

THE PHILADELPHIA PARKING AUTHORITY
Taxicab and Limousine Regulations
Propose Amendments

I. Introduction.

The Philadelphia Parking Authority introduces these Proposed Amendments to its Taxicab and Limousine Regulations (the “Regulations”) pursuant to its continuing obligation to regulate the taxicab and limousine industries in Philadelphia (the “Industry”). From time to time, many factors including changes within the Industry, expectations of the public, or general economic conditions in Philadelphia, will require amendments to the Regulations, such is the case today.

The Authority’s regulation of the Industry over the past three (3) years has been marked by tremendous improvement in the quality of Industry service provided to the citizens, travelers, and business people of Philadelphia. The condition of vehicles providing service, the knowledge and courtesy of drivers, and the level of technological conveniences available to the public have all seen remarkable improvements, and further advances are planned. The Authority has worked closely with all segments of the Industry as well as individuals, businesses, and associations effected by the Industry since assuming regulatory responsibility for the Industry.

This frequent and extended interaction is crucial to the creation of an atmosphere in which the best interests of the public are met. The Authority’s local agency status permits this heightened level of interaction and allows for prompt remedial action as to matters affecting the Industry.

The Authority seeks constructive comments from the Industry and persons interested in the health and functionality of the Industry, as to these Proposed Amendments. The anticipated schedule for implementation of the regulatory change is set forth below and is subject to extension by the Authority as may be necessary.

II. Preliminary Schedule for Review of Proposed Amendments.*

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| 1. March 19, 2008. | TLC advised of Proposed Amendments at public meeting. |
| 2. March 25, 2008. | Authority Board to be advised of Proposed Amendments at public meeting. |
| 3. March 26, 2008. | Advisory Committee to be provided with copies of proposed Amendments. |
| 4. April 15, 2008. | Advisory Committee Comments due to the TLC. |
| 5. April 22, 2008. | TLC Meeting to review comments of Advisory Committee and release of Amendment for public comment. |
| 6. May 5-9, 2008. | Public Comment Hearing. |
| 7. May 12, 2008. | End of Public Comment Period. |
| 8. June 10, 2008. | TLC Meeting to review recommended Amendments. |
| 9. June 24, 2008. | Board Meeting to review and act on proposed Amendments. |

*Schedule subject to adjustment to permit additional time before final action on Proposed Amendments. Alterations to this schedule shall be posted on the TLD’s website.

III. Preliminary Notes on Proposed Amendments.

1. PURPOSE AND SCOPE.

g. This section has been amended to clarify the Authority parties capable of issuing Regulation waivers and the fundamental procedures through which such waivers may be issued.¹

2. DEFINITIONS: The following words and phrases when used in these Regulations shall have the meanings given to them in this section unless the context clearly indicates otherwise.

t. “Executive Director.” This section has been amended to reflect the Executive Director’s position as Chief Operating Officer.

x. “Hearing Officer.” To provide a minimum level of experience for the position, this section has been amended to require all Authority Hearing Officers to be licensed attorneys in Pennsylvania with a minimum of seven (7) years experience.

z. “Hospitality Vehicle Service.” This section has been amended to note the deletion of the Remote Service Provider from the Regulations.

qq. Remote Service Providers. This section has been deleted to note the deletion of the Remote Service Provider from the Regulations.

xx. “Taxicab and Limousine Committee” or “TLC.” This section has been amended to note the true name of the committee of the Board assigned to monitor Industry matters, formerly the “Taxicab and Limousine Panel” or “TLP”.

3. ORGANIZATION.

(a) Overview of Responsibilities and Protocols

This section has been amended to replace the term “decisions” with the more specific term “orders”, delete the term “made” and substitute “issued”. Clarification of the Authority parties capable of issuing orders is also made, as well as the need for a majority of a quorum of the Board to issue orders.

(a.1) Administrative Review of Orders

This new section is added to clarify the rights of regulated parties as to review of various Authority orders and decisions, the manner in which such review may be obtained, and certain guidelines as to the manner in which such review is to be conducted.

