

# PROPOSED RULEMAKING

## PHILADELPHIA PARKING AUTHORITY

[ 52 PA. CODE CH. 1017 ]

### Safety Camera Requirements

The Philadelphia Parking Authority (Authority), on June 25, 2015, adopted a proposed rulemaking order regarding taxicab safety cameras.

*Proposed Rulemaking Order; Philadelphia Taxicab and Taxicab Safety Cameras; Doc. No. 126-12*

#### Proposed Rulemaking Order

*By the Authority:*

The Authority is the sole regulator<sup>1</sup> of all taxicab and limousine service in Philadelphia.<sup>2</sup> 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 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 previously referenced reasons.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 6, 2015, the Authority submit-

<sup>1</sup> The act of July 16, 2004, (P. L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the "act")

<sup>2</sup> The Authority may promulgate taxicab and limousine regulations. 53 Pa.C.S. §§ 5722 and 5742.

ted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Authority provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Authority, the General Assembly and the Governor of comments, recommendations or objections raised.

#### 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)(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 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 web site at [www.philapark.org/tld](http://www.philapark.org/tld).

8. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

**Fiscal Note:** 126-12. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 52. PUBLIC UTILITIES**  
**PART II. PHILADELPHIA PARKING AUTHORITY**  
**Subpart B. TAXICABS**  
**CHAPTER 1017. VEHICLE AND EQUIPMENT**  
**REQUIREMENTS**  
**Subchapter G. SAFETY CAMERAS**

**§ 1017.74. Safety camera requirements.**

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(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. ]**

[Pa.B. Doc. No. 15-1686. Filed for public inspection September 18, 2015, 9:00 a.m.]