

THE PHILADELPHIA PARKING AUTHORITY
Taxicab and Limousine Division

IN RE: PETITION OF KINGSTON TAXI, LLC, ET AL.

DOCKET NO. P-17-12-01

Before
Hon. Sheldon C. Jelin (Ret.)
Hearing Officer
Hearing Held: November 15, 2018

FINDINGS OF FACT

1. On December 15, 2017, Kingston Taxi, LLC, (Petitioner) filed a Petition for Waiver of 52 Pa. Code § 1017.4 (a) (1) as it relates to its 16 taxicabs.
2. 52 Pa. Code § 1017.4 (a) (1) requires all taxicabs upon reaching eight years of age be removed from service.
3. The Petition for Waiver was presented under 52 Pa. Code § 1005.23.
4. On December 22, 2017, the Philadelphia Parking Authority Taxicab and Limousine Division (TLD) denied the Petition on the basis that the granting of the waiver would be inconsistent with the purposes of the Act¹, would disrupt or harm the taxicab and limousine operations in Philadelphia, or would adversely affect the public interest.
5. On December 28, 2017, Petitioner filed a Petition for Appeal from Action of the PPA Staff.
6. On January 17, 2018, the PPA filed a Response to the Petition for Appeal.
7. The Petition for Appeal and Response were scheduled for hearing November 15, 2018. The matter is now before the Hearing Officer.

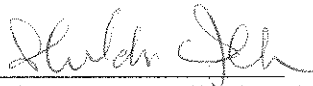
¹ 53 Pa. C.S. Chapters 55, 57, 57A and 57B

8. Petitioner claims that 16 of its taxicabs will reach eight years and must be replaced by the next inspection date, which will probably be scheduled in January, 2018.
9. Petitioner wants a one-year extension from January, 2018.
10. The matter is almost moot now, because in about one month the one-year extension requested by Petitioner will expire.
11. No evidence was presented to support the waiver petition.
12. No evidence was presented to support Petitioner's allegation of violation of its constitutional rights.

CONCLUSIONS OF LAW

1. The TLD has jurisdiction over the parties and subject matter.
2. 53 Pa. C.S. § 5714 (a) (4) specifically states that no vehicle which is more than eight years old shall continue in operation as a taxicab.
3. Act 164 of November 4, 2016, 53 Pa. C.S. § 57B02 (c) (6) (i) states that taxicabs operating in Philadelphia shall be no more than eight years old.
4. 52 Pa. Code § 1017.4 provides that a taxicab shall be removed from providing service upon reaching eight years of age.
5. None of the above cited statutes violate any of Petitioner's constitutional rights.
6. PPA's denial of the waiver petition does not violate any of Petitioner's constitutional rights.
7. The Petition for Appeal is denied.

12/5/18
Date



Hon. Sheldon C. Jelin (Ret.)
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PHILADELPHIA PARKING AUTHORITY
TAXI AND LIMO DEPT

ORDER

AND NOW December 5, 2018, upon consideration of Petitioner's Appeal from Action of Staff and PPA's Answer Thereto, and after argument, it is **ORDERED** that:

1. The Petition for Appeal from Action of Staff is **DENIED**.
2. The TLD's Order of December 22, 2017, is **SUSTAINED**.
3. Pursuant to 52 Pa. Code § 1001.13 (b), this order will become effective December 20, 2018, as an adjudication of the Authority if not selected for review by the Authority.
4. The record at Docket No. P-17-12-01 is to be marked closed.



Hon. Sheldon C. Jelin (Ret.)
Hearing Officer