

THE PHILADELPHIA PARKING AUTHORITY

In Re: Final Rulemaking Order
Taxicab Safety Cameras

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:
: Docket No. 126-12
:

FINAL RULEMAKING ORDER

BY THE AUTHORITY:

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.¹ The purpose of the proposed rulemaking is to revise the current taxicab safety camera regulation to assure more rapid compliance. The Authority issued a proposed regulation at this docket number on June 25, 2015. The initial public comment period for this rulemaking proceeding concluded on October 19, 2015. The Independent Regulatory Review Commission ("IRRC") confirmed by letter dated November 18, 2015 to the Authority that it would not comment on the proposed regulation. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation

As provided in Section 1017.71, safety cameras were to begin appearing in taxicabs in Philadelphia earlier this year. The most challenging part of the implementation of the safety camera regulation has been related to the transmission of images from the taxicab to the Authority and dispatcher. The regulation provides that the images will only be transmitted upon the activation of the panic button already in the taxicab. However, the need to maintain a separate data plan,

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

the technical capacity of vendors and the assertion of specious constitutional violations have slowed the advance of this vital program.

The Authority has received repeated requests for delays and modifications of the camera system from medallion owners, taxicab drivers and dispatchers, primarily focused on the image transmission requirement. The final-form regulation will remove the transmission requirement.

DISCUSSION

The Authority has reviewed the public comments to the proposed regulation and provides the necessary responses below. IRRC did not submit comments.

§ 1017.74. Safety camera requirements.

The regulation will amend Section 1017.74 by deleting subsection (h) to eliminate the requirement that the safety cameras transmit images to the taxicab's dispatcher and the Authority in the event the taxicab's distress button is depressed.

On October 1, 2015, Pennsylvania Taxi Association, ("PATA") submitted comments to the proposed regulation. Those comments noted support for safety cameras and an interest in eliminating a regulation that requires taxicabs to operate with safety partitions between the driver and the passenger(s). This regulation does not seek to modify the existing regulation related to taxicab partitions.

On October 16, 2015, the Philadelphia Taxi Association, Inc. ("PTA") submitted comments to the proposed regulation. PTA's comments do not address the proposed regulation, which eliminates the image transmission requirement from the existing taxicab safety camera regulation. PTA's comments challenge the propriety of the overall safety camera regulations, which is not the subject of the proposed rulemaking order or the final-form regulation.

On October 23, 2015, PATA filed additional comments, although after the public comment period had expired on October 19, 2015. PATA's comments incorporate an order from the Pennsylvania Commonwealth Court dated June 3, 2015 denying the Authority's motion to dismiss an action on the pleadings in a claim filed by some taxicab owners regarding parts of the safety camera regulation. (*Black Point Taxi, v Phila. Parking Authority* 76 M.D. 2015). The order referenced by PATA does not relate to the proposed regulation.

Affected Parties.

The regulation will affect taxicab owners, drivers and those who travel in taxicabs.

Fiscal Impact.

The final-form regulation will have no fiscal impact or increase any paperwork obligation as to any party, the Commonwealth, any political subdivisions, private sector person or the general public.

Effective Date and Conclusion

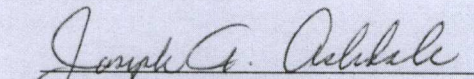
The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P.L. 287, No. 22), *as amended*, 53 Pa. C.S. §§ 5505(d)(17), (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,

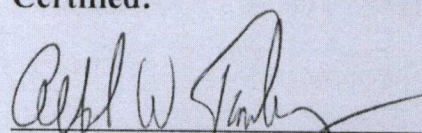
IT IS ORDERED THAT:

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

**THE PHILADELPHIA PARKING
AUTHORITY**


Joseph T. Ashdale
Chairman
(SEAL)

Certified:


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

ORDER ADOPTED: November 24, 2015
ORDER ENTERED: November 24, 2015

ANNEX "A"

§ 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 1 hour after the engine is turned 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:
 - (1) Vehicle door openings and closings.
 - (2) Meter engagement.
 - (3) Distress button activation.
- (f) The safety camera system must be able to record data including:
 - (1) The full face of the driver and all occupants seated in passenger seats and facing forward.
 - (2) 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. 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 transmission to TLD Headquarters.]