

# Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY  
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Philadelphia Parking Authority

(2) Agency Number: 126

Identification Number: 4

IRRC Number: 2993

(3) PA Code Cite: 52 Pa. Code Part II, Chapters 1011, 1015, 1017, 1021, 1027, 1051, 1053, 1057, 1059

(4) Short Title: Large Vehicle Amendments and Additional Corrective Amendments.

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Dennis G. Weldon, Jr., General Counsel at PRM101@philapark.org, 215-683-9630 (FAX: 215-683-9619), 701 market Street, Suite 5400, Philadelphia, PA 19104. Secondary Contact: James R. Ney, Director, Taxicab and Limousine Division at jney@philpark.org, 215-683-6417 (FAX: 215-683-9437), 2415 South Swanson Street, Philadelphia PA 19148.

(6) Type of Rulemaking (check applicable box):

- Proposed Regulation  
 Final Regulation  
 Final Omitted Regulation

- Emergency Certification Regulation;  
 Certification by the Governor  
 Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The regulation will amend the code to comport with several statutory changes enacted in the past year, correct certain typographical errors, amend driver qualification and reporting requirements, amend voluntary suspension requirements, amend the rights transfer process to require contemporaneous filing of sale and transfer documents and clarify the long standing limitations of certain taxicab carriers.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Sections 13 and 17 of the act of July 16, 2004, (P.L. 758, No. 94), *as amended*, 53 Pa.C.S. §§5701 *et seq.*, §§ 5711(c)(2.1), 5714(d)(2), 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). The act of July 5, 2012, (P.L. 1022, No. 119) ("Act 119").

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No. Although for purposes of consistency between the regulations and the Parking Authorities Law as amended by the act of July 5, 2012, (P.L. 1022, No. 119) ("Act 119"), several of the changes in the proposed regulation are made.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

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The Legislature enacted Act 119, which amended several provisions of the Authority's taxicab and limousine enabling legislation. One change limited the scope of the definition of "limousine" is 53 Pa.C.S. § 5701 in such a manner as to eliminate the Authority's regulation of a class of limousines identified as "large vehicles." Act 119 also amended the term "taxicab" and language related to the authorization of other carriers and drivers. The proposed rulemaking will amend the regulations to remove references to the large carriers and alter the definition of "partial-rights taxicab" to reflect changes made in sections 1 and 3 of Act 119. It is in the public interest to develop symmetry between statutory and regulatory requirements and limitations and will avoid confusion, to the benefit of every person affected by the regulations.

The correction of typographical errors and original oversights in the drafting of the Authority's regulation under 126-1 in sections 1011.14 (a), 1017.14 (c), 1021.16 (b) are necessary to assure accuracy within the regulations, which is axiomatically to the benefit of every person affected by the regulations.

The regulation will require that the agreement of sale for the rights at issue be executed and filed with the Authority at the time the actual regulatory transfer of rights request is filed with the Authority or that the agreement include a term not to exceed 15 business days. (§§ 1027.5 and 1059.4). The current regulations contain no guidance on this point, which has resulted in execution and filing of agreements of sale, although formal transfer filings are delayed, often by months. That delay results in confusion among the parties, the public and regulatory authorities as to who is actually operating the rights. This confusion has also resulted in litigation between regulated parties who dispute the intent to sell after agreements of sale are entered, but before formal transfer applications are filed. The certainty this simple timing requirement will make will benefit the entire industry by reducing or eliminating the current state of uncertainty. This regulation does not create a new filing requirement; it simply addresses when the already required documents must be filed.

The regulation will require that a medallion or TLD inspection sticker be surrendered to the Authority as part of the voluntary suspension process. (§§ 1011.14 (g) and 1051.13 (e)). This voluntary suspension process permits certificate holders to voluntarily place their rights out of service to avoid mandatory service requirements. The Authority has observed vehicles that were suppose to be in a voluntary suspend status in active taxicab and limousine service. The medallion or TLD inspection sticker is the outward authorization attached to each vehicle. Requiring that the medallion or TLD inspection stickers be turned into the Authority's Taxicab and Limousine Division will reduce or eliminate the likelihood that those vehicles will be improperly used to provide taxicab or limousine service.

The regulation amends certain driver requirements. Sections 1012.4 and 1057.4 will clarify that a driver applicant may experience a loss of their state issued driver's license privileges in the one year period preceding the application or renewal date; yet remain eligible to be issued or renew the Authority driver's certificate. The need to have a driving history of at least one year will continue. This amendment will address confusion among many regulated parties as to the need to have a continuous driving "history" as distinguished from a continuously valid driver's license. Driver's licenses are sometimes suspended for non-driving related reasons, such as late child support payments. This amendment will benefit drivers, certificate holders and the public by clarifying the flexibility of the Authority to approve a driver's certificate applicant, yet maintain the ability to prohibit unsafe drivers.

