

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CHS. 1017 AND 1019]

Taxicab Safety Cameras

The Philadelphia Parking Authority (Authority), on June 12, 2014, adopted the final-form rulemaking order to provide for the use of safety cameras in Philadelphia taxicabs.

*Philadelphia Taxicab and Limousine Regulations;
Safety Cameras; Doc. No. 126-8*

Final Rulemaking Order

By the Authority:

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.¹ In furtherance of those regulatory functions, the Authority issued a proposed regulation at this docket number on November 25, 2013. The initial public comment period for this rulemaking proceeding concluded on April 7, 2014, the Independent Regulatory Review Commission (“IRRC”) submitted its comments on May 7, 2014. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation

It has been widely recommended to the Authority on several occasions, including public comment hearings related to driver safety issues, that safety cameras be placed in all taxicabs in Philadelphia. The cameras will deter crimes and other bad acts in taxicabs by increasing the likelihood that perpetrators will be apprehended with the assistance of the photographic evidence produced by the cameras.

Discussion

The Authority has reviewed all of the comments filed under this docket and responds as set forth below.

§ 1017.5. *Basic vehicle standards.*

This section is amended to remove reference to section 5714(b) of the act from paragraph (12). Act 119 removed specific reference to a shield from that section of the act, but granted the Authority the power to select safety devices, this change will make the regulation consistent. Paragraph (26) is added to require safety cameras among the other basic vehicle standards.

Subchapter G. Safety Cameras

§ 1017.71. *Taxicab safety cameras.*

This section will provide owners with 120 days from the effective date of the regulation to present their taxicabs to the Authority for inspection with an approved and installed safety camera system. The regulation provides guidelines related to the initial inspection, sealing and posting of notices necessary to place the camera systems in operation.

Subsection (b)(3)(iii) has been amended to clarify that the Enforcement Department will post notice of the presence of the safety cameras on the interior and exterior of the vehicle. Section 1017.77(b) has also been

amended to clarify that these notices must be affixed to both the exterior and interior of the taxicab.

§ 1017.72. *Safety camera system testing.*

This section provides that camera systems inspections may be conducted by scheduling or in the field and may include the operation of the taxicab with an inspector present.

§ 1017.73. *Approved safety camera system.*

This section provides that the Authority will maintain a list of already approved safety camera systems on its website, as with meter systems in § 1017.23 (relating to approved meters).

§ 1017.74. *Safety camera requirements.*

This section will provide minimum components of what a safety camera system must include. Commentator Black Point Taxi, LLC, et al. (“BPT”) questioned the constitutionality of using safety cameras in taxicabs. IRRC asked that the Authority address this issue. BPT cites several cases related to unreasonable search and seizure, some including taxicabs.

We agree that the Fourth Amendment does not stop at a taxicab’s back door. However, the open and obvious photographing of a passenger in a government licensed taxicab that is open to public use on a public roadway is simply not an “unreasonable” search. Indeed, the first case cited by BPT, *Katz v. U.S.*, actually supports this position when it provides: “What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection.”² The United States Supreme Court has specifically found that a person does not have a reasonable expectation of privacy from aerial surveillance even within his fenced-in backyard, because the yard can be seen from the air.³

BPT cites a series of inapplicable criminal cases. Each of those cases involved the surreptitious surveillance of individuals by law enforcement or trespass upon private property by law enforcement engaged in the inspection of individuals’ bags or other possessions. A search within the meaning of the Fourth Amendment of the U.S. Constitution “occurs when an expectation of privacy that society is prepared to consider reasonable is infringed.”⁴ In *Hassan* the court determined that private financial data collected through the mandated New York City taxicab meter system did not constitute an unreasonable search. Similarly, the Courts in Pennsylvania have found as follows:

“[a] person has a constitutionally-protected expectation of privacy in cases where: (1) the person has exhibited an actual (subjective) expectation of privacy; and (2) society is prepared to recognize the expectation of privacy as reasonable.”⁵

The taxicab passenger cannot demand that the driver not listen to the passenger’s conversation. A taxicab passenger cannot demand that a driver not look at the passenger. The taxicab passenger cannot demand that the world, including the government, avert its gaze while the person hails or enters a taxicab on a public street, while riding in the taxicab on a public roadway or upon exiting

² 389 U.S. 347, 351 (1967).

³ *California v. Ciraolo*, 476 U.S. 207 (1986).

⁴ *Hassan El-Nahal v. David Yassky et al* 2014 U.S. Dist. Lexis 13522 (U.S.N.Y. January 29, 2014), quoting, *Maryland v. Macon*, 472 U.S. 463, 469, 105 S. Ct. 2778, 86 L. Ed. 2d 370 (1985).

⁵ *Commonwealth v. Duncan*, 817 A.2d 455, 463 (Pa. 2003).

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

the taxicab. The taxicab passenger does not own the vehicle and cannot demand to be left alone in the vehicle. A taxicab passenger simply has no reasonable expectation of privacy as to his or her mere presence in a taxicab.

