

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Philadelphia Parking Authority

(2) Agency Number: 126

Identification Number: 8

IRRC Number: 3048

(3) PA Code Cite: 52 Pa. Code § 1017.5 (relating to basic vehicle standards); Chapter 1017, Subchapter F. (relating to Safety Cameras); and 1019.8 (relating to dispatcher requirements).

(4) Short Title: Taxicab Safety Cameras

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Dennis Weldon, General Counsel, at PRM101@philapark.org, 215-683-9630 (FAX: 215-683-9619), 701 Market Street, Suite 5400, Philadelphia, PA 19106.

Secondary Contact: James R. Ney, Director, Taxicab and Limousine Division at jney@philapark.org, 215-683-6417 (FAX: 215-683-9437), 2415 South Swanson Street, Philadelphia PA 19148.

(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
 Final Regulation
 Final Omitted Regulation

- Emergency Certification Regulation;
 Certification by the Governor
 Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The regulation will require the installation of safety cameras in all taxicabs in Philadelphia, which will record the interior of the vehicle including the faces of passengers to discourage crimes against taxicab drivers and taxicab passengers and otherwise assist in regulatory oversight.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Sections 13 and 17 of the act of July 16, 2004, (P.L. 758, No. 94), *as amended*, 53 Pa.C.S. §§5701 *et seq.*, §§ 5714 (a) and (b), 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P.L. 287, No. 22), *as amended*, 53 Pa. C.S. §§ 5505(d)(17) (d)(23), (d)(24).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action. No.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Both taxicab owners and drivers have specifically requested that the Authority impose an industry-wide requirement to have cameras installed in all taxicabs in Philadelphia. Several owners have already approached the Authority with camera systems that they would like to install unilaterally, some have

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been installed. These requests have been made in writing and through comments received during public hearings and meetings focused on crimes committed against taxicab drivers. The Authority and the regulated community believe that the presence of security cameras will add one additional level of driver safety precautions (and perhaps a crime deterrent) to taxicabs in Philadelphia. The safety cameras will record images at designated interval or upon the occurrences of certain events, such as the opening of the taxicab's door. The cameras will not make audio recordings. All images will be captured in public places where individuals have no reasonable expectation of privacy. The use of safety cameras in taxicabs is not a new idea. Such cameras are already in place in New York City, New Orleans, Chicago, San Francisco and other US cities. In public transportation, cameras are commonly employed to improve safety and assist in the resolution of crimes and other disputes that occur in these public places. We anticipate that the implementation of this process will be relatively easy because this technology is in wide use. This safety feature will benefit all taxicab driver, owners and dispatchers currently constituting approximately 5,000 individuals and small businesses. The public will similarly benefit from this increased level of safety in taxicabs.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations. No.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The regulation is substantially similar to those of other states, including New York City.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations. Other than amending the stated regulations, the proposed regulation will not affect any other regulation of the Authority or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Authority has been repeatedly petitioned through letters, comments at Sunshine Act meetings of its Board and at a special public comment hearing focused on driver safety issues to impose monitoring cameras in taxicabs. These comments, requests and even demands have come from medallion owners, dispatchers and drivers.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The Authority approximates that those affected by the regulation will be:

Drivers: 3,750 drivers all of whom are individuals.

Owners: 700 taxicab medallion owners and 6 partial-rights carriers, each of which is a small business.

Dispatchers: 11 small businesses, each of which is a small business.

Drivers will be positively affected through the installation of an additional safety tool in each of their taxicabs. Drivers are not the owners of taxicabs for purposes of this response.

Owners will be economically impacted in the initial amount of less than \$1,700, being the cost to acquire, install and operate the safety camera system and then less than \$450/year for operational and

maintenance cost. The Authority believes that the owners of taxicabs will benefit from the increased levels of driver safety provided by this system. Fewer driver assaults and robberies will economically benefit owners through the uninterrupted operation of their taxicabs, in lieu of time necessary make police reports and address injuries to drivers.

The public will also receive the benefits of the crime deterrent inherent in areas under video monitors. The regulation will not limit the number of camera providers. Those providers capable of complying with the regulation will be able to compete for selection by the taxicab owners. The meter systems will integrate with generic camera systems. We believe the openness of this requirement will encourage multiple camera vendors to compete for selection by the medallion owners and result in the reduction of costs for each camera system. Please see the Authority's attachment "A" to the RAF further detailing anticipated costs.

