



PROPOSED RULEMAKING

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CH. 1017]

Modern Taxicab Standards

[45 Pa.B. 2876]

[Saturday, June 13, 2015]

The Philadelphia Parking Authority (Authority), on February 24, 2015, adopted a proposed rulemaking order regarding taxicab vehicle standards.

Proposed Rulemaking Order; Philadelphia Taxicab and Taxicab Vehicle Standards; Doc. No. 126-11

Proposed Rulemaking Order

By the Authority:

The Authority is the sole regulator¹ of all taxicab and limousine service in Philadelphia.² The purpose of the proposed rulemaking is to improve the quality and capability of taxicabs in Philadelphia. The proposed rulemaking will require all vehicles proposed for medallion taxicab service after a designated date, to be wheelchair accessible and otherwise comply with the Authority's wheelchair accessible regulations, including those related to vehicle age and mileage requirements. Similar requirements will apply to partial-rights taxicabs. The Authority seeks comments from all interested parties on the proposed regulation, which are found at Annex A to this Order.

A. Background and discussion.

The Authority continues to experience an unwillingness on the part of taxicab owners in Philadelphia to, voluntarily, upgrade and improve the quality of taxicabs.³ The riding public continues to endure service in the oldest and most worn vehicles that a taxicab owner can legally get on the road. While the condition of taxicabs has improved significantly since the Authority's regulatory functions began and a minimum of 2 annual "wheels off" inspections began in 2005, the condition of these vehicles remains unacceptable. This situation persists despite the Authority's repeated references to the purpose of the medallion program, which was to improve the level of service provided to the public.

Some certificated limousine carriers have modified their business models in an attempt to service some of the passengers in search of a better, but still affordable means of quick transportation in Philadelphia. Illegal service providers have also been drawn to the obvious dearth in affordable quality common carrier transportation in Philadelphia. Some of these illegal services employ the use of voiceless electronic communication to summon and seamlessly pay for that transportation. Not surprisingly, the public has responded favorably to cleaner and better vehicles, more friendly drivers and the hassle-free use of credit cards.

An obvious lesson is to be learned here. Taxicab owners must make significant investments in the equipment and people they use to provide taxicab service. Taxicab drivers need to understand that if they do not provide friendly, courteous and clean service to the public, the public will continue to look elsewhere.

Based on past performance, or lack thereof, the Authority has no expectation that the taxicab industry will voluntarily work to save itself. As the regulator of taxicabs in Philadelphia and with the knowledge that high quality, clean, safe, insured, and monitored taxicab service in clearly marked vehicles remains an important part of the City's economy, we are duty bound to cause change, unilaterally. The Authority will act on its own when possible, seek active participation of the riding public and the regulated industries at all times and may seek additional authorization from the Legislature to bring about the level of taxicab service demanded by today's customers.

The proposed regulation will require a marked increase in the quality and capability of taxicabs in Philadelphia. Beginning 30 days after the effective date of the final-form regulation, all vehicles brought into service as taxicabs in Philadelphia for the first time will be required to be late models with less than 500 miles on the odometer. Additionally, all medallion taxicabs and 25 percent of each carrier's fleet of partial-rights taxicabs will be required to be wheelchair accessible. We understand that this is a significant increase to the quality of taxicab service and the cost to place a taxicab into service. However, we note that the improvements will likely be imposed over a series of years as taxicabs that are legally permitted to be in service the day before the effective date of this section may not need to be removed from service for up to 8 years. Finally, without rapid, significant and obvious improvement, the long term viability of taxicab service is in jeopardy.

B. The regulation.

We propose amending the below referenced section to provide heightened taxicab service standards in terms of both the quality and capabilities of the vehicles used to provide that service:

§ 1017.4. Age and mileage limitations.

The proposed regulation will amend subsection (a) and (b) in order to incorporate the changes to age and mileage parameters provided for in the new subsection (d). Subsection (c) is amended to place a cap on the potential number of "antique" vehicles used as taxicabs. We understand that some people may enjoy the nostalgic use of an older taxicab, but the problems that Philadelphia has experienced with old taxicabs, merits some limitation on this potential use. It also does not go without notice that while the Authority has regulated taxicabs in Philadelphia for more than a decade, not a single request for this exemption has been made.