The final-form regulation requires notice of the presence of the safety cameras on both the exterior and interior of the taxicab. The regulation prohibits audio recordings. The images recorded will not penetrate bags or physically impact passengers at all. A potential taxicab passenger who declines taxicab service to avoid taxicab safety cameras will walk down a city street lined with public and private surveillance cameras and may board a SEPTA bus or train that likely employs these safety cameras as well. Cameras of this nature are now ubiquitous in society. Despite the presence of these safety cameras in taxicabs throughout the United States over the last 10 years, BPT is unable to identify a single case finding safety cameras to represent a violation of anyone's expectation of privacy or the Fourth Amendment.⁶

The final-form regulation merely provides for the recording of images in the public domain and does not violate any constitutional protections.

(b). This subsection requires the safety cameras to operate through the taxicab's meter system. Taxi Workers Alliance of Pennsylvania ("TWA") commented that this requirement would create some special privilege among medallion owners. IRRC asked that the Authority respond to this point.

We disagree with TWA on this issue. The meter system providers will be obligated through the Authority's system requirements to accept any conforming safety camera system. Also, neither this final-form regulation nor the existing regulations mandate the use of a particular meter system or camera system. While different medallion owners may prefer different meter systems, we do not see how this regulation has any connection to that issue.

The meter systems are a means through which the camera's images can be transmitted, time stamped, and juxtaposed with payment and GPS related information. The interaction between the cameras system and the existing communication and identification components of the meter system act as force multipliers in terms of enhanced safety for taxicab drivers and the public and reduces operational costs that may be generated from the duplication of functions.

IRRC requested additional information about the distress button presently used in taxicab meter systems. IRRC also noted the comments of TWA expressing a preference for communications emanating from the distress button to be directed to the Philadelphia Police Department. The Authority cannot require the Police Department to accept these communications. The City's standard 911 dispatch procedures mandate the use of an intermediary when communicating an emergency alarm to a "911" operator. This applies to home alarms, bank alarms, etc. That is why the taxicab distress signal goes to the dispatcher. The dispatcher has immediate access to the GPS location of the taxicab at the time the distress button is activated and will often have contemporaneous trip information.

⁶ BPT notes the opinion of a Deputy Attorney General in Nevada regarding a taxicab passenger's expectation of privacy. The opinion is nearly 10 years old and involves the analysis of the law as applied in Nevada. We disagree with the reasoning of that opinion (which ultimately did find the use of certain cameras to be constitutionally appropriate) because it presumes that a passenger's mere presence in a public place is protected. We certainly agree that a taxicab passenger is free from an unreasonable search of a handbag or wallet by the police, but the mere monitoring of the person's presence in this public place cannot rise to the level of an unreasonable search.

IRRC requested information regarding the manner in which dispatchers communicate information related to a taxicab distress signal to 911. The regulations require each dispatcher to "receive and respond to emergency or distress alerts received from taxicab drivers 24 hours a day, 7 days a week." § 1019.8 (13). Dispatchers can see the GPS location of the taxicab and will have the most recent dispatch information related to each taxicab. The Authority's dispatcher protocols require all dispatchers to immediately communicate the occurrence of a distress button activation to the Philadelphia Police Department. On at least at bi-annual basis the Authority audits each dispatcher's adherence to this requirement.

IRRC asked how the regulation sufficiently protects the driver in distress. The cameras will forward real time photographs from the taxicab at the time the distress button is pushed, which will help the dispatcher assess the emergency. But the value of this regulation is in the investigatory information it will provide to law enforcement officials. This is similar to cameras used in banks or on busses. We believe the increased likelihood of capture will dissuade bad behavior, including crimes.

(c). Subsection (c) requires the camera system to be in operation while the vehicle's engine is turned on and has been amended to also require that the camera system remain active for a minimum of 1 hour after the engine is turned off. Otherwise, the purpose of the cameras could be evaded during the driver's breaks or whenever the vehicle's engine is turned off. The camera system will simply make recordings at slower intervals when the engine is disengaged, unless one of the triggering events to accelerate the rate of interval recordings occurs.

(e). This subsection has been amended to clarify that streaming video recording is not required. Instead, sequenced or timed recordings will be employed. The camera systems will be in operation as required in subsection (d), but will not record images except at designated intervals and upon the occurrence of triggering events such as those identified in this subsection.

(f). This subsection identifies functional requirements of the safety camera system. IRRC noted the comment of BPT regarding the proposed requirement to record the entire interior of the taxicab, particularly in conjunction with the existing safety shields. The safety shields are clear and will not pose a problem in terms of recording images of the faces of people in the passenger compartment of a taxicab, particularly if positioned properly. Safety cameras systems also include the option to have a camera imbedded directly in the safety shield.

We understand the commentator's concern about the clarity of the proposed regulation in terms of the field of vision to be captured by the cameras. We have amended the regulation to specifically require that the images capture the faces of the driver and all passengers, which is a much more specific requirement that language originally proposed. Also, the obligation to record the exterior of the taxicab has been removed in order to address this issue. The images captured will include information such as the date and time of the recording, the taxicab number and the camera system's unique serial number for recall and authentication purposes.