(16) List the persons, groups or entities, including small businesses that will be required to comply with the regulation. Approximate the number that will be required to comply.

We have provided this number in response to paragraph No. 15, which we incorporate here.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

We incorporate responses to question Nos. 15 and 16.

The reduction of violence perpetrated against drivers and the traveling public has an obvious and positive social impact. Owners will experience additional costs as identified in our responses to question Nos. 15. Fewer injured drivers directly benefits drivers, as well as owners who will be able to maintain a more stable work force. A reduced level of violence in our society is axiomatically positive and will have a positive derivative economic impact upon the City of Philadelphia and the Commonwealth in the form of reduced law enforcement activities and potential health care costs.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

We incorporate our responses to question Nos. 15 and 17. Both taxicab owners and drivers believe that this system will make the job of taxicab drivers safer. That safety will also transfer to taxicab passengers. Improving safety for so many drivers, year after year significantly outweighs this small investment. Providing evidence to law enforcement to help investigate and prosecute crimes against drivers and taxicab passengers will similarly benefit the taxicab industry and the city at large.

These camera systems are not new. The technology exists and is in use in many other cities in the United States and is quickly becoming an understood cost of business when providing transportation services to the public. Taxicab medallions currently sell in arms length transactions for more than \$500,000. We believe that the economic investment represented by the installation and operation of a camera system is vastly outweighed by the level of safety and peace of mind its presence will represent to drivers and the public.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

We incorporate our responses to question Nos. 15, 17 and 18, including reference to question No. 15 in

attachment "A".

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived. None. We incorporate our response to paragraph No. 17.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Authority anticipates that the initiation of this new comprehensive safety protocol will initially require the full time attention of a TLD Taxicab Inspector. To monitor installations and the proper functioning of each system in each taxicab in the initial conversion year. Please see the Authority's attachment "A" to the RAF detailing anticipated costs to the Authority.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements. None.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	\$	\$	\$	\$	\$	\$
Local Government						
State Government(PPA)						
Total Savings						
COSTS:						
Regulated Community	\$1,634	396	396	396	396	396
Local Government						
State Government	\$44,712	650	650	650	650	650
Total Costs	\$46,346	1,046	1,046	1,046	1,046	1,046
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
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N/A.	n/a	n/a	n/a	n/a
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(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The Authority does not anticipate that the regulation will work an adverse impact upon any person or business.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

None.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No other alternative were considered.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses; N/A
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses; N/A
- c) The consolidation or simplification of compliance or reporting requirements for small businesses; N/A
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; N/A
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation. N/A.

We incorporate our response to question No. 18.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Please see the Authority's attachment "A" to the RAF detailing anticipated costs to relevant industry members.

(29) Include a schedule for review of the regulation including:

- | | |
|---|----------------------------------|
| A. The date by which the agency must receive public comments: | N/A |
| B. The date or dates on which public meetings or hearings will be held: | N/A |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | N/A |
| D. The expected effective date of the final-form regulation: | Third Quarter 2014 |
| E. The date by which compliance with the final-form regulation will be required: | Upon publication in <i>Pa. B</i> |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Authority will continually analyze the impact of this regulation and the availability of more effective safety tools.

Responses & Notes to the Various Concerns of a Financial Mature Raised in IRRC
Correspondence Dated 7th May 2014, Item #2 “Economic Impact”

ITEM 15.

Originally submitted RAF Item #15 listed \$1,510 as the cost to acquire and install a camera system with \$240 in annual operation & maintenance costs. The IRRC has requested costs for more than one camera system:

System Purchase:

Verifeye	\$1,118	24/7Security	\$ 1,100
installation	120	installation	\$ 125
Total	\$1,238	Total	\$ 1,225

Annual Maintenance Charges:

CMT	low-mid \$30's per month	= \$396
VTS/Verifone	\$35-\$40 per month	= \$450

(With regard to the commentator's suggestion that said cost should be “no more than \$400 to \$500” – we can find no compliant camera system within this price range.)

We have removed the (higher) cost estimate of the cameras fitted for WAV's from the calculation.

There is no additional cost to link the camera system to the distress button.

There is no additional cost to dispatchers to comply with §1019.8(17).

ITEM 19.

See above, item #15.

ITEM 21.

