

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:30 A.M.

Thursday, July 24, 2014

Liberty View Ballroom, Independence Visitors Center
6th and Market Streets
Philadelphia, PA

I. CALL OF THE MEETING

The July 24, 2014 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Vice Chairman Bedwick at 10:30 a.m. in the Liberty View Ballroom, Independence Visitors Center, 6th and Market Streets, Philadelphia, PA.

Commissioners Present: George D. Bedwick, Vice Chairman
 W. Russell Faber
 Lawrence J. Tabas, Esq.

Telephone: John F. Mizner, Esq., Chairman
 Dennis A. Watson, Esq.

II. EXECUTIVE SESSION ANNOUNCEMENTS

Vice Chairman Bedwick announced that an executive session was held at 10:15 a.m. to discuss personnel and budgetary matters.

III. APPROVAL OF THE JULY 10, 2014 PUBLIC MEETING MINUTES

Vice Chairman Bedwick asked for a motion for approval of the July 10, 2014 public meeting minutes, as submitted. Commissioner Tabas made the motion and Commissioner Faber seconded, and the motion passed 5-0.

IV. NEW BUSINESS

A. ACTION ITEMS

1. No. 2950 Pennsylvania Public Utility Commission #57-277: Meter Location

James Smith, Regulatory Analyst, and Michelle Elliott, Regulatory Analyst, stated that the rulemaking updates requirements for installation of meters, regulators and service lines to increase safety. The Commission received a comment from the Pennsylvania State Association of Township Supervisors (PSATS). PSATS generally supports the rulemaking, but expresses concern about the lack of specific standards for meter location. The regulation was deemed to be approved by the legislative standing committees.

Terrence Buda, Assistant Counsel, and Terri Cooper Smith, Civil Engineer, Bureau of Investigation and Enforcement, Gas Safety, Pennsylvania Public Utility Commission (PUC), were present to answer any questions.

Commissioner Faber started out commending the PUC for compromises reached in reaction to the comments they received during the proposed stage of the regulatory process. He stated that Question 10 of the Regulatory Analysis Form (RAF) referenced that there were 65 reportable incidents over 40 years. Commissioner Faber asked, of the 65 incidents, how many were caused by the inside meters themselves? Mr. Buda did not have that number. Commissioner Faber further questioned how the PUC would know the true need for the regulation without that number.

Regarding Question 17 of the RAF, Commissioner Faber stated that the response that the PUC provided doesn't address the financial and economic impact. Mr. Buda responded that the purpose of the regulations was to prevent leaks and explosions, and preventing those catastrophes saves money. Commissioner Faber responded that answer doesn't address the economic and fiscal impact of this rulemaking. Mr. Buda said that an incident with injury or death, or an excess of \$50,000, makes an incident reportable.

Commissioner Faber referenced Question 19 of the RAF, cost of implementation for the utilities, where the PUC states that none of the costs are relevant. He asked, "Why include them?" Mr. Buda responded that the PUC asked stakeholders for the costs. The PUC doesn't have a process for evaluating costs.

Regarding Section 59.18(a)(8)(i), which says that meters and service regulators may not be installed beneath or in front of windows or other building openings that directly obstruct emergency fire exits, Commissioner Faber asked whose definition of "emergency fire exits" is the PUC using? Mr. Buda responded it is the local code definition.

Commissioner Faber asked if a non-owner could request a meter relocation (Section 59.18(a)(11))? Mr. Buda responded that a customer who is not a building owner cannot request a meter relocation.

Vice Chairman Bedwick stated that there is an issue of clarity with this section. He is concerned for the owner of the building if the owner isn't also the customer. "The requirement says that the notice goes to the customer and it directs the customer to notify the owner," said Vice Chairman Bedwick. "There should be a requirement that the notice goes to the last known address of the owner." He also stated that there should be a requirement that if a tenant initiates service, part of that process should require providing the owner's name and address.

He asked, regarding historic districts, if the decision to locate a meter inside or outside is purely within the discretion of the utility? Mr. Buda replied that was correct. Vice Chairman Bedwick asked if there should be a process to address the concerns of customers in a historic district? Mr. Buda responded that the purpose of the advanced notice is to allow owners/customers to file a complaint.

