

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: 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 proposed 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) 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.

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. 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 Authority seeks to amend the safety camera regulation to remove the transmission

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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 proposed 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 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: 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 proposed 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.	
(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:	4 th Quarter 2015
D. The expected effective date of the final-form regulation:	4 th Quarter 2016
E. The date by which compliance with the final-form regulation will be required:	30 days after 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.

Amy M. Elliott

BY _____
(DEPUTY ATTORNEY GENERAL)

JUL 28 2015

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 June 25, 2015

BY *Vincent J. Fenerty, Jr.*
Vincent J. Fenerty, Jr.

TITLE: Executive Director

Copy below is hereby approved as to form and legality. ~~Executive or~~ independent Agencies.

Dennis G. Weldon, Jr.

BY _____
Dennis G. Weldon, Jr.
General Counsel

6/25/15

DATE OF APPROVAL

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

Proposed Rule Making No. 126-12
Proposed 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: 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*.

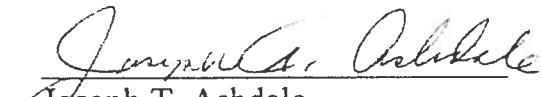
6. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.

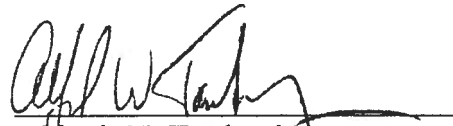
7. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's website at www.philapark.org/tld.

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. Taubenberger
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.]



701 MARKET STREET
SUITE 5400
PHILADELPHIA, PA 19106
215.683.9600

August 6, 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
Proposed Rulemaking
Philadelphia Taxicab and Limousine Regulations
52 Pa. Code § 1017.74
Taxicab Safety Cameras

Dear Chairman Mizner:

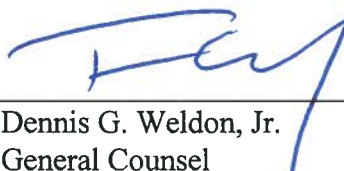
The Philadelphia Parking Authority ("Authority") hereby submits its Proposed Rulemaking and Regulatory Analysis Form to the Independent Regulatory Review Commission for review pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L.73, No. 19) (71 P.S. §§745.1-745.15). Also enclosed is the Authority's Proposed Rulemaking Order entered June 25, 2015 (preamble) and the "Face Sheet" required by 1 Pa. Code §13.12.

The proposed 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.

The undersigned will be the contact person in regard to this matter and may be reached 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

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

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>8/6/15</u>	<u>John R. Santillo</u>	<u>HOUSE COMMITTEE</u> (Caltagirone) Urban Affairs
<u>8/6/15</u>	<u>Shafiqul</u>	<u>HOUSE COMMITTEE</u> (Petri) Urban Affairs
<u>8-6-15</u>	<u>Chris Zappone</u>	<u>SENATE COMMITTEE</u> (Tomlinson) Consumer Protection and Professional Licensure
<u>8-6-15</u>	<u>Sty Smith</u>	<u>SENATE COMMITTEE</u> (Boscola) Consumer Protection and Professional Licensure
<u>8/6/15</u>	<u>K Cooper</u>	Independent Regulatory Review Commission
<u>8/6/15</u>	<u>C. Inant</u>	Legislative Reference Bureau
<u>8/6/15</u>	<u>H. Gmber</u>	Office of the Budget
<u>7-2-15</u>	<u>Mary Mummert</u>	Attorney General