The regulation will also add a conviction for driving under the influence of alcohol or controlled substance to the list of prohibitions applicable to these sections. Because these convictions are often not

felonies, they will not appear as prohibitive convictions under the regulations. These convictions often do not appear on a driver's history report, creating a potential loophole. The elimination of the loophole and the prohibition of individuals who have committed this serious driving infraction will benefit the public and the taxicab and limousine industry by providing for more responsible drivers. The final-form regulation will limit the duration of this ineligibility to 5 years from the date of conviction and 6 months after the sentence is served.

The regulation will clarify two important and long established service prohibitions applicable to partial-rights taxicab companies. (§ 1015.2(c) and (d)). Those limitations prohibit intra-Philadelphia taxicab service between two points that are not within the geographical boundaries the of respective partial-rights taxicab company, as well as the initiation of taxicab service through a street hail initiated in Philadelphia not within the geographical boundaries of respective partial-rights taxicab company. The taxicab service referenced in this proposed regulation is reserved to medallion taxicabs in Philadelphia. This clarification will eliminate the need to continually reference each partial-rights taxicab's Authority approved tariff and will identify these bright line service distinctions through regulation. The Authority has the power to regulate partial-rights taxicab service in Philadelphia through the act, including sections 5711(c)(2.1) and 5714(d)(2).

In order to be a certificated driver, the applicant must include a valid telephone number, among other information, in the original application. An oversight in the drafting of regulation 126-1 failed to include a requirement that a driver update the Authority as to a change of that telephone number. The requirements to update the Authority as to a change of address was included in the regulations, this proposed amendment will correct that oversight and include telephone numbers (§§ 1021.14(2) and 1057.14 (2)). The ability to contact drivers by telephone when necessary to investigate complaints or otherwise address regulatory issues will benefit all regulated parties and the public.

The regulation will add a new paragraph (5) to § 1021.11(d) requiring taxicab drivers to provide the receipt for taxicab service to each fare-paying customer. All taxicabs are required to have receipt issuing capabilities as provided by §§ 1017.24(d) or § 1017.63(a), or both (related to meter activation and display; and receipts). In the past year it has been averred in an enforcement action that while each taxicab must have the ability to issue a receipt there was no regulatory requirement that the driver actually give the receipt to the customer. The production of these receipts is already a regulatory requirement, handing the receipt to the customer should be a given, but we add it here to address averred confusion. This requirement is reasonable and will benefit the general public and eliminate nonsensical arguments like those already suggested. The Authority approximates that "regulated parties" in Philadelphia includes:

- 3,750 drivers
- 700 taxicab medallion owners
- 6 partial-rights carriers
- 4 brokers
- 13 dispatchers
- 127 limousine companies

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no applicable federal guidelines.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation does not impact the ability of the commonwealth to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will amend certain of the Authority's existing regulations as identified in response to No. 10 above and the proposed rulemaking order.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

None.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The Authority regulates approximately 5,000 persons through its taxicab and limousine oversight. That number includes approximately 3,750 drivers, 700 taxicab medallion owners, 6 partial-rights carriers, 4 brokers, 13 dispatchers, and 127 limousine companies, although these numbers change marginally every day through the sale of medallions, approval of new dispatching services, drivers or limousine companies and the retirement of drivers. Each of those persons will be subject to the terms of this rulemaking and nearly all are small businesses.

The regulation have no discernable impact on these small businesses. For the most part the regulation removes references to a component of the transportation industry that is no longer within the Authority's jurisdiction, corrects typographical errors and codifies existing service requirements and limitations. We incorporate our overview of the regulation provided above in response to question No. 10.

(16) List the persons, groups or entities, including small businesses that will be required to comply with the regulation. Approximate the number that will be required to comply.

The regulation modifies several existing regulations that apply to all regulated parties. The Authority approximates that "regulated parties" in Philadelphia includes:

3,750 drivers, 700 taxicab medallion owners, 6 partial-rights carriers, 4 brokers, 13 dispatchers, 127 limousine companies. We incorporate our response to question No. 15 above as to the persons who will have to comply with the proposed regulations and the identities of those parties.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulation will have no financial or economic impact on day-to-day operations of taxicab and limousine service providers or otherwise. The intent of the regulations is to clarify regulatory requirements to eliminate mistakes, unnecessary language, confusion and loopholes.

The Authority can not envision a social impact associated with this proposed regulation, except that associated with the intended overall improvement to the operations of taxicabs and limousines in Philadelphia.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

There are no anticipated adverse effects, nor additional costs associated with this proposed regulation. The limited prohibition of individuals convicted of driving under the influence from being professional taxicab and limousine drivers is reasonable and in the public interest, as the sequencing of filings related to the sale of taxicab and limousine related rights.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Authority anticipates that there will be no costs or savings to the regulated community as a result of this proposed regulation.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Authority anticipates that there will be no costs or savings to the local government as a result of this proposed regulation.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Authority anticipates that there will be no costs or savings to the state government as a result of this proposed regulation.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The proposed regulation will not create additional legal, accounting or consulting work in order to obtain regulatory compliance, nor are there additional filing requirements. While drivers will need to advise the Authority of changes to telephone numbers, the need to have a telephone number is an existing regulatory requirement.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>						
<b>Local Government</b>						

State Government						
Total Savings						
<b>COSTS:</b>						
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Operation of Taxicab and Limousine Division	\$4,409,901	\$5,225,342	\$5,722,855	\$5,886,174

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (c) A description of any less intrusive or less costly alternative methods of achieving the purpose of

the proposed regulation.