(a.2.) Appellate Review of Authority Matters

This section provides notice of the Authority office to be served process as to any Industry related action in a court of competent jurisdiction to which the Authority is a party.

b. Taxicab and Limousine Committee:

This section has been amended to reflect the proper name of the Committee of the Board assigned to monitor Industry activities. A pre-set minimum number of meetings of the TLC has also been eliminated and notice of all public meetings must now comply with the Sunshine Act.

¹ The Proposed Regulations are anticipated to have a neutral to advantageous financial impact on the effected parties; contrary anticipated consequences will be noted in each case.

f. Appearances Before the Authority

i. This subsection has been amended to reflect the ability of the Authority, including hearing officers, to establish applicable rules and procedures as to appearances before the Authority.

ii. This subsection has been amended to clarify the need for every corporation to be represented in all matters before the Authority, including hearing officers, by an attorney or a corporate officer designated by resolution of the organization.

k. Supplementation and Amendment of Regulations

This section has been deleted and replaced with a new amendment process. The initiation process has been fundamentally altered to require Authority Board approval (at a public meeting) of the start of that process before it begins; the current regulations hold no such requirement. Otherwise the amendment process remains fundamentally the same; however, it is believed the process is more plainly stated through the amendment.

p. Certain Limousine Service

This section has been added to clarify that limousine service to and from Philadelphia, including hospitality centers, shall be regulated by the Authority no differently than any other area of Philadelphia, except that violations of the Motor Vehicle Code for safety from Hospitality Centers shall be enforced through the Authority process.

5. GENERAL DUTIES OF INDUSTRY MEMBERS

h. Criminal records

This section has been added to replace subsection 19.e.6. and clarify parties that are prohibited from participation in the Industry due to sentences imposed for certain criminal activity and the period of such prohibition. To the extent this section prohibits a party from participation in the Industry it would have a significant economic impact on that party; however, it is believed that restricting the ability of certain violent criminals or parties found to have broken criminal laws as to activities they seek to provide to Industry members is in the best interests of the Industry and the public. The number of existing regulated parties believed to be prohibited from participation the Industry as a result of this section is negligible.

7. CLASSES OF LIMOSUINE SERVICE and ASSOCIATED RIGHTS

a. and e. These sections note the deletion of the Remote Carrier.

f. This section requires the TLD to create identification stickers for regulated limousines and governs the use of such identification by regulated parties.

8. CONTINUATION OF RIGHTS.

c. xiii. 3. This subsection has been amended to eliminate the perceived cap on the number of limousines that may be placed in service by an otherwise compliant Certificate Holder.

c. xiv. 6. This subsection is deleted to remove the reference to Remote Service Providers.

9. ADDITIONAL CERTIFICATES.

c. This subsection has been amended to change the process through which additional limousine certificates are issued, including the elimination of a perceived mandatory hearing. The concept of “need” has been eliminated as extremely difficult to objectively define; however, the Authority must

continue to evaluate the economic strength of each company and each company's ability to provide the applied for service, as well as the impact of each application on the Industry at large. The newspapers in which a single notice of the application shall be provided are defined, while the requirement for direct notice to each Certificate Holder by email is retained. A process for challenges is more clearly defined.

10. CERTIFIED DISPATCHER.

a. xvii. This subsection has been amended to note the elimination of the "intra-industry" dispute mechanism in Chapter 27, and emphasize the corresponding need to report violations to the TLD.

c. iii. This subsection has been amended to require notification of hearing rights and eliminate reference to a process different than that provided in Chapters 3 and 29.

f. Decertification

This section has been amended to note the new Section 5.h. regarding criminal prohibitions as a basis for decertification. The method of notifying the Certificate Holders currently subscribing to a dispatcher's service is now defined and direction is provided as to the suspension or revocation process through section 29.k.

