

**THE PHILADELPHIA PARKING AUTHORITY**  
**Taxicab and Limousine Division**

In Re: Petition of Alexandrite Taxi, LLC et al

Docket No. P-15-07-08

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**OPINION AND ORDER**

**BY THE PHILADELPHIA PARKING AUTHORITY**  
**TAXICAB AND LIMOUSINE DIVISION**

On July 24, 2015, David R. Alperstein, Esq., on behalf of Alexandrite Taxi, LLC et al (“Petitioners”), filed a petition requesting The Philadelphia Parking Authority Taxicab and Limousine Division (“TLD”) to waive regulation 52 Pa. Code § 1021.5a (b)(7)(i) (relating to WAV taxicab drivers) concerning the prerequisite that an applicant for a wheelchair accessible vehicle (“WAV”) driver certificate shall have at least 2 years of Philadelphia taxicab driver experience as an Authority certificated driver.

**PROCEDURAL HISTORY**

1. Petitioners<sup>1</sup> are current medallion taxicab certificate holders, pending medallion taxicab certificate holders pursuant to 52 Pa. Code § 1013.32 (b) and certificated dispatchers.
2. The Authority’s WAV taxicab regulations became effective on August 30, 2014 following publication in the Pennsylvania Bulletin.<sup>2</sup>
3. The Authority’s WAV taxicab regulations include standards relating to WAV taxicab driver certificates. 52 Pa. Code §§ 1021.5a – 1021.9.

**DISCUSSION**

The Philadelphia Parking Authority (“Authority”), through the TLD, is the sole regulator of all taxicab and limousine service in the City of Philadelphia.<sup>3</sup> The TLD’s review is plenary as TLD regulation § 1005.23 provides the process to be applied to petitions for a waiver of a regulation.

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<sup>1</sup> Philadelphia Taxi Management LLC (“PTM”) was included in the list of Petitioners, but is not a regulated party and therefore does not require a waiver from regulations that it need not adhere to in the first place. This Order does not apply to PTM.

<sup>2</sup> See *Wheelchair Accessible Vehicle Taxicabs; Final-Form Rulemaking Order; Philadelphia Taxicab and Limousine Regulations*; Doc. No. 126-5, 44 Pa.B. 5662 (August 30, 2014).

<sup>3</sup> The act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§ 5701 *et seq.*, as amended, (the “Act”); 52 Pa. Code, Part, II *et seq.*



TLD Regulation § 1021.5a (b)(7)(i) (relating to WAV taxicab drivers) requires a WAV driver applicant to have at least 2 years of Philadelphia taxicab experience within the 3 year period preceding the date of the application. Petitioners are requesting the TLD to waive this prerequisite in its entirety for WAV driver applicants. Due to the current conditions within the taxicab industry, Petitioners state that there is a need for drivers and the 2 year prerequisite for WAV taxicab driver applicants will pose as a significant obstacle for Petitioners to provide WAV taxicab service as soon as possible.

The purpose of creating a special WAV taxicab driver certificate is to ensure that the needs of those who require WAV taxicab transportation are efficiently and adequately provided by the best qualified drivers<sup>4</sup>. The Authority wants only taxicab drivers who are familiar with the rules and regulations related to Philadelphia taxicab service, are familiar with Philadelphia's geography and special attractions and have a track record of good service in Philadelphia, without driving infractions and regulatory violations, to be WAV taxicab drivers<sup>5</sup>. Additionally, WAV taxicab drivers will be operating the newest and most expensive taxicabs in Philadelphia<sup>6</sup>. For these reasons, the Authority established a higher standard for this classification of service than is demanded of regular taxicab drivers<sup>7</sup>. Therefore, Petitioners' averment that the prerequisite of having at least 2 years of Philadelphia taxicab experience is unreasonable and has no rational basis to any legitimate government or public interest is completely misplaced.

The TLD takes note, however, of the comments submitted by the disabled community during the WAV taxicab regulation rulemaking process<sup>8</sup>. Both Disabled in Action of PA, Inc. and Liberty Resources, Inc. are very active advocacy groups focused on expanding wheelchair accessible transportation services. The comments submitted by each of these groups stated that while they fully supported the Authority's WAV taxicab regulations, it was suggested that the WAV taxicab driver requirements could be relaxed by reducing one of the prerequisites from 2 years of Philadelphia taxicab experience to 1 year. Their reasoning was that people with disabilities are capable of directing what they need and this prerequisite may prevent taxicab drivers from seeking WAV taxicab driver certification<sup>9</sup>.