Our response to question No. 16 identifies the numbers of small business entities estimated to be impacted by this proposed regulation. The proposed regulation will not create additional legal, accounting or consulting work in order to obtain regulatory compliance, nor are there additional filing requirements. While drivers will need to advise the Authority of changes to telephone numbers, the need to have a telephone number is an existing regulatory requirement.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

There are none.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The regulation deletes references to carriers no longer subject Authority jurisdiction and carefully amends certain other provisions to address typographical errors, loopholes and to clarify requirements of those provisions. There were no alternative provisions considered beyond those provided in the proposed regulation.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

There is no anticipated adverse impact upon any person, including small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

There is no data that was relied upon during the development of this procedural regulation.

(29) Include a schedule for review of the regulation including:

A. The date by which the agency must receive public comments: N/A

B. The date or dates on which public meetings or hearings will be held: N/A

C. The expected date of promulgation of the proposed regulation as a final-form regulation:

N/A

D. The expected effective date of the final-form regulation:

Third Quarter 2014

E. The date by which compliance with the final-form regulation will be required:

Upon publication in *Pa. B*

F. The date by which required permits, licenses or other approvals must be obtained:

N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

No formal review schedule has been established; however, the Authority will continually review the effectiveness and propriety of its regulations as the need arises.



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**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**

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Copy below is hereby approved as to form and legality. Attorney General.

BY \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Philadelphia Parking Authority  
(AGENCY)

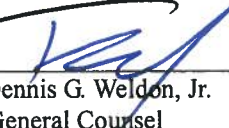
DOCUMENT/FISCAL NOTE NO. Docket No 126-4/ PPA receives no money from the State Treasury – No Fiscal Note.

DATE OF ADOPTION May 28, 2014

BY   
\_\_\_\_\_  
Vincent J. Fenerty, Jr.

TITLE: Executive Director

Copy below is hereby approved as to form and legality. ~~Executive or~~ independent Agencies.

BY   
\_\_\_\_\_  
Dennis G. Weldon, Jr.  
General Counsel

May 28, 2014  
DATE OF APPROVAL

Check if applicable. No Attorney General approval or objection within 30 days after submission.

Final Form Rulemaking No. 126-4  
Final Rulemaking  
Philadelphia Taxicab and Limousine Regulations  
52 Pa. Code (Various Sections)  
Large Vehicle Amendments

The Philadelphia Parking Authority on May 28, 2014 adopted the final-form rulemaking order which eliminates references to a classification of carriers no longer subject to the Authority's regulation, to correct certain typographical errors or technical errors in 52 Pa. Code Part II, as well as to provide certain clarifications as to rights and requirements. The contact person is Dennis G. Weldon, Jr. General Counsel, 215-683-9630.

# THE PHILADELPHIA PARKING AUTHORITY

In Re: Final-Form Rulemaking Order :  
Philadelphia Taxicab and :  
Limousine Regulations : Docket No. 126-4  
:  
:

## FINAL RULEMAKING ORDER

### BY THE AUTHORITY:

The Authority is required to carry out the provisions of the act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§5701 *et seq.*, *as amended*, (the “act”) relating to the regulation of taxicab and limousine service providers in the City of Philadelphia.<sup>1</sup> Pursuant to this obligation, the Authority issued a proposed regulation at this docket number on January 28, 2013. The initial public comment period for this rulemaking proceeding concluded on April 29, 2013, the Independent Regulatory Review Commission (“IRRC”) submitted its comments on May 29, 2013. The Authority has completed its review of the comments and now issues the final-form regulation.

### *Purpose of the Final-Form Regulation and Statutory Authority*

The purpose of the regulation is to provide clarifications for certain existing regulatory provisions and to amend the regulations to reflect changes made by the act of July 5, 2012, (P.L. 1022, No. 119) (“Act 119”), which amended several provisions of the Authority’s taxicab and limousine enabling legislation. One change to the definition of the term “limousine” in 53 Pa.C.S. § 5701 negated the need for the Authority to regulate a class of limousines referred to as “large vehicles”. The proposed rulemaking will amend the regulations to remove references to those carriers.

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<sup>1</sup> See Sections 13 and 17 of the Act.

## DISCUSSION

The Authority has reviewed the comments filed at each stage of this proceeding. Responses to those comments and additional explanations are set forth below.

### *§ 1011.11. Definitions.*

This section amends the definition of “partial-rights taxicab” to reference the changes made to one statutory provision of the act amended by Act 119, specifically, section 5711(c)(2.1). Germantown Cab Company (“Germantown”)<sup>2</sup> seems to aver that this section cannot apply to its Philadelphia operations. We address the entire partial-rights taxicab jurisdiction issue below in response to comments to § 1015.2.

