

CHAPTER 1003. SPECIAL PROVISIONS

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Cross References

This chapter cited in 52 Pa. Code § 1001.101 (relating to applications for waiver of formal requirements).

EMERGENCY RELIEF**§ 1003.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Adjudication Department—The department of the TLD created to conduct certain adjudications and other assigned functions as provided in § 1003.73 (relating to Adjudication Department).

Emergency—A situation which presents a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled public meeting.

Emergency order—An ex parte order issued by the Authority's Chairperson, the Executive Director, the Director or a standing presiding officer in the Adjudication Department in response to an emergency.

Interim emergency order—An interlocutory order issued by a presiding officer which is immediately effective and grants or denies injunctive relief during the pendency of a proceeding.

EX PARTE EMERGENCY ORDERS**§ 1003.11. Petitions for issuance of emergency orders.**

(a) To the extent practicable, a petition for emergency order must be in the form of a petition as set forth in § 1005.21 (relating to petitions generally) and shall be served on the persons directly affected by the application.

(b) A petition for emergency order must be supported by a verified statement of facts which establishes the existence of an emergency, including facts to support the following:

- (1) The petitioner's right to relief is clear.
- (2) The need for relief is immediate.
- (3) The injury would be irreparable if relief is not granted.
- (4) The relief requested is not injurious to the public interest.

§ 1003.12. Disposition of ex parte emergency orders.

(a) *Authorization.* The Authority's Chairperson, the Executive Director, the Director or a standing presiding officer in the Adjudication Department have the authority to issue an emergency order.

(b) *Form.* An emergency order will be issued in writing and filed with the Clerk with copies to the members of the Authority.

(c) *Ratification.* An emergency order or the denial of a petition for emergency order issued by Authority's Chairperson, the Executive Director, the Director or a standing presiding officer in the Adjudication Department will be ratified,

modified or rescinded by the Authority at the next scheduled public meeting after issuance of the order, provided that a case or controversy exists on the date of the meeting.

(d) *Service.* An emergency order or the denial of a petition for emergency order will be served by the Clerk upon the persons directly affected by the decision as provided in § 1001.51 (relating to service by the Authority) with copies to the members of the Authority.

§ 1003.13. Hearings following issuance of emergency orders.

(a) A person against whom an emergency order is issued may file a petition for an expedited hearing to determine whether the emergency order will remain in effect. The petition must conform to the form and service requirements in § 1005.21 (relating to petitions generally).

(b) The petition for expedited hearing shall be filed with the Clerk and a copy served upon the Adjudication Department's supervising presiding officer.

(c) The hearing will be held before a presiding officer within 10 days of receipt of the petition by the Clerk.

(d) If the emergency order is issued by the Authority Chairperson, the Executive Director or the Director, a presiding officer will have the authority to stay the effect of the order until the next scheduled public meeting of the Authority.

(e) The decision of the presiding officer will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating exceptions to recommended decisions).

INTERIM EMERGENCY RELIEF

§ 1003.21. Petitions for interim emergency orders.

(a) A party may submit a petition for an interim emergency order during the course of a proceeding. The petition shall be filed with the Clerk and served contemporaneously on the Adjudication Department's supervising presiding officer and on the parties.

(b) To the extent practicable, a petition for an interim emergency order must be in the form of a petition as set forth in § 1005.21 (relating to petitions generally). A petition for an interim emergency order must be supported by a verified statement of facts which establishes the existence of the need for interim emergency relief, including facts to support the following:

- (1) The petitioner's right to relief is clear.
- (2) The need for relief is immediate.
- (3) The injury would be irreparable if relief is not granted.
- (4) The relief requested is not injurious to the public interest.

(c) Allegations set forth in the petition shall be deemed to have been denied by the opposing parties and an answer is not required. A party may file an answer

in the form in § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response) no later than 5 days after service of a copy of the petition.

(d) Other pleadings, memoranda or briefs related to a petition for interim emergency order are not permitted unless specifically requested by the presiding officer.

Cross References

This section cited in 52 Pa. Code § 1003.23 (relating to issuance of interim emergency orders).

§ 1003.22. Hearing on petitions for interim emergency orders.

An interim emergency order may not be issued until the presiding officer holds a hearing on the merits of the petition. The hearing will be held within 10 days of the filing of the petition.

§ 1003.23. Issuance of interim emergency orders.