13. VEHICLE and EQUIPMENT STANDARDS – SMALLER VEHICLES.

c. Age of Vehicle.

i. Taxicabs. This subsection has been amended to note that model years for all vehicles begin in October and to remove the prohibition from continued operation of any vehicle that will not meet the age limitation at the next scheduled TLD inspection. The amendment will clarify that both medallion taxicabs and partial rights taxicabs must comply with all vehicle standards.

ii. Limousines. This subsection has been amended to permit an otherwise complying vehicle to continue to provide service through June 30 of the year in which its model year reaches eight (8).

d. Mileage

This section has been completely revised and segmented into two (2) subsections, one for taxicabs and the other for limousines.

i. Taxicabs. There are no substantive changes.

ii. Limousines. This subsection permits entry of an otherwise complying vehicle with less than 51,000 miles. Vehicles under the age of 5 may enter service with under 75,000 miles upon successful completion of a vehicle inspection. While this mileage entry ceiling is substantially more restrictive than that applicable to taxicabs, this amendment reflects the importance of maintaining a higher quality vehicle for limousine service, while permitting some flexibility to limousine certificate holders for newer high quality vehicles with mileage above the current ceiling. The Authority will continue to monitor this mileage and condition issue for future modification in the interests of both the Industry members and the riding public.

This subsection also provides for extended service life of limousines with a seating capacity of 25 or less, including the driver, in order to address economic concerns raised in the Industry, without sacrificing safety or quality of service to the public. This subsection permits a vehicle of five (5) or less years to continue to provide service beyond the point at which it reaches 350,000 miles for one (1) year from the date that mileage ceiling is reached or the date the waiver decision is issued, whichever occurs first. A vehicle inspection is a prerequisite for this waiver.

iii. Odometers. This subsection has been amended to clarify the procedure through which the Authority will regulate odometer tampering and associated penalties.

i. Meters.

This section has been amended to clarify that a vehicle permitted to use a meter may only possess one (1) meter and that no other meter(s) may be in the vehicle while providing or appearing to provide regulated service, and that only a taxicab may use a meter. Otherwise, meters may be transported for legitimate reasons; however, only in the trunk of the vehicle as provided in the amendment. The Authority has found repeated examples of the use of improperly timed meters in taxicabs or unauthorized meters in limousines intended to provide illegal service or defraud the public.

15. INSPECTION

a. Regular Taxicab Inspections.

v. Meters.

This subsection has been amended to note the need to inspect equipment associated with taxicab meter systems, the need to seal those systems, and which party may place the seal. The sealing of taxicab meters with coded seals is crucial to the Authority's goal of prohibiting meter tampering aimed at defrauding the public.

b. Scheduled Limousine Inspections.

This section has been amended to provide for Scheduled off-site inspections of certain limousines by the Authority as provided in subsection b.(1).

b.(1) This section is added to provide for limited off-site vehicle inspections as a means of reducing financial burdens upon certain industry members, with consideration to the Authority's limited resources.

b.ix This subsection has been deleted to reflect the elimination of "Remote Service Providers".

c. Other Inspections.

i. Reinspections. This subsection has been amended to clarify that a vehicle that fails an Authority inspection shall be placed out of service immediately, and be permitted a free re-inspection only if re-presented pursuant to Authority direction the same day. The Authority believes this policy of removing unsafe vehicles from service immediately and requiring vehicle owners to bear the costs associated with repeated re-inspections, other than on the day of the appointed inspection, is reasonable and in the public interest. This subsection will not permit re-inspection fees prohibited by Pennsylvania Department of Transportation annual inspection limitations.

iii. Compliance Inspection. This subsection has been amended to reflect the applicable process following immediate out of service status following a failed vehicle inspection and to permit the Fine Schedule to provide the sole basis for certain vehicle condition fine reductions.

iv. Post-Accident. This subsection has been amended to expand the accident scenarios that will require post-accident inspections of regulated vehicles. Those scenarios generally follow those which require a police report in Pennsylvania.

v. Vehicle Change. This section has been amended to remove the requirement for an emission inspection in applicable cases.

vi. License Plate Change. This section has been amended to clarify that vehicles in this category must report to the Authority for inspection and to note the elimination of the Authority "Vehicle Identification Card".

vii. Equipment change. This section notes the need to report to the Authority immediately for inspection of any substituted meter. Alterations or replacement of other required equipment will result in the need for an inspection by the Authority on the following business day. These inspection requirements are crucial to maintaining safe and consistent service to the public.

viii. Certificate Transfer. This section has been amended to remove the required emission inspection in applicable cases.