### *§ 1011.14. Voluntary suspension of certificate.*

The final-form regulation amends subsection (a) to delete reference to a subsection “(e)”. There is no subsection (e) in this section and adds a new subsection (d), which will require the surrender of the taxicab medallion or TLD inspection sticker as a condition of placing the vehicle or certificate voluntarily out of service.

### *§ 1015.2. Certificate required.*

The final-form regulation adds two clarifying subsections to this partial-rights taxicab section.

The only public comments to this section were submitted by Germantown and its attorney, both averred that the Authority lacks jurisdiction over partial-rights taxicab companies. The Authority fully reviewed the history of “partial-rights” taxicabs<sup>3</sup> in the final rulemaking order under docket 126-1. Most of the comments submitted by Germantown to this rulemaking were also submitted in regard to the Authority’s rulemaking in 2011. *See* 41 Pa.B. 6499, 6523-6525 (December 11, 2011). We also reviewed this exact issue in regard to our final-form regulation at Docket No. 126-3, which was further reviewed at a hearing before IRRC on May 1, 2014, when that final-form regulation was approved. We incorporate our responses here.

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<sup>2</sup> Germantown Cab’s comments to this proposed rulemaking were mixed with comments to another of the Authority’s proposed rulemakings and were further interspersed with comments that did not appear linked to any proposed rulemaking and were not provided in order. We have made our best efforts to differentiate the various writings and respond to comments made to this proposed rulemaking.

<sup>3</sup> This term is defined at 52 Pa. Code § 1011.2.

In commenting on this section, IRRC correctly notes that the Authority has the power to regulate partial-rights taxicabs in Philadelphia. This issue has now been reviewed by the Authority, the Pennsylvania Public Utility Commission (“PUC”)<sup>4</sup>, the Pennsylvania Commonwealth Court<sup>5</sup>, the Pennsylvania Supreme Court,<sup>6</sup> the General Assembly<sup>7</sup> and IRRC<sup>8</sup>. Every time Germantown raises this issue, in every forum, it is rejected.

(c). Subsection (c) merely provides that a partial-rights taxicab company may not provide service within Philadelphia unless one of the points of the service (pick-up or drop-off) is in the partial-rights territory. If a partial-rights taxicab were permitted to provide service between any two points in Philadelphia, regardless of its limited intra-Philadelphia territorial rights, it would provide medallion cab service in violation of the act.<sup>9</sup> IRRC requested that the Authority reference its statutory authority for these amendments

Partial-rights taxicab service in Philadelphia has always been tethered to each company’s designated partial-rights territory. This is nothing new, but has never been clearly provided for by regulation, only in the tariffs of the partial-rights taxicab companies. Those tariffs were originally approved by the PUC, but jurisdiction over those rights, including the power to revoke, suspend, cancel and otherwise regulate those authorizations was transferred to the Authority through the act.

Germantown avers that it has no authorizations from the Authority and that it is regulated only by the PUC. Germantown made this exact argument in the *Germantown* cases referenced in footnote Nos. 5 and 6 before the Commonwealth Court of Pennsylvania. The court rejected that argument, twice. Just like every other taxicab or limousine company with Philadelphia rights, Germantown’s partial-rights taxicab authorization is now derived from the Authority. In 2005, the Authority accepted Germantown’s Philadelphia rights and tariff and identified those rights as Authority Partial Rights Certificate of Public Convenience No. 1011748-02.

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<sup>4</sup> See Jurisdictional Agreement (between the Authority and the PUC) Pursuant to the act, 35 Pa.B. 1649 (March 25, 2005); *Rosemont Taxi Co. v. Philadelphia Parking Authority*, 68 A.3d 29, 33 (Cmwith. 2013)(finding that the Authority had jurisdiction to approve a partial-rights taxicab certificate of public convenience transfer).

<sup>5</sup> *Germantown Cab, supra*.

<sup>6</sup> *Germantown Cab Co. v. Phila. Parking Auth.*, 79 A.3d 1100 (Pa. 2013)

<sup>7</sup> The act, Act 119, and the Act of July 9, 2013, P.L.455, No.64 (“Act 64”)

<sup>8</sup> Approval Order, 41 Pa.B. 5724 (October 22, 2011).

<sup>9</sup> See 53 Pa.C.S. § 5714(a) (providing that only medallion taxicabs may provide city-wide service).

IRRC requested specific statutory reference to the power of the Authority to regulate partial-rights taxicab companies. The definition of “taxicab” in section 5701 of the act specifically includes partial-rights taxicab and provides as follows:

"Taxicab." A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call or demand service basis and used for the transportation of persons for compensation either on:

(1) a citywide basis as authorized by a certificate of public convenience and a corresponding medallion issued by the authority; or

(2) a non-citywide basis as authorized by a certificate of public convenience issued by the authority and without a corresponding medallion.

The term includes a wheelchair-accessible taxicab.  
(Emphasis added.)