(a) A presiding officer will issue an order granting or denying interim emergency relief within 25 days of the filing of the petition.

(b) An order granting a petition for interim emergency relief will set forth the findings required under § 1003.21(b) (relating to petitions for interim emergency orders).

(c) An interim emergency order or an order denying interim emergency relief will be served as provided in § 1001.51 (relating to service by the Authority).

§ 1003.24. Form of interim emergency orders.

(a) An order following a hearing on a petition for interim emergency relief will include:

- (1) A brief description of the evidence presented.
- (2) A grant or denial of the petition.

(b) An order following a hearing on a petition for interim emergency relief may require a bond to be filed in a form satisfactory to the Director and will specify the amount of the bond.

§ 1003.25. Authority review of interim emergency orders.

(a) An order granting or denying interim emergency relief is immediately effective upon issuance by the presiding officer. A stay of the order will not be permitted while the matter is being reviewed by the Authority.

(b) The decision of the presiding officer will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating to exceptions to recommended decisions). Failure of the Authority to act within 30 days of the date exceptions are filed will be deemed to be an affirmance of the decision of the presiding officer.

OUT OF SERVICE**§ 1003.31. Definitions.**

The following words and terms, when used in § 1003.32 (relating to out of service designation), have the following meanings, unless the context indicates otherwise:

Out of service—Temporary prohibition from the exercise of rights granted by the Authority under the act due to a public safety concern or a violation of the act, this part or an order of the Authority. An out of service designation will be narrowly tailored to create the most limited reduction of rights necessary to protect the public interest.

Public safety concern—Behavior of an individual or condition of a vehicle or equipment which have an immediate and direct adverse impact upon the orderly operation of taxicabs and limousines in Philadelphia or which present a direct threat to public safety. For example, a limousine with a damaged windshield, a taxicab with expired or suspended registration, or a taxicab driver subject to a police arrest warrant may each result in an immediate out of service designation because it is a public safety concern.

Authority

The provisions of this § 1003.31 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1003.31 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial page (360349).

§ 1003.32. Out of service designation.

(Editor's Note: This regulation has been recognized as invalid as applied to partial-rights taxicabs. Germantown Cab Company v. Philadelphia Parking Authority, 155 A.3d 669 (Pa. Cmwlth. 2017).)

(a) Vehicles.

(1) Upon observation of a condition of a taxicab or limousine that creates a public safety concern, the Enforcement Department may immediately place the taxicab or limousine out of service. Public notice of a vehicle's out of service status will be conspicuously affixed to the vehicle and may only be removed by the Authority after inspection as provided in § 1017.36 (relating to reinspection) or by order as provided in subsection (h).

(2) Upon observation of a condition of a taxicab or limousine that violates the act, this part or an order of the Authority, and which does not constitute an immediate public safety concern, the Enforcement Department will provide notice of the violation to the certificate holder as provided § 1001.51 (relating to service by the Authority) and its intent to initiate an out of service designation against the taxicab or limousine. If the certificate holder does not provide proof to the Enforcement Department that the violation was corrected within 5 days of the notice, the Enforcement Department may place the taxicab or limousine out of service as provided in paragraph (1).

(b) *Drivers.* A driver's certificate issued by the Authority under section 5706 of the act (relating to driver certification program) may be placed out of service by the Enforcement Department upon determination that the driver's operation of a taxicab or limousine will create a public safety concern or if the driver fails to appear at TLD Headquarters upon direction of the Enforcement Department without just cause.

(c) *Certificates and other rights.* When a regulation or order of the Authority directs that a certificate or other right issued by the Authority be placed out of service, the Enforcement Department will provide notice of the violation to the certificate holder as provided in § 1001.51 and its intent to initiate an out of service designation against the certificate or other right issued by the Authority. If the certificate holder does not provide proof to the Enforcement Department that the violation was corrected within 5 days of the notice, the Enforcement Department may place the certificate or other right issued by the Authority out of service and the procedures of this section apply.

(d) *Notice to the Clerk.* The Enforcement Department will provide notice of an out of service designation to the Clerk. The notice will be provided by 4:30 p.m. on the next day during which the Authority maintains office hours as provided in § 1001.8 (relating to Authority office hours and address). The notice will include the date and time that the out of service designation was made, and the following information about the respondent, if available:

- (1) Name.
- (2) Address.
- (3) Email address.
- (4) Telephone number.
- (5) Authority number assigned to the out of service rights.