Vice Chairman Bedwick questioned if a 30-day notice is sufficient. Mr. Buda replied that there is already a 30-day notice for utilities to notify the PUC. Vice Chairman Bedwick asked if it is totally discretionary on the part of the utility, then what is the purpose of the complaint process? Ms. Smith answered that a complaint stays the action and the PUC would intervene at that point.

He asked what is the difference between a meter box and a vault (Section 59.18(c)(4))? Ms. Smith answered that a vault is used for a regulator station for several properties. Customer meters are not placed in a vault. In this instance, the rulemaking is referencing several meters placed a couple of feet off of the ground.

Vice Chairman Bedwick asked if a customer can request a meter be moved. Mr. Buda said that the utility would investigate to see if the customer is the owner or a tenant.

Vice Chairman Bedwick commended the PUC for changes it made to the rulemaking in response to the comments that they received.

Commissioner Faber made a motion for approval. Commissioner Tabas seconded, and the motion passed 4-1, with Vice Chairman Bedwick dissenting.

2. No. 3048 Philadelphia Parking Authority #126-8: Taxicab Safety Cameras

James Smith, Regulatory Analyst, stated that this rulemaking requires the installation of safety cameras in all taxicabs in Philadelphia.

Dennis G. Weldon, Jr., General Counsel, Jim Ney, Director, Taxicab and Limousine Division, and Bill Schmid, Director of Enforcement, Philadelphia Parking Authority (PPA), were present to answer any questions.

Mr. Weldon said that the impetus for the regulation was the recent murder of several taxi drivers plus other crimes. The regulation sets minimum standards for the operation of cameras in taxicabs. No particular camera system has to be used and no specific number of cameras is required, as long as the camera captures the faces of the driver and the passenger or passengers. Mr. Weldon said the cameras are on but not recording all the time. The camera records images when certain triggers occur, such as opening the car door or pushing the panic button.

Commissioner Faber asked if there are more than the two vendors that PPA considered that could sell these cameras. Mr. Weldon said he believed so.

Commissioner Faber asked how the lease rates work. Mr. Weldon said Section 5720 of the Parking Authorities Law permits PPA to establish lease rates. An existing order sets the maximum rates and this is currently under review due to a petition. The dispatch fees have not been set by PPA, but by the dispatchers themselves. They in turn can be passed on to the taxi driver, depending on the relationship with the owner.

Commissioner Faber asked, "Section 1017.71 says that they have 120 days to get the cab inspected once the cameras are installed. Is that enough time?" Mr. Weldon responded that it is.

Regarding to the transmission of images (Section 1017.74), Commissioner Faber asked if there are other designated intervals. Mr. Weldon said that those are the primary. He then said that when the panic button is pressed, the images are relayed to PPA and the dispatcher in real time.

Commissioner Faber asked where they anticipate putting the cameras. Mr. Weldon responded, "One in the front and one in the shield. But as long as they capture the images, any number and any placement are okay."

Commissioner Tabas asked if any other public groups came forward asking for these cameras other than the police and the drivers? Mr. Weldon responded that the Philadelphia Hotel Association did. Commissioner Tabas asked if that was the only one. Mr. Weldon said that they advertised and held public hearings prior to starting the regulatory review process.

Commissioner Tabas then asked if the images are stored in the camera system if there isn't a panic situation. Mr. Weldon responded that they were for 30 days, and then they are overwritten. Commissioner Tabas asked how long the images that are sent to PPA and the dispatcher are retained. Mr. Weldon said that PPA doesn't have a delete policy.

Commissioner Tabas asked what kind of protections are in place to prevent recordings from being used for other purposes? Mr. Weldon responded that there are none that he is aware of. Commissioner Tabas stated that he is concerned about the privacy of passengers and drivers. Mr. Weldon said that PPA can address those concerns in policies for dispatchers and future rulemakings.

He asked if PPA could use the images to settle a dispute between a driver and a passenger that was not violent. Mr. Weldon responded yes.