Costs to monitor installations and the proper functioning of each system in each taxicab in the initial conversion year

A. INITIAL INSTALLATION. \$34,418

Upon determining that a safety camera system functions properly, the Enforcement Department will do all of the following:

- (i) Download and retain a view captured by each camera lens.
- (ii) Seal the data extraction port.
- (iii) Post notice of the safety camera system on each side of the exterior of the taxicab.

Regulatory Analysis Form
Endnotes

Base salary calculations for PPA inspector:

Tasks per subsection (b)(1)	20 minutes
Tasks per subsection (b)(2)	0 minutes
Tasks per subsection (b)(3)(i)	20 minutes
Tasks per subsection (b)(3)(ii)	0 minutes
Tasks per subsection (b)(3)(iii)	5 minutes
Total	45 minutes = ¾ hour

TLD Inspector (A10, at step 3)

Base Salary	\$ 45,086	
FICA 7.65%	3,449	
¹⁶ / ₂₅₀ x base salary for PTO	2,885	
PPA fringe benefits package	4,509	10.00%
Total Annual Cost	<u>\$ 55,929</u>	

work hours in a year 1,950
cost per hour \$28.68

cost per ¾ hour \$21.51
x 1,600 medallions \$ 34,418

B. SYSTEM TESTING for INITIAL INSTALLATION. \$5,744

estimated 10 minutes = 1/6 hour, at \$21.51 = \$3.59
x 1600 medallions = \$5,744

C. STANDARDIZED POSTING. \$4,550. The Authority will produce a standardized posting to be displayed on taxicabs to provide public notice of the presence of the safety camera system in each taxicab as provided in § 1017.12 (b) (relating to required markings and information).

estimated sticker cost \$1.30@ \$1.30 x 1750 stickers, in duplicate = \$4,550
presumed 500 replacements per year starting year 2

TOTAL of ABOVE \$34,418 + \$5,744 + \$4,550 = \$44,712

ITEM 22. none.

ITEM 28. See above items 15, 19, & 21.

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WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

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Copy below is hereby approved as to form and legality. Attorney General.

BY _____
(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Philadelphia Parking Authority
(AGENCY)

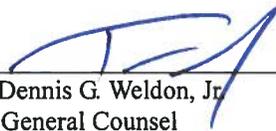
DOCUMENT/FISCAL NOTE NO.
Docket No. 126-8/Fiscal Note 126-8

DATE OF ADOPTION June 12, 2014

BY 
Vincent J. Fenerty, Jr.

TITLE: Executive Director

Copy below is hereby approved as to form and legality. ~~Executive or~~ independent Agencies.

BY 
Dennis G. Weldon, Jr.
General Counsel

June 12, 2014

DATE OF APPROVAL

Check if applicable. No Attorney General approval or objection within 30 days after submission.

Final Rule Making No. 126-8
Final Rulemaking
Philadelphia Taxicab and Limousine Regulations
52 Pa. Code, Chapters 1017 and 1019

The Philadelphia Parking Authority on June 12, 2014, adopted the final-form rulemaking order to provide for the use of safety cameras in Philadelphia taxicabs. The contact person is Dennis G. Weldon, Jr., General Counsel, 215-683-9630.

THE PHILADELPHIA PARKING AUTHORITY

In Re: Proposed Rulemaking Order :
Philadelphia Taxicab and :
Limousine Regulations : Docket No. 126-8
Safety Cameras :
:

FINAL RULEMAKING ORDER

BY THE AUTHORITY:

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.¹ In furtherance of those regulatory functions, the Authority issued a proposed regulation at this docket number on November 25, 2013. The initial public comment period for this rulemaking proceeding concluded on April 7, 2014, the Independent Regulatory Review Commission (“IRRC”) submitted its comments on May 7, 2014. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation

It has been widely recommended to the Authority on several occasions, including public comment hearings related to driver safety issues, that safety cameras be placed in all taxicabs in Philadelphia. The cameras will deter crimes and other bad acts in taxicabs by increasing the likelihood that perpetrators will be apprehended with the assistance of the photographic evidence produced by the cameras.

DISCUSSION

The Authority has reviewed all of the comments filed under this docket and responds as set forth below.

§ 1017.5. Basic vehicle standards.