(e) *Hearing to be scheduled.* Upon notification of an out of service designation as provided in subsection (c), the Clerk will schedule a hearing before an Adjudication Department presiding officer within 3 days of the out of service designation.

(f) *Formal complaint.*

(1) The Enforcement Department will file a formal complaint with the Clerk against the out of service respondent for the violations forming the basis of the out of service designation within 2 days of the designation. The complaint will be served as set forth in § 1001.51. The Enforcement Department is not prohibited from issuing and filing a formal complaint at the time notice is issued of its intent to initiate an out of service designation as provided in this section.

(2) The out of service designation will be terminated and the Clerk will notify the respondent and the presiding officer of the cancellation of the scheduled hearing in the event a complaint is not filed as provided in paragraph (1).

(3) The out of service respondent shall file an answer to the Enforcement Department's complaint as provided in § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response). The answer shall be filed with the Clerk and served as provided in § 1001.52 (relating to service by a party). If the formal complaint is a form citation as provided in

§ 1005.13 (relating to citation complaints by the Authority), the out of service respondent shall respond to the citation under § 1005.13(b).

(g) *Scope of hearing.*

(1) The averments of the Enforcement Department's complaint filed as provided in subsection (f)(1) will be deemed denied by the respondent for purposes of the out of service hearing.

(2) At the out of service hearing, the Enforcement Department will bear the burden of proof by a preponderance of the evidence that the out of service designation remains appropriate under this section. The respondent may submit evidence, cross-examine Enforcement Department witnesses and otherwise participate in the hearing as provided by Chapter 1005 (relating to formal proceedings).

(h) *Order.* An order following an out of service hearing may rescind, modify or continue the out of service designation. When an order of the presiding officer modifies or continues an out of service designation, the order will include a prompt date for a hearing on the Enforcement Department's formal complaint.

(i) *Appeal.* The decision of the presiding officer will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating to exceptions to recommended decisions).

Authority

The provisions of this § 1003.32 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1003.32 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (360349) to (360350) and (372493).

Cross References

This section cited in 52 Pa. Code § 1003.31 (relating to definitions); 52 Pa. Code § 1011.3 (relating to annual rights renewal process); 52 Pa. Code § 1011.4 (relating to annual assessments and renewal fees); 52 Pa. Code § 1011.5 (relating to ineligibility due to conviction or arrest); 52 Pa. Code § 1011.11 (relating to record retention); 52 Pa. Code § 1011.15 (relating to death or incapacitation of a certificate holder or certain persons with controlling interest); 52 Pa. Code § 1017.31 (relating to vehicle inspections by the Authority); 52 Pa. Code § 1017.33 (relating to failure to appear for scheduled inspection); 52 Pa. Code § 1017.35 (relating to failure to submit to field inspection); 52 Pa. Code § 1017.42 (relating to prerequisites to inspection); 52 Pa. Code § 1017.51 (relating to definitions); 52 Pa. Code § 1021.11 (relating to driver requirements); 52 Pa. Code § 1025.2 (relating to insurance forms and procedures); 52 Pa. Code § 1051.3 (relating to annual rights renewal process); 52 Pa. Code § 1051.4 (relating to annual rights renewal fees); 52 Pa. Code § 1051.5 (relating to ineligibility due to conviction or arrest); 52 Pa. Code § 1051.10 (relating to record retention); 52 Pa. Code § 1051.14 (relating to death or incapacitation of a certificate holder or certain persons with controlling interest); 52 Pa. Code § 1055.15 (relating to failure to submit to field inspection); 52 Pa. Code § 1055.19 (relating to prerequisites to inspection); and 52 Pa. Code § 1055.31 (relating to definitions).

Subchapter B. INFORMAL PROCEEDINGS GENERALLY

Sec.

1003.41. Form and content of informal complaints.

1003.42. Authority action on informal complaints.

1003.43. Other initiation of formal complaints.

§ 1003.41. Form and content of informal complaints.

(a) Informal complaints averring a violation of the act, this part or an order of the Authority may be by letter or other writing. A form of informal complaint is not required, but in substance the report, letter or other writing must contain the essential elements of a formal complaint as specified in § 1005.12 (relating to content of formal complaints).