Commissioner Tabas asked if a driver could request that the images be saved. Mr. Weldon said yes and that they would have to educate drivers on this matter.

He asked if law enforcement would be able to access the images for other investigations. Mr. Weldon replied that it could happen. It could be part of a right-to-know request.

Commissioner Tabas asked why the images captured after the panic button is pressed are held indefinitely. Mr. Weldon answered that they would not be, but there is not an automatic override.

He asked is the cost of the camera system that would cover the images in the back seat inclusive of the possibility of two cameras. Mr. Weldon responded that it is and no audio recording was allowed.

Vice Chairman Bedwick asked if the requirement that the camera system work with the metering system limits which camera system can be used. Mr. Weldon said that is correct.

He asked if a taxi company could seek approval of a camera system that isn't already approved. Mr. Weldon answered that it could.

Vice Chairman Bedwick asked if constitutional issues about taxi cameras have been raised and resolved in other jurisdictions. Mr. Weldon replied that in general, no, except for a case in Nevada.

He asked if PPA would be willing to commit to looking at the issue of limiting the use of images to 120 days. Mr. Weldon replied that they would.

Commissioner Faber asked who has access to the panic button images. Mr. Weldon replied that PPA and the dispatcher do.

He asked if the cost of the regulations impact the owners and not the drivers. Mr. Weldon responded that it impacts the owners but the costs could be passed on to the drivers.

Commissioner Tabas asked who will have access to the images stored on the cameras in the taxi. Mr. Schmid replied that PPA has a key to access them. Only those keys allow the downloading of images.

Frank Justis, taxi driver, asked several questions and made statements about the rulemaking. Mr. Justis asked who would bear the cost of the camera system. He then stated that a lot of disputes occur verbally and if the cameras are not recording the audio, it would be of little help. Next he asked why the images sent after the panic button is pressed do not go directly to the police. Mr. Justis asked where the box will be placed in the taxi in proximity to the driver, and how easy would it be to make a copy of the key.

Ron Blount, President, Taxiworkers Alliance of PA, said that he generally supported the rulemaking but had some concerns. He said that some owners expect to make huge profits so they pass on the additional regulatory costs to the drivers through increased dispatch or leasing fees. A camera system costing \$1,600 is not affordable to the drivers. Mr. Blount asked why the system can't be universal to allow multiple cameras. He asserted that the funds raised from the sale of wheelchair accessible vehicle medallions should be used to help offset the cost of the cameras. Mr. Blount said PPA should increase their list of approved camera vendors. He said that partial rights cabs do not have Global Positioning Systems (GPS) and just have the black box. Mr. Blount said, "Why can't all taxis do that? The GPS goes down frequently. If the cameras are not tied to the GPS, they would continue to function even when the GPS goes down."

Commissioner Tabas thought it was a valid point that the economic costs would be passed on to the drivers. He asked Mr. Blount if they included the idea of using funds raised from the sale of wheelchair accessible vehicle medallions to help offset the cost of the cameras in their comments. Mr. Blount answered that they did not.

Mohammed Shukur, Vice President, Taxi Drivers Alliance, talked about the recent violence directed at taxi drivers. He asked, "Who will implement the camera system in the cab? The PPA should put them in, not the medallion owners." He felt that the costs would be passed on to the drivers. Mr. Shukur thought that the panic button images should only go to PPA and not the dispatchers. Mr. Shukur mentioned that the images should be taken only when a customer gets in the car. The cameras are needed for the customers not the drivers.

Chairman Mizner commented that this is the reason why the Commission decided to have the meeting in Philadelphia, so that the people who are affected can be a part of the regulatory process.

Patrick Anama, taxi driver, said that the cameras are vital to the safety of the drivers. He stated that PPA should contribute money toward the camera systems. Mr. Anama said that sometimes drivers are shot from outside the taxi and a camera would miss it. He stated that he did not want the panic button images sent to the dispatcher because they would not know what to do after receiving the images.

