The date by which the agency must receive public comments:	N/A
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:	4 th Quarter 2015
D. The expected effective date of the final-form regulation:	February 2016
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.	

**THE PHILADELPHIA PARKING AUTHORITY
COMMENTS TO FINAL RULEMAKING PRM-01-001 (126-12)**

[illegible]

**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)

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 November 24, 2015

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

11/24/15
DATE OF APPROVAL

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

Final Rulemaking No. 126-12
Final Rulemaking
Philadelphia Taxicab and Limousine Regulations
52 Pa. Code § 1017.74

The Philadelphia Parking Authority on June 25, 2015, adopted a proposed rulemaking order regarding Taxicab Safety Cameras. The contact person is Dennis G. Weldon, Jr., General Counsel, 215-683-9630.

THE PHILADELPHIA PARKING AUTHORITY

In Re: Final Rulemaking Order :
Taxicab Safety Cameras :
: Docket No. 126-12
:

FINAL RULEMAKING ORDER

BY THE AUTHORITY:

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.¹ The purpose of the proposed rulemaking is to revise the current taxicab safety camera regulation to assure more rapid compliance. The Authority issued a proposed regulation at this docket number on June 25, 2015. The initial public comment period for this rulemaking proceeding concluded on October 19, 2015. The Independent Regulatory Review Commission (“IRRC”) confirmed by letter dated November 18, 2015 to the Authority that it would not comment on the proposed regulation. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation

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,

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

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 medallion owners, taxicab drivers and dispatchers, primarily focused on the image transmission requirement. The final-form regulation will remove the transmission requirement.

DISCUSSION

The Authority has reviewed the public comments to the proposed regulation and provides the necessary responses below. IRRC did not submit comments.

§ 1017.74. Safety camera requirements.

The 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.

On October 1, 2015, Pennsylvania Taxi Association, ("PATA") submitted comments to the proposed regulation. Those comments noted support for safety cameras and an interest in eliminating a regulation that requires taxicabs to operate with safety partitions between the driver and the passenger(s). This regulation does not seek to modify the existing regulation related to taxicab partitions.

On October 16, 2015, the Philadelphia Taxi Association, Inc. ("PTA") submitted comments to the proposed regulation. PTA's comments do not address the proposed regulation, which eliminates the image transmission requirement from the existing taxicab safety camera regulation. PTA's comments challenge the propriety of the overall safety camera regulations, which is not the subject of the proposed rulemaking order or the final-form regulation.

On October 23, 2015, PATA filed additional comments, although after the public comment period had expired on October 19, 2015. PATA's comments incorporate an order from the Pennsylvania Commonwealth Court dated June 3, 2015 denying the Authority's motion to dismiss an action on the pleadings in a claim filed by some taxicab owners regarding parts of the safety camera regulation. (*Black Point Taxi, v Phila. Parking Authority* 76 M.D. 2015). The order referenced by PATA does not relate to the proposed regulation.

Affected Parties.

The regulation will affect taxicab owners, drivers and those who travel in taxicabs.

Fiscal Impact.

The final-form regulation will have no fiscal impact or increase any paperwork obligation as to any party, the Commonwealth, any political subdivisions, private sector person or the general public.

Effective Date and Conclusion

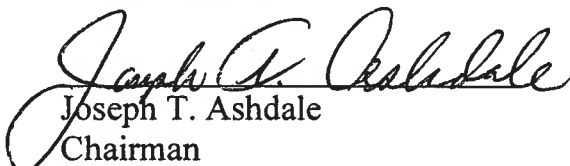
The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P.L. 287, No. 22), *as amended*, 53 Pa. C.S. §§ 5505(d)(17), (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 final regulations set forth in Annex A, attached hereto;

THEREFORE,

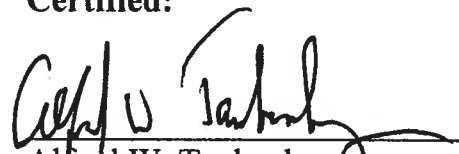
IT IS ORDERED THAT:

1. The Authority hereby adopts the final regulation in Annex A.
2. The Executive Director shall cause this order and Annex A to be submitted to the Office of Attorney General for approval as to legality.
3. The Executive Director shall cause this order and Annex A to be submitted for review by the designated standing committees of both Houses of the General Assembly, and for formal review by the Independent Regulatory Review Commission.
4. The Executive Director shall cause this order and Annex A to be submitted for review by the Governor's Budget Office for review of fiscal impact.
5. The Executive Director shall cause this order and Annex A to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. The Executive Director shall serve copies of this order and Annex "A" upon each of the commentators and take all other actions necessary to successfully complete the promulgation of this regulation.
7. The regulations embodied in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.
8. The contact person for this rulemaking is Dennis G. Weldon, Jr., General Counsel, (215)-683-9630.

**THE PHILADELPHIA PARKING
AUTHORITY**


Joseph T. Ashdale
Chairman
(SEAL)

Certified:


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

ORDER ADOPTED: November 24, 2015
ORDER ENTERED: November 24, 2015

ANNEX “A”

§ 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.]



701 MARKET STREET
SUITE 5400
PHILADELPHIA, PA 19106
215.683.9600

November 24, 2015

VIA HAND DELIVERY

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

Re: Docket No. and Agency/ID No. 126-12
Final Rulemaking
Philadelphia Taxicab and Limousine Regulations
52 Pa. Code § 1017.74
Taxicab Safety Cameras

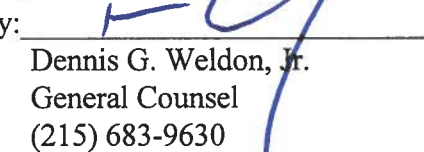
Dear Chairman Mizner:

Enclosed please find one (1) copy of the regulatory documents concerning the above-captioned rulemaking. Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15), the Authority, on August 6, 2015, submitted a copy of the Notice of Proposed Rulemaking to the Independent Regulatory Review Commission (IRRC), the Authority's standing committees and the Legislative Reference Bureau. The notice of proposed rulemaking was published at 45 *Pa.B.* 5684 on September 19, 2015.

IRRC had no objection, comment or recommendation to the proposed regulation. The language of the final-form regulation has not been altered in any way from that in the proposed. The Authority has considered all public comments. On November 24, 2015, the Authority entered a Final Rulemaking Order adopting final form regulations under this docket. We have notified the commentators of this Final-Form Rulemaking and have enclosed the list of the commentators. The purpose of the rulemaking will eliminate the existing requirement that taxicab safety cameras work in conjunction with the taxicab meter system and transmit certain images from the vehicle.

The undersigned is the contact person for this rulemaking.

Sincerely,
The Philadelphia Parking Authority

By: 
Dennis G. Weldon, Jr.
General Counsel
(215) 683-9630

DGW/pdm

Enclosures

cc: Joseph T. Ashdale, Chairman
Vincent J. Fenerty, Jr., Executive Director
James R. Ney, Director, TLD



www.philapark.org

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: 126-12

Subject: Taxicab Safety Cameras

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


Date

Signature

Designation

11/24/15 

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Urban Affairs

11/24/15 

HOUSE COMMITTEE (Petri)
Urban Affairs

11-25-15 

SENATE COMMITTEE (Tomlinson)
Consumer Protection and
Professional Licensure

11/24/15 

SENATE COMMITTEE (Boscola)
Consumer Protection and
Professional Licensure

11/24/15 

Independent Regulatory Review
Commission

11/24/15 

Legislative Reference Bureau

Office of the Budget

Attorney General