(b) Informal complaints shall be filed with the Clerk.

(c) Subsection (a) supersedes 1 Pa. Code § 35.5 (relating to form and content of informal complaints).

Cross References

This section cited in 52 Pa. Code § 1001.10 (relating to definitions).

§ 1003.42. Authority action on informal complaints.

(a) *Filing.* The Clerk will place a copy of an informal complaint related to a docketed matter in the official document folder. Each informal complaint will be forwarded to the Enforcement Department for review, unless the Enforcement Department is the subject of the complaint, in which case the matter will be referred to the Director.

(b) *Authority staff review.* The purpose of staff review will be to determine if the subject matter is within the Authority's jurisdiction and, if warranted, institute an informal investigation. Informal investigations are typically undertaken to gather data or to substantiate allegations of potential violations of the act, this part or order of the Authority and are conducted without hearing.

(c) *Authority staff action.* Upon the completion of the informal investigation of an informal complaint, staff will notify the informal complainant of the results. When staff determines that no violation or potential violation of the act, this part or an order of the Authority has occurred, the informal investigation will be terminated by letter.

(d) *Initiation of formal complaint.* In the event it is determined by staff, in conjunction with the Office of Trial Counsel, that a violation of the act, this part or an order of the Authority has occurred and when formal action is deemed to be warranted, the Authority will file a formal complaint as provided in Chapter 1005 (relating to formal proceedings).

(e) *Caveat.* The submission of an informal complaint does not entitle complainant to a formal hearing before the Authority.

(f) *Supersession.* Subsections (a)—(d) supersede 1 Pa. Code §§ 35.6 and 35.7 (relating to correspondence handling of informal complaints; and discontinuance of informal complaints without prejudice).

Cross References

This section cited in 52 Pa. Code § 1005.11 (relating to formal complaints generally).

§ 1003.43. Other initiation of formal complaints.

The informal complainant may file and prosecute a formal complaint averring any violation of the act, this part or an order of the Authority by a regulated person under § 1005.11(a)(4) (relating to formal complaints generally) within 30 days of service of an informal complaint termination letter from the Enforcement Department.

Cross References

This section cited in 52 Pa. Code § 1005.11 (relating to formal complaints generally); and 52 Pa. Code § 1005.24 (relating to appeals from actions of the staff).

Subchapter C. APPLICATIONS AND PROTESTS

Sec.

- 1003.51. Applications generally.
- 1003.52. Contents of applications.
- 1003.53. Applications requiring notice.
- 1003.54. Protests.
- 1003.55. Applications for temporary certificate of public convenience.

§ 1003.51. Applications generally.

(a) *Form.* Applications for authorization or permission filed with the Authority must conform to the requirements in this part.

(b) *Review.* Applications in nonadversarial proceedings will be reviewed by the Director. Applications in adversarial proceedings will be referred by the Director to a presiding officer with instructions to conduct hearings to develop an evidentiary record.

(c) *Approval.* In nonadversarial proceedings, the Director will make recommendations related to the approval of an application to the Authority. In adversarial proceedings, the presiding officer will issue a recommended decision related to the approval of an application to the Authority.

(d) *Denial.* The Director or the presiding officer may deny an application. The denial will be in writing and clearly detail the reasons the application was denied. Applications denied by the Director may be appealed as provided in § 1005.24 (relating to appeals from actions of the staff). Applications denied by the presiding officer shall be subject to exceptions as provided in § 1005.211 (relating to exceptions to recommended decisions).

(e) *Protest.* Applications subject to protest shall be deemed to be adversarial proceedings and shall proceed as provided in § 1003.54 (relating to protests).

(f) *Compliance; conditions for approval for certificate or registration.*

- (1) When the Authority approves an application related to a certificate of public convenience for taxicab, limousine or dispatcher services or a broker registration, the applicant will be notified of the approval by email.
- (2) The applicant shall file with the Authority within 30 days of receipt of the notice of approval or settlement, if applicable, a certificate of insurance or other security required by this part, relating to insurance and security for the protection of the public.
- (3) The applicant shall file all required tariffs and lists of applicable rates and charges with the Director prior to exercising any rights granted by the Authority.
- (4) The Authority will not issue a certificate or registration until the requirements in this subsection and in the Authority's approval notice have been met.
- (5) Failure of an applicant to comply with this section within the 30-day period referenced in paragraph (2) along with any other time periods directed in the Authority's approval notice may result in the dismissal of the application and rescission of prior approval, unless the Authority has, upon written request demonstrating good cause, extended the time for compliance.
- (6) This subsection is intended to supplement the application requirements related to each specific certificate or registration as provided in this part.
- (g) *Supersession.* Subsections (a)—(f) supersede 1 Pa. Code § 35.1 (relating to applications generally).