53 Pa. C.S. § 5701.

Partial-rights taxicabs are taxicabs that may operate between points in Philadelphia, but not on an unrestricted city-wide basis. *See* 52 Pa. Code § 1011.2. The act specifically empowers the Authority to certificate partial-rights taxicabs for service in Philadelphia under the exclusive jurisdiction of the Authority. *See* Section 5711(c)(2.1). Also, section 5714(d)(2) provides as follows:

Carriers authorized by the authority to provide taxicab service to designated areas within cities of the first class on a non-citywide basis pursuant to section 5711(c)(2.1) (relating to power of authority to issue certificates of public convenience) shall retain their authorization in those areas of a city of the first class subject to the exclusive jurisdiction of the authority and orders and regulations of the authority issued under this chapter. The authority shall not grant additional rights to new or existing carriers to serve designated areas within cities of the first class on a non-citywide basis. (Emphases added.)

The term “authority” is defined in the act as follows: “[a] parking authority in a city of the first class.” Section 5701. Philadelphia is the only city of the first class in Pennsylvania. We believe

that these statutes clearly grant the Authority the power to authorize and regulate partial-rights taxicabs. The Authority position is consistent with the legislative intent of the act. The Authority would be powerless to improve the operations of taxicabs in Philadelphia if hundreds of taxicabs could provide service in the city outside of our jurisdiction.

(d). Subsection (d) clarifies the inability of a partial-rights taxicab company to pick-up a street hail in an area of Philadelphia that is not in its designated territory. Again, this is not a new issue and has always applied to every partial-rights taxicab company in Philadelphia, including while under the PUC. This subsection merely places in regulation the standard that has always applied through statute and tariff. In fact, the *Germantown* case referenced in Footnote No. 5 addressed this exact “operating outside of rights” issue.

Either the beginning or ending point of a partial-rights taxicab trip, or both, must be within that company’s designated Philadelphia service area. Therefore, these carriers have never been able to pick-up random street hails in areas of the city outside of their respective territories because the hailing citizen may request service to a point that is not in the partial-rights taxicab company’s territory. The same would apply to a partial-rights taxicab waiting in a cab stand line at the airport or other area of the city outside the company’s designated area. To permit this hail (demand) service would lead to illegal service trips by the partial-rights taxicab or confusion to the citizen who hails a taxicab only to be declined service due to the destination. However, partial-rights taxicabs have always been permitted to pick-up a passenger in any part of Philadelphia through an advanced call and dispatch provided the service complies with the terms enunciated in subsection (c).

*§ 1017.14. Taxicab numbering.*

This section clarifies the Authority certificate of public convenience number through which each partial-rights taxicab company operates in Philadelphia. This section also removes reference to the name of those companies because company names are prone to change. Germantown comments again that the Authority does not have the power to regulate partial-rights taxicab service; however, we did address this in response to comments to § 1015.2.

The PUC rights that every Philadelphia taxicab and limousine company held before the act was implemented in 2005 became Authority rights through the act by operation of law. The act did not require every limousine and taxicab company to re-apply for rights in order to

continue in Philadelphia, and none of those companies did apply. The act did not give the Authority the discretion to accept, or not, carriers then authorized by the PUC to operate in Philadelphia. All of those carriers were able to continue the day after the transfer the same as they had the day before, except that the commonwealth agency that regulated their service changed.

Upon confirmation of each carrier's authorization to operate in Philadelphia, the Authority issued new Authority certificate of public convenience numbers to distinguish those rights from those subject to the continuing oversight of the PUC. The creation of a "new" certificate of public convenience was unnecessary. Germantown continues the argument it has raised in multiple forums, unsuccessfully, that the lack of an order of the Authority's Board granting a new certificate of public convenience to Germantown releases Germantown from any obligation to adhere to the Authority's regulations.

It is reasonable to conclude that if the Legislature intended to have every taxicab and limousine carrier's rights in Philadelphia automatically terminated in 2005 pending approval of an application for a new certificate of public convenience by the Authority, the act would have specified the requirement. Of course, the act imposed no such requirement. To do so would have been nonsensical, confusing and created chaos in Philadelphia. Interestingly, Germantown did not develop this legal theory until several years after the act was implemented and after Germantown had already adhered to the Authority's regulations, including the obligation to present former PUC Philadelphia authorizations to the Authority in exchange for a new Authority certificate of public convenience number. That number is identified in § 1017.14 (c)(1).

*§ 1021.4. Ineligible persons for taxicab driver certificate.*

The final-form regulation amends this section by adding paragraphs (7) and (8). Paragraph (7) clarifies that driver applicants may experience a loss of their driver's license privileges in the one year period preceding the application or renewal date, yet remain eligible to be issued or renew the Authority driver's certificate. The need to have a driving history for the year before the application date as currently provided in paragraph (6) will continue; however, to the extent the applicant's driver's license has been valid for the six months preceding the

application date, a suspension or other loss of driving privileges will not be an automatic bar to the application or renewal process.

Paragraph (8) provides that a conviction for driving under the influence of alcohol or controlled substance will prohibit an individual from receiving or renewing a driver's certificate. These convictions are not necessarily felonies and often do not appear on a driver history report, creating a potential loophole. As written in the proposed regulation one conviction for this violation could permanently exclude a person from eligibility, which was not the intention of the amendment. In the final-form regulation we have narrowed the window of applicability to cover convictions within the past 5 years and for 6 months after the date the individual completes the sentence or supervised release imposed.