This section is amended to remove reference to section 5714(b) of the act from paragraph (12). Act 119 removed specific reference to a shield from that section of the act, but granted the

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

Authority the power to select safety devices, this change will make the regulation consistent. Paragraph (26) is added to require safety cameras among the other basic vehicle standards.

Subchapter G. SAFETY CAMERAS

§ 1017.71. Taxicab safety cameras.

This section will provide owners with 120 days from the effective date of the regulation to present their taxicabs to the Authority for inspection with an approved and installed safety camera system. The regulation provides guidelines related to the initial inspection, sealing and posting of notices necessary to place the camera systems in operation.

Subsection (b)(3)(iii) has been amended to clarify that the Enforcement Department will post notice of the presence of the safety cameras on the interior and exterior of the vehicle. Section 1017.77(b) has also been amended to clarify that these notices must be affixed to both the exterior and interior of the taxicab.

§ 1017.72. Safety camera system testing.

This section provides that camera systems inspections may be conducted by scheduling or in the field and may include the operation of the taxicab with an inspector present.

§ 1017.73. Approved safety camera system.

This section provides that the Authority will maintain a list of already approved safety camera systems on its website, as with meter systems in § 1017.23 (relating to approved meters).

§ 1017.74. Safety camera requirements.

This section will provide minimum components of what a safety camera system must include. Commentator Black Point Taxi, LLC, *et al.* (“BPT”) questioned the constitutionality of using safety cameras in taxicabs. IRRC asked that the Authority address this issue. BPT cites several cases related to unreasonable search and seizure, some including taxicabs.

We agree that the Fourth Amendment does not stop at a taxicab’s back door. However, the open and obvious photographing of a passenger in a government licensed taxicab that is open to public use on a public roadway is simply not an “unreasonable” search. Indeed, the first case cited by BPT, *Katz v. U.S.*, actually supports this position when it provides: “What a person

knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection.”² The United States Supreme Court has specifically found that a person does not have a reasonable expectation of privacy from aerial surveillance even within his fenced-in backyard, because the yard can be seen from the air.³

BPT cites a series of inapplicable criminal cases. Each of those cases involved the surreptitious surveillance of individuals by law enforcement or trespass upon private property by law enforcement engaged in the inspection of individuals’ bags or other possessions. A search within the meaning of the Fourth Amendment of the U.S. Constitution "occurs when an expectation of privacy that society is prepared to consider reasonable is infringed."⁴ In *Hassan* the court determined that private financial data collected through the mandated New York City taxicab meter system did not constitute an unreasonable search. Similarly, the Courts in Pennsylvania have found as follows:

“[a] person has a constitutionally-protected expectation of privacy in cases where: (1) the person has exhibited an actual (subjective) expectation of privacy; and (2) society is prepared to recognize the expectation of privacy as reasonable.”⁵

The taxicab passenger cannot demand that the driver not listen to the passenger’s conversation. A taxicab passenger cannot demand that a driver not look at the passenger. The taxicab passenger cannot demand that the world, including the government, avert its gaze while the person hails or enters a taxicab on a public street, while riding in the taxicab on a public roadway or upon exiting the taxicab. The taxicab passenger does not own the vehicle and cannot demand to be left alone in the vehicle. A taxicab passenger simply has no reasonable expectation of privacy as to his or her mere presence in a taxicab.

The final-form regulation requires notice of the presence of the safety cameras on both the exterior and interior of the taxicab. The regulation prohibits audio recordings. The images recorded will not penetrate bags or physically impact passengers at all. A potential taxicab passenger who declines taxicab service to avoid taxicab safety cameras will walk down a city

² 389 U.S. 347, 351 (1967).

³ *California v. Ciraolo*, 476 U.S. 207 (1986).

⁴ *Hassan El-Nahal v. David Yassky et al* 2014 U.S. Dist. Lexis 13522 (U.S.N.Y January 29, 2014), quoting, *Maryland v. Macon*, 472 U.S. 463, 469, 105 S. Ct. 2778, 86 L. Ed. 2d 370 (1985).

⁵ *Commonwealth v. Duncan*, 817 A.2d 455, 463 (Pa. 2003).

street lined with public and private surveillance cameras and may board a SEPTA bus or train that likely employs these safety cameras as well. Cameras of this nature are now ubiquitous in society. Despite the presence of these safety cameras in taxicabs throughout the United States over the last 10 years, BPT is unable to identify a single case finding safety cameras to represent a violation of anyone's expectation of privacy or the Fourth Amendment.⁶

The final-form regulation merely provides for the recording of images in the public domain and does not violate any constitutional protections.