Currently, there are close to 4,000 active taxicab drivers certified by the Authority. The TLD only received about 560 taxicab driver applications during the last year. Therefore, decreasing the prior experience requirement from 2 years to 1 year may only disqualify about 14% of the current pool of certified taxicab drivers, if all 560 applicants actually completed the certification process. This would leave Petitioners with the possibility of encouraging close to 3,500 certified taxicab drivers to

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<sup>4</sup> See 52 Pa. Code § 1021.5a (a).

<sup>5</sup> See *Wheelchair Accessible Vehicle Taxicabs; Final-Form Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-5*, 44 Pa.B. 5662 (August 30, 2014).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See *Disabled in Action of Pa Comments to proposed PPA Regulations 126-5 for Wheelchair Accessible taxis* (December 6, 2013) [http://www.irrc.state.pa.us/docs/3036/COMMENTS\\_PUBLIC/3036%2012-06-13%20DISABLED%20IN%20ACTION%20OF%20PA.pdf](http://www.irrc.state.pa.us/docs/3036/COMMENTS_PUBLIC/3036%2012-06-13%20DISABLED%20IN%20ACTION%20OF%20PA.pdf); see also *Liberty Resources' Comments to Proposed PPA Regulation 126-5 for Wheelchair Accessible Taxis* (December 6, 2013).

[http://www.irrc.state.pa.us/docs/3036/COMMENTS\\_PUBLIC/3036%2012-06-13%20LIBERTY%20RESOURCES.pdf](http://www.irrc.state.pa.us/docs/3036/COMMENTS_PUBLIC/3036%2012-06-13%20LIBERTY%20RESOURCES.pdf)  
<sup>9</sup> *Id.*



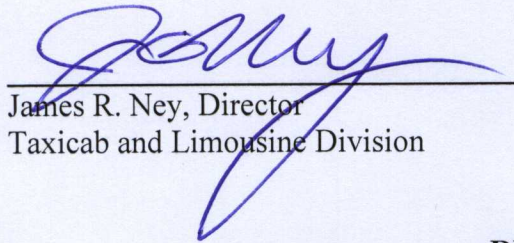
become WAV certified<sup>10</sup>. The TLD also wants to continue to foster the increase of WAV certified taxicab drivers but it must be balanced with the need of protecting the public.

Therefore, for all of the foregoing reasons, it is determined that the granting of a waiver of 52 Pa. Code § 1021.5a (b)(7)(i) by lessening the WAV driver applicant prerequisite to at least 1 year of prior Philadelphia taxicab experience is not inconsistent with the purposes of the Act, will not disrupt or harm the taxicab or limousine operations in Philadelphia nor will it adversely affect the public interest.

**THEREFORE, IT IS ORDERED:**

That the Petition for Waiver is hereby granted, consistent with this Opinion and Order.

**THE PHILADELPHIA PARKING AUTHORITY**

  
James R. Ney, Director  
Taxicab and Limousine Division

**September 2, 2015**

**RIGHT TO A HEARING**

You have a right to appeal this decision pursuant to 52 Pa. Code § 1005.24. If you wish to do so, you must file a petition for a hearing with the Office of the Clerk within 15 days after service of this notice, which is no later than 9/17/2015. *See 52 Pa. Code § 1005.24 for further details regarding important appeal requirements.*

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<sup>10</sup> It must further be noted that the Authority has begun the rulemaking process of changing the taxicab vehicle standards to require nearly all taxicabs to be WAVs, which will require all taxicab drivers to be WAV certified (*see Proposed Rulemaking Order; Philadelphia Taxicab and Taxicab Vehicle Standards; Doc. No. 126-11*, 45 Pa.B. 2876 (June 13, 2015)). While this proposed rulemaking is being reviewed, the decrease in the 2 year requirement will allow the industry to move in that direction. But for right now, most taxicabs are not WAVs and it is not certain at this point whether nearly all taxicabs will be required to be a WAV. However, the Authority will continue to review the WAV driver requirements during the development of Proposed Rulemaking 126-11 and may even need to reconsider this instant decision.