*§ 1021.11. Driver requirements.*

The regulation will add a new paragraph (5) to subsection (d) requiring taxicab drivers to provide the receipt for taxicab service to each fare-paying customer. All taxicabs are required to have receipt issuing capabilities as provided by §§ 1017.24(d) or § 1017.63(a), or both (related to meter activation and display; and receipts).

*§ 1021.14. General taxicab driver reports.*

The regulation amend paragraph (2) of this subsection to require that a taxicab driver inform the TLD of a change to not only the driver's home address, but also the driver's telephone number.

*§ 1021.16. Service issues regarding people with disabilities.*

The regulation corrects a spelling error in the existing regulation. Specifically, the word "hale" is corrected to "hail" in subsection (b). Germantown commented that the example provided in this section, which is not substantively amended here, violates its rights because the Authority cannot regulate Germantown's Philadelphia taxicab operations. We addressed these points in response to comments to §§ 1015.2 and 1017.14.



§ 1027.5. *Agreement of sale.*

This section provides certain requirements related to the agreement of sale that must be used in conjunction with the sale of transferable rights. The proposed regulations amended subsection (b) to require the execution and filing of the agreement to occur simultaneously with the filing of the parties' application to transfer rights, the SA-1.

IRRC and several commentators noted the challenges that regulated parties and their representatives may have in adhering to this requirement, due to the need to file several documents and official records along with the SA-1. We understand the position of the commenting regulated parties, but disagree that the proposed regulation created a high burden, particularly in consideration of the public benefit derived from the rapid completion of the sale.

One commentator identified a process of selling medallions that is illegal. An agreement to sell a medallion is void by operation of law if not executed before the Authority. The act is very clear on this point, indeed it provides, in part, as follows:

All contracts for the sale of medallions which are not executed at authority offices and witnessed by an authority staff member are void by operation of law. All sales contracts shall conform to such rules and regulations as the authority may prescribe.

53 Pa. C.S. § 5718(a).

Therefore, an agreement of sale executed in a broker's office is void. Such a document is not a binding, enforceable contract in any court; it is void. The Legislature created taxicab medallions and is certainly empowered to provide for the manner in which they are sold, or if they are capable of being sold at all. In addition, as provided in the above quotation, the Authority is authorized to promulgate regulations governing these agreements.

One comment submitted on behalf of the Pennsylvania Taxi Assoc., Inc. and Inna Friedman (collectively "PTA") recommends that the regulation be amended to permit the execution of the agreement of sale before the SA-1 is filed, but that a 15 business day timeframe be permitted during which the parties may complete and file the SA-1. IRRC also recommended that the final-form regulation include such a mandatory timeframe.

We understand the importance of compromise in the pursuit of consensus in the regulatory promulgation process and have modified this section and § 1059.4 to conform to the recommendations of IRRC and PTA. The proposed amendment to subsection (b) has been

deleted and a new subsection (c) has been added. Subsection (c) will require that an agreement of sale duly executed before the SA-1 is filed must have a term not to exceed 15 business days from the date of execution. This limitation will not apply to agreements executed at the time the SA-1 is filed.

We believe that this accommodation will address the Authority's concern about having never ending agreements of sale on record without a corresponding SA-1 application, as well as the concerns of commentators and IRRC about the need for time to complete the SA-1 after execution of the agreement.

*§ 1051.13. Voluntary suspension of certificate.*

A new subsection (e) is added to require the surrender of a TLD inspection sticker authorizing a vehicle to provide limousine service as a condition of placing a vehicle or certificate voluntarily out of service.

*Subchapter D. LARGE VEHICLES AND REMOTE CARRIERS*

We propose deleting the term "large vehicle" due to inapplicability.

*§ 1053.41. Large vehicles.*

The regulation will delete this section as inapplicable because Act 119 removed these large vehicles from the Authority's jurisdiction. *See* 53 Pa.C.S. § 5701 (relating to definitions).

*§ 1053.42. Remote carriers.*

We have deleted the phrase "regardless of seating capacity" from subsection (a) due to inapplicability. This language was originally included in this subsection to ensure that its terms applied to large vehicles, which are no longer subject to Authority regulation.

*§ 1053.43. Certain limousine requirements.*

We have deleted the reference to large vehicles in subsection (b) of this section due to inapplicability. We also deleted subsections (c) and (g) of this section in their entirety due to inapplicability.

*§ 1057.4. Ineligible persons for limousine driver certificate.*

We have amended this section related to limousine driver eligibility to mirror the changes to the taxicab driver section at § 1021.4, referenced above.

*§ 1057.14. General limousine driver reports.*

We have amended this section related to limousine driver reporting requirements to mirror the changes to the similar taxicab driver section at § 1021.14, referenced above.

*§ 1059.4. Agreement of sale.*

We have amended this section related to agreements of sale for limousine rights to mirror the substantially similar section related to the sale of taxicab transferable rights at § 1027.5, referenced above.