(b). This subsection requires the safety cameras to operate through the taxicab's meter system. Taxi Workers Alliance of Pennsylvania ("TWA") commented that this requirement would create some special privilege among medallion owners. IRRC asked that the Authority respond to this point.

We disagree with TWA on this issue. The meter system providers will be obligated through the Authority's system requirements to accept any conforming safety camera system. Also, neither this final-form regulation nor the existing regulations mandate the use of a particular meter system or camera system. While different medallion owners may prefer different meter systems, we do not see how this regulation has any connection to that issue.

The meter systems are a means through which the camera's images can be transmitted, time stamped, and juxtaposed with payment and GPS related information. The interaction between the cameras system and the existing communication and identification components of the meter system act as force multipliers in terms of enhanced safety for taxicab drivers and the public and reduces operational costs that may be generated from the duplication of functions.

IRRC requested additional information about the distress button presently used in taxicab meter systems. IRRC also noted the comments of TWA expressing a preference for communications emanating from the distress button to be directed to the Philadelphia Police Department. The Authority cannot require the Police Department to accept these communications. The City's standard 911 dispatch procedures mandate the use of an intermediary when communicating an emergency alarm to a "911" operator. This applies to

⁶ BPT notes the opinion of a Deputy Attorney General in Nevada regarding a taxicab passenger's expectation of privacy. The opinion is nearly 10 years old and involves the analysis of the law as applied in Nevada. We disagree with the reasoning of that opinion (which ultimately did find the use of certain cameras to be constitutionally appropriate) because it presumes that a passenger's mere presence in a public place is protected. We certainly agree that a taxicab passenger is free from an unreasonable search of a handbag or wallet by the police, but the mere monitoring of the person's presence in this public place cannot rise to the level of an unreasonable search.

home alarms, bank alarms, etc. That is why the taxicab distress signal goes to the dispatcher. The dispatcher has immediate access to the GPS location of the taxicab at the time the distress button is activated and will often have contemporaneous trip information.

IRRC requested information regarding the manner in which dispatchers communicate information related to a taxicab distress signal to 911. The regulations require each dispatcher to “receive and respond to emergency or distress alerts received from taxicab drivers 24 hours a day, 7 days a week.” § 1019.8 (13). Dispatchers can see the GPS location of the taxicab and will have the most recent dispatch information related to each taxicab. The Authority’s dispatcher protocols require all dispatchers to immediately communicate the occurrence of a distress button activation to the Philadelphia Police Department. On at least at bi-annual basis the Authority audits each dispatcher’s adherence to this requirement.

IRRC asked how the regulation sufficiently protects the driver in distress. The cameras will forward real time photographs from the taxicab at the time the distress button is pushed, which will help the dispatcher assess the emergency. But the value of this regulation is in the investigatory information it will provide to law enforcement officials. This is similar to cameras used in banks or on busses. We believe the increased likelihood of capture will dissuade bad behavior, including crimes.

(c). Subsection (c) requires the camera system to be in operation while the vehicle’s engine is turned on and has been amended to also require that the camera system remain active for a minimum of 1 hour after the engine is turned off. Otherwise, the purpose of the cameras could be evaded during the driver’s breaks or whenever the vehicle’s engine is turned off. The camera system will simply make recordings at slower intervals when the engine is disengaged, unless one of the triggering events to accelerate the rate of interval recordings occurs.

(e). This subsection has been amended to clarify that streaming video recording is not required. Instead, sequenced or timed recordings will be employed. The camera systems will be in operation as required in subsection (d), but will not record images except at designated intervals and upon the occurrence of triggering events such as those identified in this subsection.

(f). This subsection identifies functional requirements of the safety camera system. IRRC noted the comment of BPT regarding the proposed requirement to record the entire interior of the taxicab, particularly in conjunction with the existing safety shields. The safety shields are clear and will not pose a problem in terms of recording images of the faces of people in the passenger

compartment of a taxicab, particularly if positioned properly. Safety cameras systems also include the option to have a camera imbedded directly in the safety shield.