Mohammed Shaktai, taxi driver, agreed with Mr. Blount's idea about using funds raised from the sale of wheelchair accessible vehicle medallions to offset the camera costs. He is concerned that the costs will be passed down to the drivers. Mr. Shaktai stated that insurance companies should help pay for the cameras because they make the taxis safer.

Dave Alperstein, Greater Philadelphia Taxi Association, said that there should have been a demonstration of how the camera system will work. He stated that the regulation should specify how long the data should be retained in the vehicle and how the images would be helpful. Mr. Alperstein asked about violations for tampering with the cameras. He also wanted to know if attorneys could use a right-to-know request to obtain the information from the system.

Joseph Gabbay, Germantown Cab, said that he was neither for nor against the regulation. He stated that most of these systems can be accessed without a key. Mr. Gabbay wanted to know if the key could be replicated and if it was a hex or torque key.

Mr. Justis added some further statements. He said that the people making decisions have never driven a taxi. Mr. Justis felt that the door being the triggering mechanism is not useful. He is concerned about the location of the black box because of exposure to damaging emissions. Mr. Justis questioned the need for a camera on the driver's face. He said that having a hood camera is a better idea.

In response to the questions about the key, Mr. Weldon said that it is digitally encrypted. He went on to say that the key could not be replicated.

Commissioner Faber questioned Mr. Weldon about the triggering mechanism in the door. Mr. Weldon explained that once it is triggered, the camera would start recording images when the door is opened.

Commissioner Faber asked if the camera would work if the Veriphone system is inoperable. Mr. Weldon said that it could still record, but it could not transfer the images.

He asked why there is a camera in the front of the taxi. Mr. Weldon responded that sometimes people travel in the front and an incident could happen there.

Vice Chairman Bedwick asked if PPA would consider using a hood camera. Mr. Weldon said they would consider it; however, it raises privacy issues, since non-riders would be filmed also.

He asked if the images are sent to the dispatcher so they, in turn, can call the police. Mr. Weldon responded that is correct.

Vice Chairman Bedwick asked if in addition to the lease fee, PPA allows owners or dispatchers to charge other fees. Mr. Weldon responded no.

Commissioner Faber made a motion for approval. Commissioner Tabas seconded, and the motion passed 5-0.

Break at 12:55, resumed at 1:05.

3. No. 2993 Philadelphia Parking Authority #126-4: Taxicab and Limousine Amendments

Michelle Elliott, Regulatory Analyst, said that the rulemaking eliminates references to a classification of carriers no longer subject to PPA's regulation, corrects typographical and technical errors, and provides certain clarifications to rights and requirements. The Greater Philadelphia Taxi Association commented with regard to the agreement of sale.

Christine Kirlin, Manager, Taxicab and Limousine Division, Mr. Weldon, and Mr. Ney, PPA, were present to answer any questions.

Commissioner Tabas asked PPA to clarify what a partial rights taxicab company is. Mr. Weldon responded that partial rights means that the company can pick up or drop off people outside that area, but the other end of the trip must be within its designated zone.

Mr. Gabbay opposed the regulation. He said the regulations are illegal, unconstitutional, and would lead to further litigation. Mr. Gabbay gave a copy of the tariff that the PUC issued him (Attachment A) that states where he is allowed to operate his taxis. He said that the tariff allows him to operate in Philadelphia and this regulation interferes with his certificate rights.

Mr. Alperstein said that the 15-day time limit for medallion sales may cause significant issues of concern if a protest is filed. He said that 15 days is an arbitrary number.

Vice Chairman Bedwick asked what difficulties are created if you prepare the SA-1 Form before entering into the agreement of sale. Mr. Alperstein answered that the entity has not been

created yet and a criminal background check and lien search has to be done within 30 days. Commissioner Tabas noted that the instructions on the form can provide clarification.

James Walker, Moneymax Funding, said that the 15-day time limit was not sufficient. He said the broker should be able to amend the agreement of sale and receive more time.

Mr. Weldon noted that PPA has never rejected an SA-1 Form. They are never completed properly. He said the instructions specify that you can file missing and/or supplemental information after the fact, and this happens all the time. Applicants can also file a waiver. Mr. Weldon also said that the largest broker requested the 15-day time limit in the regulation. He said that on the 16th day, the applicant must execute another agreement of sale.