Authority

The provisions of this § 1003.51 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1003.51 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (372494) and (360353).

Cross References

This section cited in 52 Pa. Code § 1003.54 (relating to protests); 52 Pa. Code § 1011.18 (relating to application review generally); 52 Pa. Code § 1019.12 (relating to bond required); 52 Pa. Code § 1027.11 (relating to authority review); 52 Pa. Code § 1051.17 (relating to application review generally); and 52 Pa. Code § 1059.10 (relating to authority review).

§ 1003.52. Contents of applications.

- (a) Applications must conform to this section unless a form or other specific requirements are required in this part. Applications must include the information and be in a form the Authority requires, including the following:
 - (1) The application must be typed or printed. The application may not be handwritten. The Manager of Administration may accept handwritten driver applications if the application is legible.
 - (2) The application must state clearly and concisely the authorization or permission sought.

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(3) The application must cite by appropriate reference the statutory provisions, regulations or other authority under which the authorization or permission is sought.

(4) The application must set forth, in the order indicated, the following:

(i) The exact legal name of the applicant.

(ii) The jurisdiction under the statutes of which the applicant was created or organized and the location of the principal place of business of the applicant, when the applicant is a corporation, trust, association or other entity.

(iii) The name, title, mailing address, telephone number and electronic mail address, if available, of the person to whom correspondence or communication in regard to the application is to be addressed. The Authority will serve, when required, notices, orders and other papers upon the person named, and service will be deemed to be service upon the applicant.

(b) Subsection (a) supersedes 1 Pa. Code § 35.2 (relating to contents of applications).

§ 1003.53. Applications requiring notice.

(a) Notice of applications to the Authority for rights under the act will be published in the *Pennsylvania Bulletin* and as may otherwise be required by the Authority. This subsection does not apply to applications for taxicab driver certificates or limousine driver certificates.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.1 and 35.2 (relating to applications generally; and content of applications).

Cross References

This section cited in 52 Pa. Code § 1003.54 (relating to protests); 52 Pa. Code § 1027.8 (relating to additional application requirements); and 52 Pa. Code § 1059.7 (relating to additional application requirements).

§ 1003.54. Protests.

(a) A person may file a protest to an application for Authority rights in one of the following circumstances:

(1) The person will be directly affected by the granting of the application.

(2) The protestant can and will provide all or part of the proposed service.

(b) A person objecting to the approval of an application shall file with the Clerk and serve upon the applicant and the applicant's attorney, if any, a written protest which contains the following:

(1) The applicant's name and the docket number of the application.

(2) The name, business address and telephone number of the protestant.

(3) The name, business address and telephone number of the protestant's attorney or other representative.

(4) A statement of the protestant's interest in the application, including a statement of any adverse impact which approval of the application can be expected to have on the protestant.

(5) A list of all Authority and PUC certificate or registration numbers under which the protestant operates, accompanied by a copy of any portion of the protestant's authority upon which its protest is predicated.

(6) A statement of any restrictions to the application which would protect the protestant's interest, including a concise statement of any amendment which would result in a withdrawal of the protest.

(7) Other information required by the notice published as provided in § 1003.53 (relating to applications requiring notice).

(c) At the time a protest petition is filed the protest fee shall be paid as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule).

(d) A protest shall be filed within the time specified in the notice appearing in the *Pennsylvania Bulletin*, which will be at least 15 days from the date of publication. Failure to file a protest in accordance with this subsection shall bar subsequent participation in the proceeding, except when permitted by the Authority for good cause shown.

(e) Upon the filing of a timely protest, the application will be referred to a presiding officer of the Adjudication Department for a recommended decision as provided in §§ 1005.201—1005.204 (relating to recommended decisions). TLD staff will participate in the protest proceeding.

(f) The protestant will be allowed to participate in the proceeding as a party intervenor.

(g) A protest will be treated as a pleading and the applicant may, within 20 days after the closing date for the filing of protests, file an answer to the protest. The failure of the applicant to answer a protest will be deemed a denial of the averments made therein.

