

# THE PHILADELPHIA PARKING AUTHORITY

In Re: Transportation Network Service : Docket No. 16-002  
Temporary Authorization :  
:

## ORDER

### BY THE AUTHORITY:

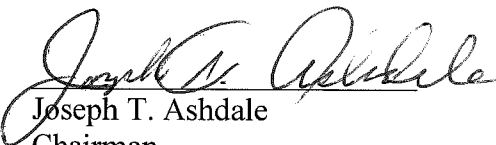
The Philadelphia Parking Authority (the “Authority”), regulates all taxicab and limousine service in the City of Philadelphia (the “City”).<sup>1</sup> Pursuant to the Act 85 of 2016, the Authority is also the sole regulatory of a new classification of commercial motor vehicle transportation service in Philadelphia provided by each carrier referred to as a “Transportation Network Company.”

The purpose of this Order is to provide guidance regarding the manner in which the Authority will regulate this new service, the authorization of which is set to expire 64 days from the date of this Order. The Authority’s Interim Guidance statement is attached hereto as Exhibit “A”.

The contact person for this Order is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

The Executive Director shall cause this Order to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

**THE PHILADELPHIA PARKING  
AUTHORITY**



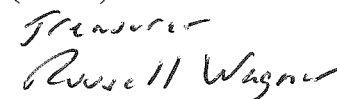
Joseph T. Ashdale  
Chairman  
(SEAL)

ORDER ADOPTED: July 26, 2016  
ORDER ENTERED: July 26, 2016

**Certified:**



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



<sup>1</sup> See 53 Pa.C.S. § 5701 *et seq.*, as amended, (the “Act”).

# **EXHIBIT “A”**

## INTERIM GUIDANCE REGARDING TEMPORARY AUTHORIZATION OF TRANSPORTATION NETWORK SERVICE IN PHILADELPHIA

The Philadelphia Parking Authority (the “Authority”) is empowered to regulate all taxicab and limousine service in the City of Philadelphia.<sup>1</sup> This regulatory oversight was recently enhanced by Act 85 of 2016 to cover service provided in Philadelphia, under certain terms and conditions, by service providers called “transportation network companies” (“TNC”). TNCs operating pursuant to a corresponding PUC certificate are permitted to provide that service in Philadelphia only through September 30, 2016, under the regulatory oversight of the Authority.

While Act 85 provides that the Authority may adopt certain temporary regulations relating to TNC service in Philadelphia. Due to the brevity of this temporary authorization the promulgation of approved and published final-form regulations is not practicable.<sup>2</sup> Therefore, the Authority issues this interim guidance document to address basic service related issues pending permanent authorization of this new classification of service.

During the period of authorization provided by Act 85, the Authority requires that all PUC certificated TNCs adhere to the requirements outlined in Act 85 and fully comply with PUC regulations, orders and requirements under which each certificate was issued.

In addition, the Authority highlights the following requirements of Act 85 which will apply to all Philadelphia TNC service, although this list is not exhaustive:

1. TNC service may not be provided at the Philadelphia International Airport unless preapproved by the City of Philadelphia;
2. TNC service may not be provided at a designated taxi stand, no stopping or standing zone or other area where personal vehicles are prohibited at train stations owned by Amtrak located in Philadelphia; and
3. TNC service providers may not utilize the organized line of taxis at a hotel designated to provide services to patrons and visitors at the hotel.

TNCs may only provide service in Philadelphia pursuant to Act 85 if it is first approved by the PUC for such temporary (experimental) service. Each TNC so approved must adhere to orders, regulations and requirements of the PUC that are consistent with Act 85. Examples of PUC requirements that are applicable to TNC service in Philadelphia are as follows:

1. Compliance Plans: Each TNC must continue compliance with the conditions of its certificate concerning compliance plans. Each TNC must provide a copy of the last compliance plan filed with the PUC, including the identities, office locations and contact information of the employees or individuals who will be responsible for regulatory compliance in Philadelphia to the Authority’s Taxicab and Limousine Division (“TLD”).

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<sup>1</sup> See 53 Pa.C.S. § 5701 *et seq.*, as amended.

<sup>2</sup> See Act of July 31, 1968, (P.L. 769, No. 240), as reenacted and amended, 45 P.S. §§ 1102, *et seq.*, *see also*, Act of June 25, 1982, P.L. 633, No. 181, as reenacted and amended, 71 P.S. §§ 745.1-745.14, *see also*,

2. Insurance: Each TNC must continue to maintain, on file with the PUC, a Form E Certificate of Insurance affirming coverage as required under the certificate. Each TNC must also provide a copy of its current Form E to the TLD on or before July 29, 2016. Additionally, each TNC shall continue to clearly and adequately inform drivers, in writing, of the levels of insurance coverage provided, instruct drivers regarding the appropriate protocol to follow in case of an accident and direct drivers, conspicuously in written or electronic form, **to contact their personal automobile insurer regarding any policy impacts that may be caused by operating the vehicle for transportation network company use.**
3. Driver Integrity: Each TNC must continue to undertake and maintain records of (1) driver background checks consistent with 52 Pa. Code §§ 29.503 and 29.505 and (2) drivers' history checks consistent with 52 Pa. Code § 29.504, as required at all stages and intervals of time, consistent with the requirements under each respective certificate and continue its "zero tolerance policy" for driver drug and alcohol use while driving, consistent with 52 Pa. Code §§ 29.506 and 29.507.
4. Vehicle Safety: Each TNC shall continue to (1) ensure that driver's vehicles successfully pass the Pennsylvania Department of Transportation inspection pursuant to 52 Pa. Code § 29.405 annually; (2) ensure that drivers' vehicles remain in continuous compliance with the PUC's vehicle standards at 52 Pa. Code §§ 29.402(1) and (2) and 29.403; (3) not permit the use of vehicles older than ten model years consistent with 52 Pa. Code § 29.314(d); and (4) require that all vehicles be marked as specified at 52 Pa. Code §§ 29.71 and 29.72 by requiring that each transportation network driver places the PUC-approved placard in the windshield of the vehicle, which is clearly visible from outside of the vehicles at all times, while operating in certain stages.
5. Tariffs: Each TNC shall continue to only charge rates in a manner consistent with the tariff filed with and approved by the PUC.

Act 85 also imposes a 1% assessment upon all gross receipts from TNC service originating in Philadelphia. To assist TNCs with compliance with this statutory requirement, the TLD will develop a form identifying the TNC, its gross revenue and the assessment amount to be paid. Act 85 requires that this payment be made on a quarterly basis. For the purposes of Act 85 the quarter will begin on the date of enactment of Act 85 through September 30, 2016. The completed assessment form and the assessment payment required by Act 85 are to be delivered to the TLD at 2415 S. Swanson Street, Philadelphia, PA 19104. The assessment payment shall be made consistent with 52 Pa. Code § 1001.42

The TLD will directly enforce violations of Act 85 Act by a TNC pursuant to 53 Pa. C.S. § 5706 (a) (relating to contested complaints) and 52 Pa. Code Chapter 1005 (relating to formal proceedings) and refer other violations to the PUC for investigation and adjudication.