*Commonwealth and Political Subdivisions.*

The Authority does not anticipate any increase in regulatory demands associated with this regulation.

*Private sector and General Public.*

This final-form rulemaking will not have a fiscal impact on certificate holders or other regulated parties or the general public.

*Paperwork Requirements.*

This final-form rulemaking will not affect the paperwork generated or required by the Authority

*Effective Date.*

The rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

*Conclusion*

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:**

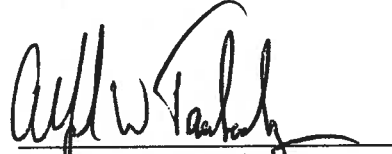
1. The Authority hereby adopts the final regulation in Annex A.
2. The Executive Director shall cause this order and Annex A to be submitted to the Office of Attorney General for approval as to legality.
3. The Executive Director shall cause this order and Annex A to be submitted for review by the designated 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 James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

**THE PHILADELPHIA PARKING  
AUTHORITY**

  
\_\_\_\_\_  
Joseph T. Ashdale  
Chairman  
(SEAL)

**Certified:**

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

ORDER ADOPTED: May 28, 2014

ORDER ENTERED: May 28, 2014



**Annex A**  
**TITLE 52. PUBLIC UTILITIES**  
**PART II. PHILADELPHIA PARKING AUTHORITY**  
**Subpart B. TAXICABS**  
**CHAPTER 1011. GENERAL PROVISIONS**

**§ 1011.2. Definitions.**

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Partial-rights taxicab*—A taxicab authorized by the Authority to provide common carrier call or demand transportation of persons for compensation on a non-citywide basis, under Chapter 1015 (relating to partial rights taxicabs) and section [5711(c)(2)] 5711(c)(2.1) of the act (relating to power of authority to issue certificates of public convenience) and 5714(d)(2) of the act.

\* \* \* \* \*

**§ 1011.14. Voluntary suspension of certificate.**

(a) A certificate holder may apply to place a certificate in a voluntary state of suspension to avoid penalties for violation of [§ 1011.13(e)] § 1011.13 (relating to interruptions of service).

\* \* \* \* \*

(f) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties) and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension.

(g) A period of voluntary suspension may begin only upon surrender to the Authority of each medallion or TLD inspection sticker, or both, for each vehicle subject to the voluntary suspension.

**CHAPTER 1015. PARTIAL RIGHTS TAXICABS**

**§ 1015.2. Certificate required.**

\* \* \* \* \*

(b) Each vehicle operated as a partial-rights taxicab shall be registered with the Department of Transportation in the name of the owner of the partial-rights certificate.

(c) A partial-rights taxicab may not provide taxicab service to two points in Philadelphia unless one or both of the points is within the geographical boundaries identified in the partial-rights taxicab certificate holder's Authority approved tariff.

(d) A partial-rights taxicab may only accept a street hail for taxicab service at a location within the geographical boundaries identified in the partial-rights taxicab certificate holder's Authority-approved tariff.

**CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS**  
**Subchapter B. COLORS AND MARKINGS**

**§ 1017.14. Taxicab numbering.**

\* \* \* \* \*

(c) Partial-rights taxicabs must be identified by a unique sequential number, as follows:

(1) Taxicabs with rights through [Germantown Cab Company (Pennsylvania Public Utility Commission A-00110733)] Certificate No. 1011748-02 shall be numbered "G-1" for the first vehicle, "G-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(2) Taxicabs with rights through [Bucks County Services, Inc. (Pennsylvania Public Utility Commission A-00111913)] Certificate No. 1011752-02 shall be numbered "B-1" for the first vehicle, "B-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(3) Taxicabs with rights through [Concord Limousine, Inc. (Pennsylvania Public Utility Commission A-00113582)] Certificate No. 1016120-05 shall be numbered "CL-1" for the first vehicle, "CL-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(4) Taxicabs with rights through [Concord Coach USA, Inc. (Pennsylvania Public Utility Commission A-00115589)] Certificate No. 1015925-05 shall be numbered "CC-1" for the first vehicle, "CC-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(5) Taxicabs with rights through [Dee Dee Cab, Inc. Company (Pennsylvania Public Utility Commission A-00116499)] Certificate No. 1011761-02 shall be numbered "D-1" for the first vehicle, "D-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(6) [MCT Transportation, Inc. d/b/a Montco Suburban Taxi (Pennsylvania Public Utility Commission A-00119955)] Taxicabs with rights through Certificate No. 1015570-05 shall be numbered "MCT-1" for the first vehicle, "MCT-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

**CHAPTER 1021. TAXICAB DRIVERS**

**§ 1021.4. Ineligible persons for taxicab driver certificate.**

In addition to other prohibitions provided in this part, an applicant for a taxicab driver's certificate shall be automatically ineligible under the following circumstances:

\* \* \* \* \*

(6) Unless otherwise permitted by the Authority, the applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.

(7) The applicant's driver's license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) IN



THE PAST 5 YEARS. THIS PROHIBITION SHALL CONTINUE FOR 6 MONTHS FROM THE DATE THE CONVICTED PERSON COMPLETES THE SENTENCE IMPOSED, INCLUDING INCARCERATION, PROBATION, PAROLE AND OTHER FORMS OF SUPERVISED RELEASE.