(g). This subsection has been amended to eliminate the requirement that the camera system transmit recorded data to the Authority and parties designated by the Authority. The regulation is not intended to provide constant real-time monitoring of all taxicabs. Therefore, the regulation has been amended to require the use of a

data storage unit in each taxicab system. The data storage unit must be securely fastened to the vehicle in a place that is out of sight of passengers. This data storage unit is a standard component of every taxicab safety camera systems reviewed by the Authority and those currently in place in other cities in the United States. Upon the triggering of the distress button, the images will be transmitted immediately and wirelessly to the Authority's Taxicab and Limousine Division and the taxicab's dispatcher, as provided in subsection (h).

§ 1017.75. *One safety camera system.*

Section 1017.75 limits each taxicab to only one safety camera system for ease of monitoring and general simplicity purposes. While an owner can switch between approved systems at their own discretion, they may only use one approved system at a time that is inspected by the Authority prior to operation.

§ 1017.76. *Certificate holder responsible.*

Section 1017.16 requires the taxicab's owner to make certain that the safety camera system works each day. This standard already applies to each taxicab's overall functionality. The owner may assign a representative to confirm that the safety camera system is functioning, which is important because some certificate holders do not reside in the Philadelphia area and use business managers to supervise certain aspects of taxicab operations.

§ 1017.77. *Public notice.*

Each taxicab must display a notice of the presence of the system on the exterior and interior of the taxicab. Subsection (b) has been amended as identified above in Section 1017.71.

§ 1019.8. *Dispatcher requirements.*

Paragraph (17) provides that dispatchers must be equipped with the necessary equipment to support the safety camera system.

Affected Parties

The regulation will affect all taxicab owners by requiring the installation and operation of a safety camera system and all dispatchers by requiring the maintenance of equipment capable of interfacing with the cameras systems.

Fiscal Impact

The primary fiscal impact of the regulation will be made upon taxicab owners. However, when the cost of the safety camera equipment is extrapolated over the life span of the equipment the costs in comparison to the value of the taxicab operation and the safety of the driver and the public is small. Dispatchers will also be impacted fiscally to the extent that any modifications to existing communication devices may be necessary to support compatibility between the dispatcher system and the safety cameras system. However, we anticipate that the ability of the existing meters systems to communicate with the safety camera systems will eliminate costs increases. Also, dispatchers often mandate the use of certain equipment as a requirement of joining the dispatch association. The Authority anticipates that dispatchers will opt for one approved camera system, mandate compliance by associated taxicab owners and experience a savings through the economy of scale.

Commonwealth

The Authority does not anticipate any increase in regulatory demands associated with this regulation. The

inspection of the safety camera systems will be absorbed into the standard bi-annual inspection process.

Political subdivisions, private sector, general public

This final-form rulemaking will not have a direct fiscal impact on political subdivisions, the private sector or the general public except as previously provided.

Paperwork Requirements

This final-form rulemaking will not affect the paperwork generated by the Authority or the regulated communities.

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)(17), (23) and (24) 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 final regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Authority, 52 Pa. Code Chapters 1017 and 1019, are amended by adding §§ 1017.71—1017.77 and amending §§ 1017.5 and 1019.8 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
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 James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 5420 (August 9, 2014).)

Fiscal Note: 126-8. (1) Philadelphia Taxicab and Limousine Regulatory Fund; (2) Implementing Year 2014-15 is \$44,712; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$650; (4) none; this is a new program; (7) Philadelphia Parking Authority; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 1017.5. Basic vehicle standards.

* * * * *

(b) *Standard taxicab vehicle requirements.* Each taxicab is subject to the following requirements:

* * * * *

(12) A taxicab must be equipped with a protective shield which separates the front seat from the back seat and bears the manufacturer's name. The protective shield must meet the following minimum requirements:

* * * * *

(25) The Authority may require the installation of a separate heating and air conditioning system in a taxicab if necessary to comply with paragraph (19).

(26) A taxicab must be equipped with a safety camera system approved for use as provided in § 1017.71 (relating to taxicab safety cameras).

(c) *Interstate travel.* No requirement of this subpart or any Authority regulation may be interpreted to disrupt or interfere with interstate commerce exclusively regulated by or preempted by the government of the United States.

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Subchapter G. SAFETY CAMERAS

Sec.

- 1017.71. Taxicab safety cameras.
- 1017.72. Safety camera system testing.
- 1017.73. Approved safety camera system.
- 1017.74. Safety camera requirements.
- 1017.75. One safety camera system.
- 1017.76. Certificate holder responsible.
- 1017.77. Public notice.

§ 1017.71. Taxicab safety cameras.

(a) *Generally.* Beginning on February 23, 2015, a taxicab must be equipped with one safety camera system that satisfies the requirements in this subchapter.

(b) *Inspection and approval.*

(1) A taxicab safety camera system must be inspected by the Authority prior to use.

(2) The Authority will conduct safety camera system testing to ensure the system meets the requirements of this subchapter.

(3) Upon determining that a safety camera system functions properly, the Enforcement Department will:

(i) Download and retain a view captured by each camera lens.