(h) Upon withdrawal of all protests prior to the initiation of the recommended decision proceeding, an application will be decided by the Director as provided in § 1003.51 (relating to applications generally).

(i) Subsections (a)—(h) supersede 1 Pa. Code §§ 35.23 and 35.24 (relating to protest generally; and effect of protest).

Cross References

This section cited in 52 Pa. Code § 1003.51 (relating to applications generally); and 52 Pa. Code § 1003.55 (relating to applications for temporary certificate of public convenience).

§ 1003.55. Applications for temporary certificate of public convenience.

(a) *Application.*

- (1) An applicant for a certificate of public convenience may seek temporary use of the rights requested on an expedited basis.
- (2) A request for temporary rights shall be made through the relevant application form which may be obtained on the Authority's web site at www.philapark.org/tld.
- (3) Temporary rights issued by the Authority will expire automatically and without further notice in the following manner:
 - (i) On the expiration date provided at the time the temporary rights are granted, which may not exceed 6 months from the date the temporary rights are granted.
 - (ii) On the date the application for nontemporary rights is granted or denied.
- (4) The Authority will include the applicant's request for temporary rights in the notice of application published in the *Pennsylvania Bulletin*.
- (b) *Standard for granting temporary certificates.* Temporary certificates are disfavored. Temporary rights will only be issued to an applicant for a certificate in the following circumstances:
 - (1) The applicant clearly identifies that an emergency situation that necessitates the granting of emergency rights exists in Philadelphia.
 - (2) The Authority determines that an emergency condition does exist in Philadelphia and that the immediate granting of the temporary rights will assist in the amelioration of the emergency.
 - (3) The applicant appears from the initial review of the application to be capable of safely and adequately providing service, including the filing of compliant rates, tariffs and proof of insurance.
- (c) *Revocation of temporary certificate.* A grant of a temporary certificate may be later revoked by the Authority if it determines that the applicant is unfit under this subpart.
- (d) *Continuation of temporary certificate.* Temporary certificates issued under this section may not be renewed or extended. A person may apply for new temporary rights upon the expiration of any previously granted temporary rights.
- (e) *Filing of protests.* A person who can and will provide all or part of the proposed service may file a protest to the temporary certificate. Protests shall be consistent with § 1003.54 (relating to protests). The protest must indicate whether it protests the application for temporary rights or for permanent rights, or both.

Subchapter D. FORMS AND GUIDANCE DOCUMENTS

Sec.
1003.61. Official forms and guidance documents.

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§ 1003.61. Official forms and guidance documents.

Forms for certain applications, petitions, complaints and other documents may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

Subchapter E. TAXICAB AND LIMOUSINE DIVISION

Sec.

- 1003.71. Definitions.
- 1003.72. TLD staffing generally.
- 1003.73. Adjudication Department.
- 1003.74. Enforcement Department.
- 1003.75. Office of Trial Counsel.
- 1003.76. Conduct.

§ 1003.71. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context indicates otherwise:

TLD—Taxicab and Limousine Division—The division of the Authority comprised of staff assigned to implement the purposes of the act, this part and the orders of the Authority.

Trial counsel—An attorney admitted to practice law before the Supreme Court of Pennsylvania who is assigned to the Office of Trial Counsel to prosecute complaints on behalf of the Authority as provided in § 1003.75 (relating to Office of Trial Counsel).

§ 1003.72. TLD staffing generally.

(a) *Director*. The Authority's Executive Director will designate a Director of the TLD to administer the operations of TLD staff and to perform the specific functions provided in the act, this part and the orders of the Authority.

(b) *Manager of Administration*. The Executive Director will designate a Manager of Administration to complete the tasks directed by this part. The Manager of Administration will report to the Director.

(c) *Administration*. The Authority's Executive Director will designate additional staff and internal TLD departments not otherwise required under this subpart to assist the Director and Manager of Administration with the implementation of the act, this part and orders of the Authority.

Cross References

This section cited in 52 Pa. Code § 1001.10 (relating to definitions).

§ 1003.73. Adjudication Department.

(a) *Designation.* The TLD will include an Adjudication Department to provide for the administration of hearings and appeals related to enforcement actions and as otherwise provided for in the act, this part or an order of the Authority.

