

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

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.

*Final Rulemaking Order Taxicab Safety Cameras;
Doc. No. 126-12*

Final Rulemaking Order

By the Authority:

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.¹ The purpose of the final-form rulemaking is to revise the current taxicab safety camera regulation to assure more rapid compliance. The Authority issued a proposed regulation at this docket number on June 25, 2015. The initial public comment period for this rulemaking proceeding concluded on October 19, 2015. The Independent Regulatory Review Commission (“IRRC”) confirmed by letter dated November 18, 2015 to the Authority that it would not comment on the proposed regulation. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation

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. The final-form regulation will remove the transmission requirement.

Discussion

The Authority has reviewed the public comments to the proposed regulation and provides the following necessary responses. IRRC did not submit comments.

§ 1017.74. Safety camera requirements.

The 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.

On October 1, 2015, Pennsylvania Taxi Association, (“PATA”) submitted comments to the proposed regulation. Those comments noted support for safety cameras and an

interest in eliminating a regulation that requires taxicabs to operate with safety partitions between the driver and the passenger(s). This regulation does not seek to modify the existing regulation related to taxicab partitions.

On October 16, 2015, the Philadelphia Taxi Association, Inc. (“PTA”) submitted comments to the proposed regulation. PTA’s comments do not address the proposed regulation, which eliminates the image transmission requirement from the existing taxicab safety camera regulation. PTA’s comments challenge the propriety of the overall safety camera regulations, which is not the subject of the proposed rulemaking order or the final-form regulation.

On October 23, 2015, PATA filed additional comments, although after the public comment period had expired on October 19, 2015. PATA’s comments incorporate an order from the Pennsylvania Commonwealth Court dated June 3, 2015 denying the Authority’s motion to dismiss an action on the pleadings in a claim filed by some taxicab owners regarding parts of the safety camera regulation. (*Black Point Taxi, v Phila. Parking Authority*, 76 M.D. (2015)). The order referenced by PATA does not relate to the proposed regulation.

Affected Parties

The regulation will affect taxicab owners, drivers and those who travel in taxicabs.

Fiscal Impact

The final-form regulation will have no fiscal impact or increase any paperwork obligation as to any party, the Commonwealth, any political subdivisions, private sector person or the general public.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 6, 2015, the Authority submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 5684 (September 19, 2015), to IRRC and the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 20, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective January 20, 2016.

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;

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

section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 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 adopts the final regulations; *Therefore,*

It Is Ordered That:

1. The regulations of the Authority, 52 Pa. Code Chapter 1017, are amended by amending § 1017.74 to read as set forth at 45 Pa.B. 5684.

2. The Executive Director shall cause this order and 45 Pa.B. 5684 to be submitted to the Office of Attorney General for approval as to legality.

3. The Executive Director shall cause this order and 45 Pa.B. 5684 to be submitted for review by the designated standing committees of both Houses of the General Assembly, and for formal review by IRRC.

4. The Executive Director shall cause this order and 45 Pa.B. 5684 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 45 Pa.B. 5684 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 45 Pa.B. 5684 upon each of the commentators and take all other actions necessary to successfully complete the promulgation of this regulation.

7. The final-form regulation shall become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person for this rulemaking is Dennis G. Weldon, Jr., General Counsel, (215) 683-9630.

VINCENT J. FENERTY, Jr.,
Executive Director

(Editor's Note: See 46 Pa.B. 729 (February 6, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 126-12 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 16-366. Filed for public inspection March 4, 2016, 9:00 a.m.]