He stated that the courts have decided that PPA has the right to regulate Germantown Cab.

Chairman Mizner made a motion for approval. Commissioner Faber seconded, and the motion passed 5-0.

V. OTHER BUSINESS

1. Approval of Vouchers

Commissioner Faber made a motion to approve vouchers and expenses for the period July 10, 2014 through July 23, 2014. Commissioner Tabas seconded, and the motions passed 5-0.

2. Budget

Commissioner Faber made a motion to approve the Commission's 2014-2015 Budget. Commissioner Tabas seconded, and the motions passed 5-0.

VI. DATE AND PLACE OF SUBSEQUENT MEETING

Vice Chairman Bedwick announced the next public meeting is scheduled for Thursday, September 4, 2014, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VII. ADJOURNMENT

Vice Chairman Bedwick announced the meeting adjourned at 1:58 p.m.

Attachment A
#2993

Certificate No. A-00110733
F.1; F.1, Am-A

Call or Demand Pa. P.U.C. No. 2
Cancels
Call or Demand Pa. P.U.C. No. 1

GERMANTOWN CAB CO.

RATES AND RULES GOVERNING THE TRANSPORTATION OF PERSONS

Official Filed Tariff

As designated herein

Issued: August 24, 2007

Effective: August 25, 2007

ISSUED UNDER AUTHORITY OF SPECIAL PERMISSION NO. 28116

By: Dalia Gabbay, Secretary
Germantown Cab Co.
800 Chestnut Street
Philadelphia, PA 19107
215-733-0461

RECEIVED

AUG 24 2007

BUREAU OF
TRANSPORTATION & SAFETY

LIST OF CHANGES MADE BY THIS TARIFF

Page 2 Operating Authority – The Carrier's operating authority has been amended to include additional territory consistent with the Commission's Order entered July 13, 2007, at A-00110773, F.1, Am-A

OPERATING AUTHORITY

F.1

To transport, as a common carrier, by motor vehicle, persons upon call or demand between points in the city of Philadelphia, bounded by School House Lane, Church Lane, Wister Street, Stenton Avenue, Northwestern Avenue, Ridge Avenue, Manatawanna Avenue, Hagys Mill Road, Port Royal Avenue, Cross Street, Shawmont Avenue, Umbria Street, Parker Avenue, Ridge Avenue, Walnut Lane, Wissahickon Avenue to points of beginning: and that portion of Whitemarsh Township, Montgomery County, bounded as follows: beginning on Ridge Pike; at the Springfield Township Line, northwest on Ridge Pike to Butler Pike, northeast on Butler Pike to the Whitemarsh Township line, southeast, along the Whitemarsh Township Line to Bethlehem Pike, south on Bethlehem Pike to Valley Green Road, northeast on Valley Green Road to the Whitemarsh Township Line, southwest along the Whitemarsh Township Line to Ridge Pike; and that portion of Springfield Township, Montgomery County, bounded as follows: beginning at the Springfield Township Line and Mermaid Lane, southwest on Mermaid Lane to Stenton Avenue, northwest on Stenton Avenue to the Springfield Township line, northeast, southeast, southwest and southeast along the Springfield Township Line to Mermaid Lane; and from points in the said area to points outside the area and vice versa

(C) F.1, Am-A

To transport, as a common carrier, persons upon call or demand, from points in that portion of Montgomery County bounded as follows: beginning at Ridge Pike on the Philadelphia and Montgomery County boundary proceeding west along that boundary to the Schuylkill River, northwest along the Schuylkill River to PA Route 363, northeast on Pa. Route 363 to Skippack Pike, southeast on Skippack Pike to Butler Pike, southwest to Ridge Pike to points of beginning.

(C) Indicates Change or Addition

SCHEDULE OF RATES

First 1/7 mile or fraction thereof	\$2.70
Each additional 1/7 mile or fraction thereof	\$.30

Waiting Time:

Every 54 seconds or fraction thereof	\$.30
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