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May 20, 2008

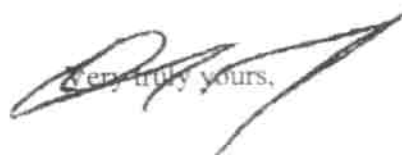
Charles Milstein
Philadelphia Parking Authority
Taxi & Limousine Division
2415 S. Swanson Street
Philadelphia, PA 19148

RE: Amended Regulations
Pennsylvania Taxi Association/Inna Freidman Comments

Dear Charlie:

Attached hereto is the letter that was sent to the TLC from PTA and Inna Friedman as a member of the Advisory Committee. PTA and Inna Friedman would like to adopt these same comments as her response to the public hearing held last week.

Thank you for consideration of these comments. I hope that the concerns are addressed and reasonable changes are implemented.


Sincerely yours,

DAVID P. TEMPLE



Dear Board of Directors:

I have reviewed the proposed changes to the Taxi and Limousine regulations and have several concerns. First I shall address the concerns with the proposed amended language.

Section 1(g) under the proposed changes references the words "in the public interest". This language appears elsewhere in these changes and is very vague. What is in the public interest? Who determines that it is in the public interest?

Section 2(x) the hearing officer is now appointed by the Board. His position makes him beholden to the PPA. Can we have an independent forum to argue disputes? Would you consider letting the industry hire their own arbitrator? That is what this amounts to as the PPA has hired their own representative to decide their fortune. There is no independent adjudication here. In every case the hearing officer has found the PPA officer credible.

Section 2(z) hospitality vehicles have been inaccurately defined from the beginning of the PPA. They were originally intended to replace airport transfer authority but were expanded to something much larger. It was the intent of the PUC and the belief of most parties when this service started that the service was going to be done in vans on a per trip basis as it has always been. Since that the authority has morphed into being a subset of limousine service, as such it should require advance reservation and luxury vehicles demanded of other limousine services. This should be incorporated into the definition.

Section 3 the problem with the issuance of orders of the Authority is that they have been used to replace regulations and the procedure required for implementation of them. The PPA constantly issues executive orders, even ones that become effective immediately and fails to abide by regulatory procedure. That is something that must stop. It steps on our rights to be heard. To give us opportunity to be heard after the fact makes it difficult for both parties, as the first would have to rescind what it has already enacted and the second must bear the burden of an order that has been imposed upon him until he can be heard and someone decide (which according to the PPA would be their own employee) Finally we again have the language of in the best interests of the public (vague)

Section 39(a)(1)(iii) Why would there be order of the Executive Director that is issued without an opportunity for prior hearing as contemplated herein? All such Executive orders should be published and offer comments pursuant to the regulatory procedure and not be forced down the industry's throat, even penalizing them before they have had an opportunity for input.

Section 39(a)(2)(k) the Advisory Committee has no real input in this procedure. It was intended upon the creation of the PPA that the advisory committee would be the driving force for regulation, now its concerns are barely even considered. The Advisory Council should have say on whether an amendment is acceptable or not prior to its creation. In any event the time frame for the Advisory Committee to respond to any such amendments must be increased. Periods of three to five days are not enough for members to seek the input of their peers and competently respond to the PPA.

Section 7 these comments go back to the definition of hospitality vehicles. This language seems inconsistent with the definition. This should not be regardless of destination. It is only from a hospitality center to points in Philadelphia. Everything else is being removed from this class. All limousine service should require advance reservation. It is important that this service is distinguished from a cab. It is allowable now to provide this service in a sedan. (while never the intention in the beginning nor the requirement under the PUC). If one is allowed to provide this service in a sedan from any hospitality center what need is their to obtain a \$185,000.00 taxi medallion, just operate out of the airport with your hospitality vehicle. This is extremely important and is open for extreme abuse if not defined properly. Failure to address it will jeopardize the value of the medallion and their ability to successfully operate.

Section 9 it is important that the restriction on limousines remain as protection for both the taxicab and the limousine community. The showing of need is a necessary requirement for the entry of new carriers. This is not a heavy burden for the Applicant and merely shows the PPA that the market needs additional carriers.