(ii) Seal the data extraction port.

(iii) Post notice of the safety camera system on the taxicab as provided in § 1017.77(b) (related to public notice).

(4) A safety camera system may not be used in a taxicab unless it is sealed as provided in paragraph (3). When the seal is broken or damaged, the certificate holder shall remove the taxicab from service immediately and schedule a new safety camera system inspection by the Enforcement Department.

(5) In the event that a safety camera system is not fully operational, the taxicab shall be taken out of service and the Enforcement Department shall be notified immediately.

§ 1017.72. Safety camera system testing.

(a) Safety camera system testing may include the road operation of the taxicab with an inspector while the camera system is engaged.

(b) A safety camera system is subject to a field inspection by an inspector at any time and may be tested as part of each scheduled inspection.

§ 1017.73. Approved safety camera system.

(a) The Authority will maintain a list of safety camera systems approved for use in taxicabs. The list may be obtained from the Authority's web site at www.philapark.org/tld.

(b) A safety camera system may be added to the list maintained under this section upon request of a certificate holder and evidence of compliance with this subchapter.

§ 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.

§ 1017.75. One safety camera system.

A taxicab is prohibited from containing a safety camera system other than the approved safety camera system that has been inspected and approved by the Authority for use in that taxicab.

§ 1017.76. Certificate holder responsible.

The certificate holder shall inspect each taxicab safety camera system prior to service each day to ensure it is in compliance with this subchapter and is in proper working order. A certificate holder may select a person to conduct the inspections required under this section on the certificate holder's behalf.

§ 1017.77. Public notice.

(a) The Authority will produce a standardized posting to be displayed on taxicabs to provide public notice of the presence of the safety camera system in each taxicab as provided in § 1017.12(b) (relating to required markings and information).

(b) The notice required under this section shall be affixed prominently to the exterior and interior of every taxicab that employs the use of a safety camera system.

CHAPTER 1019. DISPATCHERS

§ 1019.8. Dispatcher requirements.

(a) *General requirements.* A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including the following:

* * * * *

(16) Upon receipt of a request for wheelchair accessible vehicle (WAV) taxicab service directly from a source, including a potential customer or as provided in § 1021.16(a) (relating to service issues regarding people with disabilities), a dispatcher not authorized to dispatch WAV taxicabs shall immediately forward the potential customer's contact information and location to a WAV taxicab dispatcher through a means of electronic communication approved by the Authority.

(17) Operate and maintain a safety camera system as provided § 1017.73 (relating to approved safety camera system), including the computer hardware and software means of wireless communication necessary.

(b) *WAV taxicab dispatcher authorization and renewal.*

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[Pa.B. Doc. No. 14-2183. Filed for public inspection October 24, 2014, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 593]

High Roll Dice; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03(b) (relating to temporary table game regulations) and the specific

authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), adds Chapter 593 (relating to High Roll Dice) to read as set forth in Annex A.

Purpose

High Roll Dice is a banked, Craps-style game in which players wager on the outcome of the ten dice thrown.

Explanation of Chapter 593

Section 593.1 (relating to High Roll Dice table; physical characteristics) contains the requirements pertaining to the table layouts and other equipment used in the play of the game.

Section 593.2 (relating to wagers; die ranking) specifies which wagers are authorized for use at the game and when those wagers are to be placed. This section also addresses the ranking of the dice.

Section 593.3 (relating to dice; shaker) provides the dice and shaker specifications.

Section 593.4 (relating to procedure for completion of each round of play) specifies the how the dice are to be shaken, how the dealer is to evaluate the winning combination of dice, and the procedures for the collection of losing wagers and paying out of winning wagers.

Sections 593.5 (relating to payout odds) addresses the payout odds for permissible wagers.

Section 593.6 (relating to surveillance coverage; minimum staffing; training) specifies surveillance coverage, minimum staffing requirements for the game and dealer training.

Affected Parties

This temporary rulemaking will allow certificate holders an additional option on how to conduct table games at their licensed facilities.

Fiscal Impact

Commonwealth. The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders regarding table games Rules Submissions will be reviewed by existing Board staff.

Political subdivisions. This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding that is mandated by the act of January 7, 2010 (P. L. 1, No. 1).

Private sector. This temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games. It is anticipated that this temporary rulemaking will have an impact only on certificate holders, which are not small businesses.

General public. This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

If a certificate holder elects to offer new games for play at the licensed facility, the certificate holder will be required to submit an updated Rules Submission form and gaming guide reflecting the changes.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-185.

Contact Person

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 346-8324.

Regulatory Review

Under 4 Pa.C.S. § 13A03(b), the Board's authority to adopt temporary regulations governing the rules of new table games does not expire. Additionally, temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12a) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03(b), the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 593.1—593.6 to read as set forth in Annex A.

(2) The temporary regulations are effective October 25, 2014.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations are subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board has certified this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

WILLIAM H. RYAN, Jr.,
Chairperson

Fiscal Note: 125-185. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart K. TABLE GAMES****CHAPTER 593. HIGH ROLL DICE**

Sec.	
593.1.	High Roll Dice table; physical characteristics.
593.2.	Wagers; die ranking.
593.3.	Dice; shaker.
593.4.	Procedure for completion of each round of play.
593.5.	Payout odds.
593.6.	Surveillance coverage; minimum staffing; training.