The new subsection (d) is added to require, 30 days after publication of the final-form regulation, all vehicles brought into service as taxicabs in Philadelphia for the first time to be late models with less than 500 miles, incorporating the requirements of Section 1017.8(c) (relating to wheelchair accessible vehicle taxicab specifications). Additionally, all medallion taxicabs and 25 percent of each carrier's fleet of partial-rights taxicabs will be required to be wheelchair accessible as provided in Section 1017.8. It is important to understand that this requirement will not result in the immediate transition to a fleet of new taxicabs in Philadelphia that will largely be wheelchair accessible on the effective date. Taxicab owners replace aging or damaged vehicles on a regular basis. This regulation will require the owners to replace those retiring vehicles with vehicles that comply with these new standards. For example, if a taxicab is placed into service on the day before the effective date, it will not have to comply with these standards until it is replaced, which could be as many as 8 years in the future. The current regulatory and statutory cap on the age of a taxicabs is 8 years.⁴

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 28, 2015, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Authority, the General Assembly and the Governor of comments, recommendations or objections raised.

Conclusion

The Authority, therefore, formally commences its rulemaking process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the website of the Independent Regulatory Review Commission, which may be reached at (717) 783-5417.

Accordingly, under sections 13 and 17 of the Act (53 Pa.C.S. §§ 5722 and 5742); section 5505(d)(17), (23) and (24) of the Parking Authorities Act (act of June 19, 2001) (P. L. 287, No. 22) (53 Pa.C.S. § 5505(d)(17), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; 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 regulations set forth in Annex A;

Therefore,

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Executive Director shall do all such other things necessary to advance this regulation through the appropriate promulgations process in an expeditious manner.
5. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
6. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.
7. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's website at www.philapark.org/tld.
8. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

Fiscal Note: 126-11. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 1017.4. Age and mileage limitations.

(a) *Retirement age and mileage.*

(1) Except as provided in **[subsection (c)] subsections (c) and (d)**, a taxicab will not be eligible for inspection as provided in § 1017.31 (relating to biannual inspections by Authority) upon reaching an age of 8 years old, as calculated under § 1017.3(a) (relating to age and mileage **[computations] computation**). For example, the last day on which a 2006 model year vehicle may be operated in taxicab service is the day before the taxicab's first scheduled biannual inspection after December 31, 2014.

(2) Except as provided in **[subsection (c)] subsections (c) and (d)**, a taxicab will not be eligible for inspection as provided in § 1017.31 upon reaching 250,000 cumulative miles on the vehicle's odometer.

(b) *Entry mileage.* Except as provided in **[subsec- tion (c)] subsections (c) and (d)**, a vehicle will not be eligible for inspection as provided in § 1017.2 (relating to preservice inspection) if it has 135,000 or more cumulative miles on the vehicle's odometer.

(c) *Antique vehicles.* The Director may authorize the operation of antique vehicles as taxicabs upon review of a petition for waiver as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations). **The number of antique vehicles in operation in a fiscal year may not exceed 2% of the vehicles comprising the taxicab utility group.**

(d) *Modern taxicabs.* Beginning _____, (*Editor's Note: The blank refers to a date 30 days after the effective date of adoption of this proposed rulemaking*) the following taxicab vehicle standards apply:

(1) Every medallion taxicab must comply with § 1017.8 (relating to wheelchair accessible vehicle taxicab specifications) as a condition of eligibility for inspection as provided in § 1017.2.

(2) Every partial-rights taxicab must comply with the age and mileage requirements of § 1017.8(c) as a condition of eligibility for inspection as provided in § 1017.2.

(3) At least 25% of each partial rights certificate holder's taxicab fleet must comply with all of the wheelchair accessible vehicle requirements of § 1017.8 as a condition of eligibility for inspection as provided in § 1017.2.

[Pa.B. Doc. No. 15-1111. Filed for public inspection June 12, 2015, 9:00 a.m.]

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

² The Authority may promulgate taxicab and limousine regulations. 53 Pa.C.S. §§ 5722 and 5742.

³ See 53 Pa.C.S. § 5712(a).

⁴ 53 Pa.C.S. § 5714(a)(4).

No part of the information on this site may be reproduced for profit or sold for profit.

This material has been drawn directly from the official *Pennsylvania Bulletin* full text database. Due to the limitations of HTML or differences in display capabilities of different browsers, this version may differ slightly from the official printed version.



webmaster@PaBulletin.com