Section 13(d)(ii) as with all fines the PPA needs to be more reasonable as to amount and the responsible party (this is reviewed later in this response), therefore when there is a clause like this it should not be a penalty attributable to any party that the PPA believes is responsible because as we see this has resulted in double fines. If it is a DOV vehicle (which the PPA court must recognize) then any tampering should be presumed to the driver, if it is a shift that any tampering should be presumed to the owner

Section 15 there is a continuing problem with the seal being missing. This is not a matter the owners can address. All vehicles leave the owner with a valid seal. If the seal breaks during the day only the driver would know about it. The responsibility of this section must lie with the driver. It has been the subject on several duplicate penalties and must be addressed

Section 15(c)(i) Reinspection-vehicles should not automatically be put out of service following a bad inspection. It fails simply because of the emissions and opportunity (provided their current sticker has not expired) must be allowed to have them fix this and make a new appointment. The language may be restated so that if there is a violation that effects the safe operation of the vehicle, then it may be put out of service until reinspection.

Section 15(c)(iii) Compliance inspection-why are we replacing language that allows the carrier to correct a violation. This would now require the authority to issue a fine in all cases. We need

to go in the opposite direction and allow more cases to be correctable. Also vehicle condition should not be a cause for revocation of certificate as requested here.

Section 15(c)(iv) this requirement is excessive. While 75 Pa.C.S. §3746 is the law that only requires notice if there is an injury, death or the vehicle needs to be towed from the scene. It is still the duty of the carrier to abide by this law. Seeking an inspection after an accident requires duplicative work for everyone, but especially for the carrier who already needs to deal with the accident. What relevance is there if we strike a government vehicle? As for damages, \$500.00 can be caused by a scratch to a Mercedes in the parking lot. The remaining two are already encompassed in §3746. There should be no need to reinspect a vehicle unless it is towed from the scene which might have an effect on its operational capacity. All others are irrelevant to the need for an inspection. Furthermore if there is a required inspection then why do we need to submit a repair bill? The PPA conducts the inspection and determines whether it passes or not regardless of a repair bill

Section 19 Drivers- it is important that we address this issue today as the PPA has said they would address it for the last three years. The industry needs to know whose responsibility it is to maintain a driver's license. Tickets keep being issued for drivers operating with suspended license. Tickets are issued to both the driver and the owner. The owner has no way of knowing after a driver is hired if his license has been suspended yet they continue to get tickets. Increase the penalty for the driver for this violation but take it away from the owners (provided they are doing semi annual license checks)

Section 19(t) the language should be changed from the "TLD shall suspend, and may revoke..." to the "TLD may suspend, and may revoke..."

Section 27(h) the rules of evidence should and must apply to PPA hearings in order to properly administer justice. Carriers should not have to defend themselves against hearsay and other unreliable evidence

Section 27(j) there should be sufficient notice to a party that a default is about to occur

Section 27(m) 15 days is problematic for the response to a citation. We are not talking about a parking ticket but in some instances a \$5,000.00 fine. Parties should be allowed at least 30 days to respond as they would with a civil complaint

These sections all address the proposed changes but the PPA has many other sections that need to be addressed and should be addressed now while changes are being made rather than waiting for another set of amendments.

The most serious problem that the industry faces is that of the excessive fines levied by the PPA. This industry is a highly leveraged, low return, business that is being destroyed by petty fines (however hefty in price) that many times are correctable offenses or offenses beyond the control of the owner. When a vehicle goes out, especially a driver owned vehicle (DOV) the driver has entire control of that car. They do the maintenance, they fill the car with gas, they run

the credit transactions with the customer. They are also the ones in control of their own licensing with both PADOT and PPA. Despite this the PPA continues to fine both the owner and driver for the same violation, when the owner had no ability to change the course of action nor will he in the future. These are not fines intended to change behavior but fines that have been used to raise revenues. These fines are many times beyond statutory authority and most time unconstitutional due to their excessive nature.

When this program was set up it was believed that it would run similar to the PUC where complaints filed and then an answer supplied and a hearing scheduled. Instead the authority has chosen to pursue a guilty first approach similar to the way they handle parking tickets. This is not the way the Pennsylvania Legislature intended it. There is a process for civil penalties which requires a complaint be filed, served and litigated and that the matters be limited to \$1,000.00. The PPA is ignoring the statute and employing their own procedure to the detriment of both the industry and the Commonwealth.

A handwritten signature in cursive script, appearing to read "A. J. [unclear]", is written in the center of the page.