§ 593.1. High Roll Dice table; physical characteristics.

(a) High Roll Dice shall be played at a table having betting positions for five players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a High Roll Dice table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) At each betting position:

(i) For the Like Kind Boulevard Wagers, seven circles containing the numbers two of a kind through eight of a kind.

(ii) For the Millionaire Row Wagers, two circles containing the numbers nine of a kind and ten of a kind and the inscription "First Roll Side Bet."

(iii) For the Pip Street Wagers, a depiction of six dice displaying a value of one through six with the two-spot die farthest to the player's left and the one-spot die farthest to the player's right.

(iv) An inscription advising players that all Pip Street, Like Kind Boulevard and Extra Roll Wagers must be of equal value.

(v) An extra-roll sensor for the placement of the Extra Roll Wager.

(3) The payout odds, in accordance with § 593.5 (relating to payout odds), for all permissible wagers offered by the certificate holder. If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each High Roll Dice table.

(4) A throw box set into the surface of the High Roll Dice table. The throw box layout must contain an area for the placement of dice labeled "Ace" through "Six" with the "Ace" box farthest to the left of the dealer and the "Two" box farthest to the right of the dealer.

(c) The High Roll Dice table must have an electronic system for the placement of Extra Roll Wagers. The electronic system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Extra Roll Wager.

(2) A device that controls or monitors the placement of Extra Roll Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Extra Roll Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each High Roll Dice table must have a drop box with a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

§ 593.2. Wagers; die ranking.

(a) All wagers shall be made before the dice are shaken by the dealer.

(b) Wagers shall be made by placing value chips or plaques on the appropriate areas of the layout. Verbal wagers accompanied by cash may not be accepted.

(c) Only players who are seated at a High Roll Dice table may place a wager at the game. Once a player has placed a wager, that player shall remain seated until the completion of the round of play.

(d) For High Roll Dice, a die with a value of 1, or ace, is the highest in rank followed by a 6, 5, 4 and 3, with a 2 being the lowest value die.

(e) The following wagers are authorized in High Roll Dice:

(1) To participate in a round of play, each player shall place a Pip Street Wager on any or all of the depictions of six dice contained at the top of the player's wagering area. For purposes of the Pip Street Wager, the player is wagering on which die face will occur the greatest number of times in the first roll. For example, if a dealer throws:

(i) Three 6s and four 4s, the 4s occurred the most during the first roll.

(ii) Three 6s and three 1s, the 1s occurred the most as an ace has a higher value than a 6 for purposes of High Roll Dice.

(2) After placing a Pip Street Wager, a player may place a Like Kind Boulevard Wager equal to the player's Pip Street Wager on any or all of the numbered circles two through eight. For purposes of the Like Kind Wager, the player is wagering on how many of the most matching dice will be rolled on the first roll. For example, if a dealer throws:

(i) Three 6s and four 1s, the result would be four matching dice, or a four-of-a-kind.

(ii) Five 2s and three 1s, the result would be five matching dice, or a five-of-a-kind.

(3) If a player placed a Like Kind Boulevard Wager, the player may also place on the extra-roll sensor an Extra Roll Wager, equal to the player's Like Kind Boulevard Wager. An Extra Roll Wager will entitle the player to an additional throw of nonmatching dice. For example, if a dealer threw two 6s and four 1s on the first throw and two additional 1s on the second roll, there would be a total of six matching dice, or a six-of-a-kind.

(4) A player may place a Millionaire Row Wager on either or both of the numbered nine or ten circles. For purposes of the Millionaire Row Wager, the player is wagering that all nine or ten dice will match on the first roll. The Millionaire Row Wager may not be more than \$1.

§ 593.3. Dice; shaker.

(a) High Roll Dice shall be played with ten 19 mm dice. Dice used in the play of the game shall comply with § 603a.12(a)(2)—(10) and (d) (relating to dice; physical characteristics) and the receipt and inspection require-

ments in § 603a.13 (relating to dice; receipt, storage, inspection and removal from use).

(b) High Roll Dice shall be played with a dice shaker, approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), which shall be used to shake the ten dice to arrive at the winning combinations. The dice shaker shall be designed and constructed to maintain the integrity of the game and must:

(1) Be capable of effectively shaking ten dice. Dice that have been placed in a dice shaker for use in gaming may not remain on a table for more than 24 hours.

(2) Have the name or logo of the certificate holder imprinted or impressed thereon.

(c) The dice shaker is the responsibility of the dealer and may not be left unattended while at the table.

(d) A shaker and ten dice shall be present at the High Roll Dice table for gaming.

§ 593.4. Procedure for completion of each round of play.

(a) After all players have placed their wagers, the dealer shall announce "no more bets" and if any player placed an Extra Roll Wager use the electronic device to prevent the placement of additional Extra Roll Wagers. If any Extra Roll Wagers have been made, the dealer shall collect the wagers and place them in the table inventory container.