(b) *Standing presiding officers.* The Authority will appoint at least one individual to the Adjudication Department as a standing presiding officer to facilitate the purposes of the act and this part related to hearings and appeals. The Authority may assign additional tasks to the Adjudication Department, including the obligation to produce a recommended decision under §§ 1005.201—1005.204 (relating to recommended decisions).

(c) *Qualifications.* A presiding officer appointed to the Adjudication Department shall have been admitted to practice law before the Supreme Court of Pennsylvania for at least 7 years prior to the date of designation.

(d) *Additional staff.* The Executive Director may designate additional Adjudication Department staff necessary to provide for the orderly operation of the Department, including court reporters.

(e) *Supersession.* Subsections (a)—(d) supersede 1 Pa. Code §§ 35.185—35.187 (relating to designation of presiding officers; disqualification of a presiding officer; and authority delegated to presiding officers).

Cross References

This section cited in 52 Pa. Code § 1003.1 (relating to definitions); and 52 Pa. Code § 1005.181 (relating to designation of presiding officer).

§ 1003.74. Enforcement Department.

(a) The TLD will include an Enforcement Department to be comprised of staff and inspectors necessary to conduct all functions necessary for the enforcement of the act, this part or an order of the Authority, including the following:

(1) To examine the condition and management of any entity providing taxicab service, limousine service or other products or services subject to the act.

(2) To provide technical support to trial counsel in all prosecutorial proceedings.

(3) To initiate certain formal complaints as provided in § 1005.13 (relating to citation complaints by the Authority).

(b) The Enforcement Department will be supervised by a manager appointed by the Executive Director, who will report to the Director for administrative purposes only.

Cross References

This section cited in 52 Pa. Code § 1001.10 (relating to definitions).

§ 1003.75. Office of Trial Counsel.

(a) *Designation.* The TLD will include an Office of Trial Counsel to be comprised of at least one attorney admitted to practice law before the Supreme Court of Pennsylvania. Trial counsel will be appointed by the Executive Director and will provide legal counsel and representation to the following departments:

- (1) The Enforcement Department.
- (2) Other departments of the Authority permitted by the act, this part or order of the Authority.

(b) *Duties generally.* The Office of Trial Counsel has the following duties and powers:

(1) To advise the Enforcement Department on all matters, including the granting of rights, certificates or registrations, the conduct of background investigations, audits and inspections and the investigation of potential violations of the act, this part or an order of the Authority.

(2) Make recommendations and objections relating to the issuance of certificates, registrations or other rights.

(3) Initiate, in its sole discretion, proceedings for violations of the act, this part or an order of the Authority by filing a complaint or other pleading with the Authority seeking civil fines or penalties, the imposition of conditions on a certificate, registration, other right or the suspension or cancellation of conditions on a certificate, registration or other right.

(4) Withdraw, amend or otherwise alter, in its sole discretion, a complaint or other pleading with the Authority in a manner consistent with this part.

(5) Act as the prosecutor in enforcement proceedings.

(6) Seek a settlement that may include fines, penalties or other actions or limitations on rights subject to approval by the presiding officer.

(7) Appear at administrative hearings and other proceedings before a presiding officer or the Authority.

(c) *Supervision.* The Office of Trial Counsel will be supervised by the then longest continually appointed trial counsel and will have no reporting obligations to the Director. The supervising trial counsel will report to the General Counsel on administrative matters and otherwise adhere to the requirements in this subchapter.

Cross References

This section cited in 52 Pa. Code § 1001.10 (relating to definitions); and 52 Pa. Code § 1003.71 (relating to definitions).

§ 1003.76. Conduct.

(a) Trial counsel representing the Enforcement Department, or an employee involved in the hearing process, may not discuss the case *ex parte* with a presiding officer assigned to the case, the General Counsel or an attorney assigned to the case by the General Counsel.

(b) A presiding officer, the General Counsel or an attorney assigned to the case by the General Counsel or a member of the Authority may not discuss or exercise a direct supervisory responsibility over any employee with respect to an enforcement hearing with which the employee is involved.

(c) If it becomes necessary for the General Counsel or an attorney appointed by the General Counsel or a member of the Authority to become involved on behalf of the Authority in any formal proceeding, the General Counsel or an attorney appointed by the General Counsel or the member of the Authority involved shall be prohibited from participating in the adjudication of that matter.

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