We understand the commentator's concern about the clarity of the proposed regulation in terms of the field of vision to be captured by the cameras. We have amended the regulation to specifically require that the images capture the faces of the driver and all passengers, which is a much more specific requirement than language originally proposed. Also, the obligation to record the exterior of the taxicab has been removed in order to address this issue. The images captured will include information such as the date and time of the recording, the taxicab number and the camera system's unique serial number for recall and authentication purposes.

(g). This subsection has been amended to eliminate the requirement that the camera system transmit recorded data to the Authority and parties designated by the Authority. The regulation is not intended to provide constant real-time monitoring of all taxicabs. Therefore, the regulation has been amended to require the use of a data storage unit in each taxicab system. The data storage unit must be securely fastened to the vehicle in a place that is out of sight of passengers. This data storage unit is a standard component of every taxicab safety camera systems reviewed by the Authority and those currently in place in other cities in the United States. Upon the triggering of the distress button, the images will be transmitted immediately and wirelessly to the Authority's Taxicab and Limousine Division and the taxicab's dispatcher, as provided in subsection (h).

§ 1017.75. One safety camera system.

Section 1017.75 limits each taxicab to only one safety camera system for ease of monitoring and general simplicity purposes. While an owner can switch between approved systems at their own discretion, they may only use one approved system at a time that is inspected by the Authority prior to operation.

§ 1017.76. Certificate holder responsible.

Section 1017.16 requires the taxicab's owner to make certain that the safety camera system works each day. This standard already applies to each taxicab's overall functionality. The owner may assign a representative to confirm that the safety camera system is functioning,

which is important because some certificate holders do not reside in the Philadelphia area and use business managers to supervise certain aspects of taxicab operations.

§ 1017.77. Public notice.

Each taxicab must display a notice of the presence of the system on the exterior and interior of the taxicab. Subsection (b) has been amended as identified above in Section 1017.71.

§ 1019.8. Dispatcher requirements.

Paragraph (17) provides that dispatchers must be equipped with the necessary equipment to support the safety camera system.

Affected Parties.

The regulation will affect all taxicab owners by requiring the installation and operation of a safety camera system and all dispatchers by requiring the maintenance of equipment capable of interfacing with the cameras systems.

Fiscal Impact.

The primary fiscal impact of the regulation will be made upon taxicab owners. However, when the cost of the safety camera equipment is extrapolated over the life span of the equipment the costs in comparison to the value of the taxicab operation and the safety of the driver and the public is small. Dispatchers will also be impacted fiscally to the extent that any modifications to existing communication devices may be necessary to support compatibility between the dispatcher system and the safety cameras system. However, we anticipate that the ability of the existing meters systems to communicate with the safety camera systems will eliminate costs increases. Also, dispatchers often mandate the use of certain equipment as a requirement of joining the dispatch association. We anticipate that dispatchers will opt for one approved camera system, mandate compliance by associated taxicab owners and experience a savings through the economy of scale.

Commonwealth.

The Authority does not anticipate any increase in regulatory demands associated with this regulation, the inspection of the safety camera systems will be absorbed into the standard bi-annual inspection process.

Political subdivisions, private sector, general public

This final-form rulemaking will not have a direct fiscal impact on political subdivisions, the private sector or the general public except as provided above.

Paperwork Requirements.

This final-form rulemaking will not affect the paperwork generated by the Authority or the regulated communities.

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) of the Parking Authorities Act, act of June 19, 2001, (P.L. 287, No. 22), *as amended*, 53 Pa. C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201-1202, 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 final regulations set forth in Annex A, attached hereto;

THEREFORE,

IT IS ORDERED THAT:

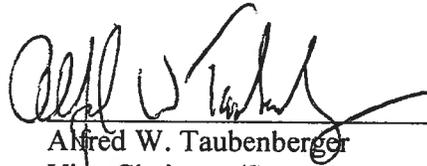
1. The Authority hereby adopts the final regulation in Annex A.
2. The Executive Director shall cause this order and Annex A to be submitted to the Office of Attorney General for approval as to legality.

3. The Executive Director shall cause this order and Annex A to be submitted for review by the designated standing committees of both Houses of the General Assembly, and for formal review by the Independent Regulatory Review Commission.
4. The Executive Director shall cause this order and Annex A 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 Annex A 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 Annex "A" upon each of the commentators and take all other actions necessary to successfully complete the promulgation of this regulation.
7. The regulations embodied in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.
8. The contact person for this rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

**THE PHILADELPHIA PARKING
AUTHORITY**


Joseph T. Ashdale
Chairman
(SEAL)

Certified:


Alfred W. Taubenberger
Vice-Chairman/Secretary
(SEAL)

ORDER ADOPTED: June 12, 2014
ORDER ENTERED: June 12, 2014

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 1017.5. Basic vehicle standards.