(b) The dealer shall cover and shake the shaker containing the dice at least three times to cause a random mixture of the dice. The dealer shall then simultaneously throw the dice into the throw box. A roll of the dice shall be invalid if any of the dice go off the table or if one die comes to rest on top of the other.

(c) In the event any of the dice do not land flat on the table (for example, one edge of the die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost or skyward. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be placed back in the throw cup, shaken and rethrown.

(d) When the dice come to rest from a valid throw, the dealer shall call out which die of the highest value occurs the most.

(e) After the first roll, the dealer shall announce to the players the matching dice of the highest value. After announcing the winning combination, the dealer shall move all matching dice of the highest value into the corresponding box on the throw box layout. For example, if there were four 5s, three 6s and two 1s and one 4, the dealer shall move the four 5s into the box on the throw layout labeled "Five." To move the dice to the designated area on the throw box layout, the dealer shall leave the dice exposed and may not cover the dice or impede surveillance's ability to view the dice at any time the dice are on the throw box layout.

(f) The dealer shall then settle each player's first roll wagers as follows:

(1) The dealer shall collect the player's losing Pip Street Wagers and pay out all winning Pip Street Wagers in accordance with § 593.5(a) (relating to payout odds). For example, if a player placed a Pip Street Wager on the 5 die and the 2 die and the dealer threw four 5s, three 6s

and two 1s and one 4, the dealer shall collect the losing Pip Street Wager placed on the 2 die and pay out the winning Pip Street Wager placed on the 5 die.

(2) For the Like Kind Wager, if a player:

(i) Did not place an Extra Roll Wager, the dealer shall collect the player's losing Like Kind Boulevard Wagers and pay out any Like Kind Boulevard Wagers in accordance with § 593.5(b). For example, if the dealer threw four 5s, three 6s and two 1s and one 4, the dealer shall collect all Like Kind Wagers that were not placed on the four-of-a-kind circle and pay out any winning wagers that were placed on the four-of-a-kind circle.

(ii) Also placed an Extra Roll Wager, the dealer shall pay out any winning Like Kind Boulevard Wagers in accordance with § 593.5(b) and collect a player's losing Like Kind Boulevard Wagers that have no possibility of winning with an extra roll. For example, if a player wagered on the three-of-a-kind, a four-of-a-kind and a five-of-a-kind and a four-of-a-kind was thrown on the first throw, the dealer shall pay the winning four-of-a-kind, collect the Like Kind Wager placed on the three-of-a-kind and leave the player's wager on the five-of-a-kind on the table layout until it is resolved in accordance with subsection (g).

(3) The dealer shall then settle the player's Millionaire Row Wagers by collect any losing wagers and pay out any winning wagers in accordance with § 593a.5(c). For example, if nine matching dice were thrown on the first throw, the dealer shall collect all Millionaire Row Wagers that were not placed on the nine-of-a-kind and pay out any winning Millionaire Row Wagers that were placed on the nine-of-a-kind circle.

(g) If any player placed an Extra Roll Wager, the dealer shall then collect all dice except those of the highest value that were placed on a designated number on the throw box layout and place them in the shaker. For example, if the dealer threw three 6s, three 4s, two 2s and two 1s in the first throw, the three 6s would be placed on the "Six" in the throw box layout. The dealer would collect the three 4s, two 2s and the two 1s, place them in the shaker, shake and throw the remaining dice in accordance with subsections (b) and (c).

(h) When the dice come to rest from a valid throw, the dealer shall call out the number of additional dice that match the highest number of matched dice thrown in the first throw. For example, if after the first throw three 6s were placed on the "Six" in the throw box layout and on the second throw an additional two 6s were thrown, the extra roll would result in a total of a five-of-a-kind. The dealer shall collect any losing Like Kind Boulevard Wager and pay out any winning Extra Roll, or Second Roll, Wagers in accordance with § 593.5(d), provided that if a player was paid out on a winning Like Kind Wager after the first roll, the player may not be paid out on the second roll for the same number. For example, if a player placed a winning Like Kind Wager on the four-of-a-kind and if no additional matching dice were thrown on the second roll, the player may not be paid out for the four-of-a-kind for the Extra Roll Wager.

§ 593.5. Payout odds.

(a) The certificate holder shall pay out winning Pip Street Wagers at the following odds:

<i>Die Value with Most Matches</i>	<i>Payout Odds</i>
Two	6 to 1
Three	6 to 1

<i>Die Value with Most Matches</i>	<i>Payout Odds</i>
Four	5 to 1
Five	4 to 1
Six	4 to 1
One/ace	3 to 1

(b) The certificate holder shall pay out winning Like Kind Wager at the following odds:

	<i>Payout Odds</i>
Eight-of-a-kind	5,000 to 1
Seven-of-a-kind	400 to 1
Six-of-a-kind	30 to 1
Five-of-a-kind	4 to 1
Four-of-a-kind	1 to 1
Three-of-a-kind	3 to 5
Two-of-a-kind	12 to 1

(c) The certificate holder shall pay out winning Millionaire Row Wagers at the following odds:

	<i>Payout</i>
Ten-of-a-kind	\$1,000,000
Nine-of-a-kind	\$50,000

(d) The certificate holder shall pay out winning Extra Roll (Second Roll) Wagers at the following odds:

	<i>Payout Odds</i>
Eight-of-a-kind	50 to 1
Seven-of-a-kind	10 to 1
Six-of-a-kind	4 to 1
Five-of-a-kind	2 to 1
Four-of-a-kind	1 to 1
Three-of-a-kind	8 to 1

§ 593.6. Surveillance coverage; minimum staffing; training.