16. VEHICLE IDENTIFICATION CARD. This Chapter has been eliminated. This Chapter was never implemented and in consideration of other certifications is unnecessary.

19. DRIVERS. This section has been amended to reflect previous limited exemptions from driver certification for certain interstate transportation and funeral service drivers.

e. Application for Driver's Certificate.

ii. 6. Pass a Criminal Record Check. This subparagraph has been eliminated as unnecessary based on the new Section 5.h.

ii. 7. Physical Fitness. This subparagraph has been amended to permit the use of a current Department of Transportation Physical Exam Card, in place of a new TLD Physician's Form.

n. Driver Conduct.

iv. Driver courtesy. This subsection has been amended to expand the scope of those to whom drivers must be courteous, and the definition of courtesy.

t. Suspension and Revocation. This section has been amended to restate the required causes for immediate suspension (and potential revocation) of a Driver's Certificate and add the violation of providing regulated service without a state issued driver's license. The TLD may suspend or revoke such rights in other applicable circumstances.

y. This section has been added to clarify that the TLD may deny, suspend or revoke a Driver's Certificate if the person's driving record represents a threat to public safety.

23. OPERATOR. This section has been amended to note the appropriate review process for those denied initial or renewed operator rights.

25. FINANCIAL SERVICE PROVIDERS. This section has been amended to note the appropriate review process for those denied initial or renewed Financial Service Provider rights.

27. COMPLAINT PROCESS. This section has been deleted in its entirety and replaced with procedures believed to be more direct and consistent with generally understood informal legal proceedings. The complaint, citation, and hearing process are outlined in a manner substantively similar to the existing Chapter 27. The concept of "formal" and "informal" complaints, as well as "intra-industry disputes" have each been eliminated as impractical in application and unnecessary in light of the TLD's ability to investigate reported violations of law or the Regulations.

29. PENALTIES.

b. This section has been amended to note that the Fine Schedule issued by the Authority is not intended to be exhaustive of all potential fines or penalties for violations and to eliminate the inability

of parties other than the Executive Director “waive” fines applicable to a given violation as incompatible with the discretion of the Hearing Officer to depart from the Fine Schedule as appropriate. The ability of the Hearing Officer to reduce a fine upon determination of liability is clarified.

k. Suspension and Revocation of Rights. This section is amendment to generally note the ability of the Authority to suspend or revoke rights issued or continued through it, in appropriate circumstances.

i. Ineligibility of Holder. This new subsection clarifies the process through which existing rights may be revoked or suspended as a result of the holding party’s ineligibility to hold the rights at issue.

ii. Violation of Holder. This new subsection clarifies the process through which existing rights may be revoked or suspended as a result of the holding party’s violation of law, or Regulation, order, or other directive of the Authority.

iii. Period of Revocation or Suspension. This new subsection clarifies the default duration of a suspension or revocation if not otherwise stated in the Regulations or instant order or decision.

k.(1) This section has been amended to clarify the process through which a taxicab medallion may revert to Authority ownership as a result of the failure of its non-Certificate Holder owner to properly transfer ownership. The requirement that the Authority sell such a medallion “at market price” has been removed in favor of providing flexibility to the Authority as to sale price and corresponding rights.

k.(2) This section has been amended to revise technical, non-substantive, terms and to provide for suspensions in addition to revocations for unauthorized discontinuances in service. The Authority is required to develop a procedure for voluntary suspensions of rights to avoid unnecessary punitive suspensions or revocations.

k.(3) This section has been revised to clarify the ability of the Authority to suspend or revoke a certificate of public convenience if not maintained in active status.

k.(4) This section has been added to clarify that the TLD may deny, suspend or revoke a Driver’s Certificate if the person’s driving record represents a threat to public safety.

n. Civil Penalties. This section has been deleted in its entirety as inapplicable to general regulatory matters and because it is inconsistent with both the intent and specific sections of the Act.

31. FEES.

This section has been amended to reflect the current inspection fee schedule in place through Executive Order and as necessary to cover reasonable operating costs of the Authority.