* * * * *

(b) *Standard taxicab vehicle requirements.* Each taxicab is subject to the following requirements:

* * * * *

(12) A taxicab must be equipped with a protective shield which separates the front seat from the back seat and bears the manufacturer's name, ~~as provided in section 5714(b) of the act (relating to certificate and medallion required).~~ The protective shield must meet the following minimum requirements:

* * * * *

(25) The Authority may require the installation of a separate heating and air conditioning system in a taxicab if necessary to comply with paragraph (19).

(26) A taxicab must be equipped with a safety camera system approved for use as provided in § 1017.71 (relating to taxicab safety cameras).

* * * * *

(Editor's Note: The following subchapter is new and printed in regular type to enhance readability.)

Subchapter G. SAFETY CAMERAS

Sec.

1017.71. Taxicab safety cameras.

1017.72. Safety camera system testing.

1017.73. Approved safety camera system.

1017.74. Safety camera requirements.

1017.75. One safety camera system.
1017.76. Certificate holder responsible.
1017.77. Public notice.

§ 1017.71. Taxicab safety cameras.

(a) *Generally.* Beginning on _____, (*Editor's Note:* The blank refers to a date 120 days after the effective date of adoption of this proposed rulemaking.) a taxicab must be equipped with one safety camera system that satisfies the requirements in this subchapter.

(b) *Inspection and approval.*

(1) A taxicab safety camera system must be inspected by the Authority prior to use.

(2) The Authority will conduct safety camera system testing to ensure the system meets the requirements of this subchapter.

(3) Upon determining that a safety camera system functions properly, the Enforcement Department will:

(i) Download and retain a view captured by each camera lens.

(ii) Seal the data extraction port.

(iii) Post notice of the safety camera system on ~~each side of the exterior of the taxicab~~ AS PROVIDED IN § 1017.77(B) (RELATED TO PUBLIC NOTICE).

(4) A safety camera system may not be used in a taxicab unless it is sealed as provided in paragraph (3). When the seal is broken or damaged, the certificate holder shall remove the taxicab from service immediately and schedule a new safety camera system inspection by the Enforcement Department.

(5) In the event that a safety camera system is not fully operational, the taxicab shall be taken out of service and the Enforcement Department shall be notified immediately.

§ 1017.72. Safety camera system testing.

(a) Safety camera system testing may include the road operation of the taxicab with an inspector while the camera system is engaged.

(b) A safety camera system is subject to a field inspection by an inspector at any time and may be tested as part of each scheduled inspection.

§ 1017.73. Approved safety camera system.

(a) The Authority will maintain a list of safety camera systems approved for use in taxicabs. The list may be obtained from the Authority's web site at www.philapark.org/tld.

(b) A safety camera system may be added to the list maintained under this section upon request of a certificate holder and evidence of compliance with this subchapter.

§ 1017.74. Safety camera requirements.

(a) The purpose of this section is to establish certain minimum safety camera system requirements.

(b) A taxicab safety camera system must work in conjunction with the approved meter system used in the taxicab.

(c) The safety camera system must be in operation during the entire time the vehicle's engine is running AND FOR NOT LESS THAN ONE HOUR AFTER THE ENGINE IS TUNRED OFF.

(d) The safety camera system may not make an audio recording.

(e) The safety camera system must record IMAGES AT DESIGNATED INTERVALS, INCLUDING THE FOLLOWING: ~~as required under this subchapter in an uninterrupted visual stream without interruption. Timed or sequenced images are not permitted.~~

(1) VEHICLE DOOR OPENINGS AND CLOSINGS.

(2) METER ENGAGEMENT.

(3) DISTRESS BUTTON ACTIVATION.

(f) The safety camera system must BE ABLE TO ~~include a number of cameras sufficient to~~ record DATA INCLUDING:

~~(1) The entire interior of the taxicab, including the faces of all occupants.~~ THE FULL FACE OF THE DRIVER AND ALL OCCUPANTS SEATED IN PASSENGER SEATS AND FACING FORWARD.

