

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, September 17, 2015
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The September 17, 2015 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Mizner at 8:02 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: John F. Mizner, Esq., Chairman
George D. Bedwick, Vice Chairman
Murray Ufberg, Esq.

Telephone: W. Russell Faber
Dennis A. Watson, Esq.

II. APPROVAL OF THE AUGUST 13, 2015 PUBLIC MEETING MINUTES

Chairman Mizner asked for a motion for approval of the August 13, 2015 public meeting minutes, as submitted. Commissioner Faber made the motion and Vice Chairman Bedwick seconded, and the motion passed 5-0.

III. NEW BUSINESS

A. ACTION ITEMS

1. No. 3081 Philadelphia Parking Authority #126-10: Image Retention and Use

James Smith, Regulatory Analyst, explained the final regulation establishes requirements related to the limited retention and use of taxicab safety camera images, and will prohibit the unnecessary activation of the taxicab distress button. Mr. Smith continued that the regulation anticipates the elimination of the transmission of images to a taxicab dispatcher, and will limit the reasons that images may be accessed on each taxicab's local storage device.

Mr. Smith noted that the regulation affects 400 taxicab drivers, 714 medallion owners, six partial rights carriers, and ten dispatchers. He mentioned that a comment was submitted by the Pennsylvania Taxi Association (PTA) on the previously withdrawn final regulation. He added that in relation to the comment, the Philadelphia Parking Authority (PPA) has also submitted regulation **No. 3116 Philadelphia Parking Authority #126-12: Safety Camera Requirements** which should resolve the PTA's concerns. PPA also withdrew that final regulation to correct a

typographical error that PTA's comments cited. He stated the House and Senate standing committees have deemed the regulation approved.

Dennis G. Weldon, Jr., General Counsel, and James Ney, Director, Taxicab and Limousine Division, PPA, were present to answer any questions.

Mr. Weldon explained the purpose of the regulation is to address concerns that the Commission raised when reviewing PPA's regulation requiring the installation of safety cameras in taxicabs. Related to the access to the images, Mr. Weldon explained, "We had some protocols internally we planned on implementing, but there was nothing in regulation that dictated what would happen and what people could expect and what accountability we would be held to." He continued, "We have modified the requirements of the safety camera system to no longer require that the safety cameras transmit images from the taxicab to the dispatcher and the Parking Authority in the event that a driver hits a panic button." Regarding the transmission of the images, Mr. Weldon explained, the PPA will not have immediate access to the images and they would be locally stored on a data storage device, or a "black box," in the taxicab. He explained the data would only be accessed upon court order, if law enforcement contacts the PPA, or if the PPA has been contacted through a complaint about a taxicab, which would require written authorization to be granted access to the data.

Commissioner Ufberg asked if a Request for Proposal (RFP) would be used to determine what safety camera a taxicab will be required to use. Mr. Weldon explained the PPA will not use an RFP process, but instead will use a Service Provider Requirement (SPR) for taxi technology providers. He continued, "As long as your equipment is capable of meeting those requirements, we will take any camera provider that comes in." Mr. Weldon noted that there are currently two and possibly will be three camera providers. Commissioner Ufberg asked if a camera provider must come to the PPA first to show that it meets the PPA SPR requirements. Mr. Weldon answered in the affirmative.

Vice Chairman Bedwick asked if the PPA access to the "black box" is strictly based on receiving a complaint and based on authorization from a trial counsel. Mr. Weldon answered in the affirmative, and said, "There is going to be some precipitating complaint or some event that is being investigated in order to cause access."

Commissioner Ufberg asked if complaints can be filed by both a driver and a passenger. Mr. Weldon answered in the affirmative.

Commissioner Faber referenced regulation #3116, which would eliminate the transmission of images to a dispatcher that is required in regulation #3081. He asked if the transmission requirement was waived in anticipation of the review of regulation #3116. Mr. Weldon answered yes, and explained that the transmission requirement was waived to allow the cameras to be installed and provide drivers a level of safety while regulation #3116 is under review.

Commissioner Faber asked about the access to the images after being stored and if there could be potential conflicts with the Right-to-Know (RTK) Law. Mr. Weldon said, "It will

either be part of a criminal investigation or a noncriminal investigation, in which case there are exceptions for both of those requirements in the RTK Law.” Mr. Weldon expressed his belief that images would not be accessible via a RTK request.

Commissioner Faber asked if a RTK request can be submitted absent an investigation. Mr. Weldon explained the images cannot be requested by a RTK request, because the images are not a record of the PPA, but instead a record of a private taxicab. Commissioner Faber expressed his belief that the images may be accessible via a RTK request, because the images are stored in a taxicab by virtue of a regulation enacted by the PPA. He suggested looking into whether the images can be accessed via a RTK request.

Commissioner Ufberg asked why the images are stored for only 31 days. Mr. Weldon explained that storing the images for 31 days helps solve limited storage issues and cited the additional costs associated with the storage of images beyond 31 days. Mr. Ney noted that other cities around the country only require images to be stored for 15 days due to limited capacity of storage.

Commissioner Faber asked if photos would only be taken upon a taxicab driver pressing the panic button. Mr. Weldon replied “no,” and explained that images would be taken regardless at various points during a trip, and cannot be controlled by the driver.

James Walker, Money Max Funding, explained that the taxicab drivers understand the need for safety cameras, but only for the purposes of safety and security. Mr. Walker expressed his concerns, which include the administrative use of safety cameras to fine taxicab drivers and the cost of the safety cameras. He expressed his belief that Philadelphia taxicabs are already being heavily fined compared to taxicabs in other cities. Further, Mr. Walker requested that the images only be accessible through a court order. He added that the drivers plan to petition the PPA on the matter. Mr. Walker also mentioned the “unfair competition” brought on by the emergence of the Transportation Network Companies (TNC) Uber and Lyft in Philadelphia. He said the additional costs of the safety cameras add to the financial burdens brought on by TNCs, which he argued are acting illegally in Philadelphia and are not currently subject to regulation.

Commissioner Ufberg acknowledged the burden facing traditional taxicab drivers, and expressed his belief that safety cameras should be a welcomed quality control feature that would help the Philadelphia taxicab industry compete against TNCs. Commissioner Faber echoed Commissioner Ufberg’s statement and added that the safety cameras would encourage riders to use traditional taxicabs. Mr. Walker explained that he is not disputing the use of the cameras, and reiterated his concern that the cameras are going to be used against drivers and the safety cameras are expensive.

Chairman Mizner asked if Mr. Walker would approve the regulation in question. Mr. Walker expressed his belief that the regulation should be approved, but wanted to express the taxicab drivers’ concerns.

Mr. Weldon commented that the safety cameras at one point cost \$1,200, but now cost \$600-\$700. He noted that the safety cameras protect the driver and the passenger.

Commissioner Ufberg made a motion for approval. Vice Chairman Bedwick seconded, and the motion passed 5-0.

IV. OTHER BUSINESS

Approval of Vouchers

Vice Chairman Bedwick made motions to approve vouchers and expenses for the period July 10, 2015 through August 13, 2015. Commissioner Ufberg seconded, and the motions passed 5-0.

V. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Mizner announced the next public meeting is scheduled for Thursday, October 8, 2015, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VI. EXECUTIVE SESSION ANNOUNCEMENTS

Chairman Mizner announced that no executive session would be held.

VII. ADJOURNMENT

Chairman Mizner announced the meeting adjourned at 10:45 a.m.