(a) A certificate holder offering High Roll Dice shall have at least two stationary cameras for each table with one camera covering the throw box and one camera covering the remainder of the table.

(b) A certificate holder shall maintain at least one dealer for each High Roll Dice table.

(c) A floorperson may not supervise more than four tables comprised of any combination of banking table games excluding:

- (1) Baccarat.
- (2) Midibaccarat.
- (3) Craps.
- (4) Mini-Craps.
- (5) Pai Gow.
- (6) Three Dice Football.

(d) A dealer who has completed a course of training in accordance with § 611a.3(a) (relating to employee training by certificate holders) and would like to be trained to deal High Roll Dice shall successfully complete 10 hours of training. Provided that a dealer who has successfully completed a course of training in Craps does not need to complete an additional 10 hours of training prior to dealing High Roll Dice. Dealers shall complete a table test required under § 611a.5 (relating to table test; employee personnel file) prior to dealing High Roll Dice on the gaming floor.

[Pa.B. Doc. No. 14-2184. Filed for public inspection October 24, 2014, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 443]

Roadside Rest Areas

The Department of Transportation, under the authority in section 8 of the act of June 7, 1961 (P. L. 257, No. 151) (36 P. S. § 478.18), amends Chapter 443 (relating to roadside rest areas) to read as set forth in Annex A.

Purpose of Chapter 443

The purpose of Chapter 443 is to set forth rules to ensure the comfort, convenience, cleanliness, attractiveness and safety of roadside rest areas for the benefit of the general motoring public using these facilities.

Purpose of this Final-Form Rulemaking

The purpose of this final-form rulemaking is to provide greater detail in the delineation of permissible and impermissible activities to ensure that roadside rest areas continue to exist as comfortable, convenient, clean, attractive and safe places for the general motoring public to refresh themselves along Commonwealth highways in furtherance of ensuring the safety of the motoring public.

Summary of Comments and Changes to the Final-Form Rulemaking

The Department published a proposed rulemaking at 42 Pa.B. 4702 (July 28, 2012) with a 30-day public comment period. The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees. The Department did not receive comments from the House and Senate Committees or the public. IRRC provided the following comments.

IRRC noted that § 443.2 (relating to prohibited activities or actions) is a list of prohibited activities and actions. IRRC further noted that § 443.2(10) is essentially a list of exceptions to the prohibition of releasing pets or unloading livestock. To make § 443.2(10) clearer, IRRC suggested that the Department include a transition to subparagraphs (i)—(iii) by adding language such as “with the following exceptions.” The Department incorporated IRRC’s recommended change.

IRRC noted that the provisions and topics in proposed § 443.4 also appear in § 443.2 or could be included there.

Regarding proposed § 443.4(a), IRRC specifically recommended this subsection be deleted as it is duplicative of § 443.2(2). The Department adopted this recommendation and deleted § 443.4(a).

Regarding proposed § 443.4(c), IRRC specifically noted that this section relates to the 2-hour limit to repair a vehicle, which is further explained in § 443.2(9). IRRC stated it may be clearer to include proposed § 443.4(c) in § 443.2(9). The Department agreed with IRRC’s recommendation and deleted § 443.4(c) and moved the language, in slightly a modified form, to the end of § 443.2(9).

Regarding proposed § 443.4(b), IRRC noted that given the possibility that § 443.4(a) and (c) may be deleted, proposed § 443.4(b), regarding unattended vehicles, could be phrased as a prohibition under § 443.2. The Department therefore deleted § 443.4(b) and moved this language to the end of § 443.2(2).

Therefore, proposed § 443.4 has been withdrawn.

Persons and Entities Affected

This final-form rulemaking will affect those members of the motoring public who use roadside rest areas.

Fiscal Impact

Implementation of this final-form rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. Minimal additional monitoring or enforcement will be required at roadside rest areas.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 17, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 4702, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 3, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 4, 2014, and approved the final-form rulemaking.

Sunset Provisions

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under the act of June 7, 1961 (P. L. 257, No. 151) (36 P. S. §§ 478.11—478.18). However, the Department will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for this final-form rulemaking is Diane M. Chamberlin, Director, Bureau of Office Services, Department of Transportation, 400 North Street, Harrisburg, PA 17105, dchamberli@pa.gov.

Findings

The Department finds that:

(1) Public notice of proposed rulemaking was given under 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, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the comments were considered.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 443, are amended by amending §§ 443.1—443.3 to read as set forth in Annex A.