~~(2) Images on the exterior of the taxicab, viewed from the interior of the taxicab. For example, the safety camera system should capture the image of a person who attempts to commit an act or robbery against a driver.~~ THE DATE AND TIME OF THE RECORDING.

(3) THE TAXICAB NUMBER.

(4) THE SAFETY CAMERA SERIAL NUMBER.

(g) The safety camera system must RECORD AND STORE IMAGES IN A UNIT SEPARATE FROM ANY CAMERA ~~wirelessly transmit recorded data to TLD Headquarters and other locations designated by the Director.~~ 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 the transmission to TLD Headquarters.

§ 1017.75. One safety camera system.

A taxicab is prohibited from containing a safety camera system other than the approved safety camera system that has been inspected and approved by the Authority for use in that taxicab.

§ 1017.76. Certificate holder responsible.

The certificate holder shall inspect each taxicab safety camera system prior to service each day to ensure it is in compliance with this subchapter and is in proper working order. A certificate holder may select a person to conduct the inspections required under this section on the certificate holder's behalf.

§ 1017.77. Public notice.

(a) The Authority will produce a standardized posting to be displayed on taxicabs to provide public notice of the presence of the safety camera system in each taxicab as provided in § 1017.12(b) (relating to required markings and information).

(b) The notice required under this section shall be ~~posted~~ AFFIXED PROMINENTLY TO THE EXTERIOR AND INTERIOR OF ~~in~~ every taxicab that employs the use of a safety camera system.

CHAPTER 1019. DISPATCHERS

§ 1019.8. Dispatcher requirements.

A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including the following:

* * * * *

(17) Operate and maintain a safety camera system as provided § 1017.73 (relating to approved safety camera system), including the computer hardware and software means of wireless communication necessary.



701 MARKET STREET
SUITE 5400
PHILADELPHIA, PA 19106
215.683.9600

June 16, 2014

VIA HAND DELIVERY

John F. Mizner, Esquire
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Agency/ID/Docket No. 126-8
Final Rulemaking
Philadelphia Taxicab and Limousine Regulations
52 Pa. Code Part II
Taxicab Safety Cameras

Dear Chairman Mizner:

Enclosed please find one (1) copy of the regulatory documents concerning the above-captioned rulemaking. Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Authority, on February 25, 2014, submitted a copy of the Notice of Proposed Rulemaking to the Independent Regulatory Review Commission (IRRC), the Authority's standing committees and the Legislative Reference Bureau. The notice of proposed rulemaking was published at *44 Pa.B. 1323* on March 8, 2014.

In preparing this final form rulemaking, the Authority has considered all comments received from the Committees, IRRC and the public. On June 12, 2014, the Authority entered a Final Rulemaking Order adopting final form regulations under this docket. We have notified all commentators of this final-form rulemaking and have enclosed the list of commentators. The final regulation will require the installation of safety cameras in every taxicab in Philadelphia to discourage crimes against taxicab drivers and taxicab passengers.

The undersigned is the contact person for this rulemaking.

Sincerely,
The Philadelphia Parking Authority

By: 
Dennis G. Weldon, Jr.
General Counsel
(215) 683-9630

DGW/pdm
Enclosures

cc: Joseph T. Ashdale, Chairman
Vincent J. Fenerty, Jr., Executive Director
James R. Ney, Director, TLD



TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: 126-8

Subject: Regulation to provide for taxicab safety cameras

Philadelphia Parking Authority

2014 JUN 16 PM 1:40

RECEIVED
IRRC

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted.
- Final Regulation
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>6-16-14</u>	<u>Cheryl Selin</u>	<u>HOUSE COMMITTEE</u> (Gillerspie) Urban Affairs
<u>6-16-14</u>	<u>[Signature]</u>	
<u>6-16-14</u>	<u>[Signature]</u>	<u>SENATE COMMITTEE</u> (Tomlinson) Consumer Protection and Professional Licensure
<u>6-16-14</u>	<u>[Signature]</u>	
<u>6-16-14</u>	<u>Maria Illies</u>	OFFICE OF THE BUDGET
<u>6/16/14</u>	<u>K Cooper</u>	Independent Regulatory Review Commission
<u> </u>	<u> </u>	ATTORNEY GENERAL
<u> </u>	<u> </u>	LEGISLATIVE REFERENCE BUREAU