(*Editor's Note:* Proposed § 443.4 included in the proposed rulemaking has been withdrawn by the Department.)

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and from, as required by law.

(c) The Secretary of the Department shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

(d) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

BARRY J. SCHOCH, PE,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 6051 (September 20, 2014).)

Fiscal Note: Fiscal Note 18-431 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE III. HIGHWAYS

CHAPTER 443. ROADSIDE REST AREAS

§ 443.1. Purpose and policy.

(a) This chapter is promulgated for the purpose of providing comfortable, convenient, clean, attractive and safe places for the general motoring public and to set forth rules to insure the maximum comfort, convenience, cleanliness, health and safety of those members of the general public using the facilities.

(b) This chapter applies to all rest areas administered by the Department, including those containing information centers for the traveling public, that is, Welcome Centers.

(c) This chapter is intended to limit activities and actions in roadside rest areas to those that are consistent with the purpose of the facilities.

§ 443.2. Prohibited activities or actions.

The following specified activities or actions are prohibited in roadside rest areas:

(1) Failure to comply with posted traffic signs and markings.

(2) Parking or standing of a vehicle for more than 2 hours in a single 24-hour period or in excess of the posted time limit. Vehicles unattended for more than 24 hours will be considered abandoned and subject to removal and storage at the sole cost and expense of the owner.

(3) Driving or parking of a vehicle in areas other than those provided.

(4) Defacing or damaging buildings or other facilities.

(5) Igniting or maintaining fires for heating or cooking equipment, except in areas or facilities designed for the purpose.

(6) Depositing or disposing of refuse or waste, except picnic waste and contents of vehicle litter bags, which shall be deposited only in areas or containers provided for that purpose. Disposing of camping, sewage or household refuse in these areas is prohibited.

(7) Consumption of alcoholic beverages or the use, possession or delivery of controlled substances.

(8) Discharging or shooting of firearms or bows and arrows, hunting or fishing, or parking of vehicles for the purpose of hunting or fishing outside of the rest area.

(9) Maintenance or repairing of vehicles or attachments to vehicles—oil changes, filter replacements, draining of coolants, washing vehicles or attachments to vehicles, motor disassembly or assembly, and the like—except in emergencies or when the vehicle has been placed out of service by law enforcement after roadside inspection and the repairs needed to return the vehicle to service can be completed within 2 hours. If the repairs needed to return the vehicle to service cannot be completed within 2 hours, the vehicle should be towed for repair to an appropriate garage or repair facility.

(10) Release of pets or unloading of livestock, with the following exceptions:

(i) Animals on leashes are permitted only in areas designated as pet areas.

(ii) Pets may be permitted off-leash in designated fenced-in areas.

(iii) Seeing-eye dogs and service dogs are not restricted.

(11) Picking, cutting, breaking, damaging or abuse of plants or vegetation or parts thereof.

(12) Use of the area or facilities for bathing or washing of garments or clothing.

(13) Sale of a product or conduct of other commercial activity listed in subparagraph (i) or (ii) except when authorized by law or when, in furtherance of the needs of the traveling public, the Department authorizes, by written agreement:

(i) Commercial activities, sponsorship opportunities, or vending and communication facilities in roadside rest areas along limited access rights of way.

(ii) Commercial activities, sponsorship opportunities, or vending or communication facilities in roadside rest areas not along limited access rights of way.

(14) Driving a motor vehicle in excess of 25 miles per hour, except on entrance or exit ramps.

(15) Use of the area or facilities when closed for the season or closed for any other reason.

(16) Engaging in loud, boisterous or abusive conduct or engaging in or soliciting lewd or lascivious conduct, including, but not limited to, sexual intercourse, indecent exposure, open lewdness or prostitution.

(17) Skateboarding, rollerblading, skating, biking, sledging or riding of all-terrain vehicles.

(18) Camping overnight or setting up a tent, sleeping anywhere but in a legally parked vehicle or remaining anywhere at a roadside rest area for more than 2 hours or as otherwise posted.

(19) Smoking in areas designated as “no smoking.”

(20) Distributing written materials, except on terms and conditions the Department deems appropriate.

(21) Use of the area or facilities for special events, except for free “coffee break” events and similar nonprofit activities for the traveling public when approved by the Department and on terms and conditions the Department deems appropriate.

(22) Other potentially disruptive activities that interfere with the proper functioning of the rest area for the purposes in § 443.1 (relating to purpose and policy), including, but not limited to:

(i) Soliciting, harassing, intimidating or coercing travelers.

(ii) Impeding the movement of pedestrians or interrupting traffic flow.

(iii) Picketing, demonstrating or performing oration or similar activities.

§ 443.3. Additional prohibited activities or actions on noninterstate highways.

In addition to the activities prohibited in § 443.2 (relating to prohibited activities or actions), parking of commercial vehicles or the parking of a vehicle between dusk and dawn is prohibited in roadside rest areas along noninterstate highways unless otherwise posted by the Department.

[Pa.B. Doc. No. 14-2185. Filed for public inspection October 24, 2014, 9:00 a.m.]