**§ 1021.11. Driver requirements.**

\* \* \* \* \*

(d) *Gratuities or payment method.*

\* \* \* \* \*

(4) A taxicab driver shall accept payment by credit card and debit card and other cashless payment options identified by the Authority.

(5) A taxicab driver shall provide each fare-paying customer with a receipt for the taxicab service required under § 1017.24(d) or § 1017.63(a) (related to meter activation and display; and receipts), or both.

(e) *Lease or employment documents.* A taxicab driver is responsible for maintaining a copy of the lease agreement, employment contract and employee identification card in the taxicab at all times.

\* \* \* \* \*

**§ 1021.14. General taxicab driver reports.**

A taxicab driver shall make timely written reports to the Authority as required by the act, this part or an order of the Authority, including the following reports which shall be made to the Manager of Administration:

\* \* \* \* \*

(2) A change of address or telephone number, or both, shall be reported within 15 days.

\* \* \* \* \*

**§ 1021.16. Service issues regarding people with disabilities.**

\* \* \* \* \*

(b) This section may not be interpreted to require or permit a taxicab to provide service in an area outside the rights identified in the taxicab certificate holder's rights. For example, this section does not permit a partial-rights taxicab to stop for a [hale] hail outside of its defined geographical area.

**CHAPTER 1027. SALE OF RIGHTS**

**§ 1027.5. Agreement of sale.**

\* \* \* \* \*

(b) An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee [at the time the sale is initiated as provided in § 1027.6(a)(1) (relating to application for sale of transferable rights)].

(c) THE TERM OF AN AGREEMENT OF SALE FOR TRANSFERABLE RIGHTS MAY NOT EXCEED 15 BUSINESS DAYS FROM THE DATE OF EXECUTION, EXCEPT WHEN EXECUTED ON THE DATE THE APPLICATION FOR SALE OF TRANSFERABLE RIGHTS IS FILED AS PROVIDED IN § 1027.6 (RELATING TO APPLICATION FOR SALE OF TRANSFERABLE RIGHTS).

**Subpart C. LIMOUSINES  
CHAPTER 1051. GENERAL PROVISIONS**

**§ 1051.13. Voluntary suspension of certificate.**

\* \* \* \* \*

(d) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties) and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension.

(e) A period of voluntary suspension may begin only upon surrender to the Authority of the TLD inspection sticker for each vehicle subject to the voluntary suspension.

**CHAPTER 1053. STANDARD CLASSIFICATIONS OF LIMOUSINE SERVICE  
Subchapter D. [LARGE VEHICLES AND] REMOTE CARRIERS**

**§ 1053.41. [Large vehicles] (Reserved).**

[(a) A limousine, regardless of the classification provided by this chapter, having a seating capacity of 16 or more passengers, including the driver, must hold a valid PUC certificate to provide the same or a substantially similar classification of common carrier by motor vehicle service to hold Authority limousine rights.

(b) Limousines with a seating capacity of 16 or more passengers, including the driver, are exempt from this subpart, except for the registration and regulation requirements in § 1053.43 (relating to certain limousine requirements).]

**§ 1053.42. Remote carriers.**

(a) A remote carrier[, regardless of seating capacity,] shall adhere to the requirements in § 1053.43 (relating to certain limousine requirements).

\* \* \* \* \*

**§ 1053.43. Certain limousine requirements.**

\* \* \* \* \*

(b) *Certain limousines covered.* This section applies to remote carriers as provided in § 1053.42 (relating to remote carriers) [and large vehicles as provided in § 1053.41(b) (relating to large vehicles). A vehicle that is both a remote carrier and a large vehicle must comply with the regulations related to large vehicles].

(c) *Registration.*

\* \* \* \* \*

(3) [The registration fee for large vehicles shall be \$15 without consideration of the number of large vehicles used by the certificate holder for Fiscal Year 2011-2012 and, thereafter, as provided in the Authority's fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(4)] The registration of each remote carrier expires on June 30 of each year and may be renewed as provided in paragraph (1) on or before April 1 of each year.

\* \* \* \* \*

[(g) *Large vehicle certificate.* Upon compliance with this section, the Authority will issue the large vehicle registrant a certificate of public convenience to provide service as a large vehicle under this section. The certificate issued under this subsection is not subject to the renewal requirements in this subpart and will be subject to revocation under section 5741.1(c)(1) of the act if the PUC certification required under § 1053.41(a) expires or otherwise becomes invalid.]

**CHAPTER 1057. LIMOUSINE DRIVERS**

**§ 1057.4. Ineligible persons for limousine driver certificate.**

In addition to other prohibitions provided in this part, an applicant for a limousine driver's certificate shall be automatically ineligible under the following circumstances:

\* \* \* \* \*

(6) The applicant does not have a driving history in the United States of at least one continuous year prior to the date of application.

(7) The applicant's driver's license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) IN THE PAST 5 YEARS. THIS PROHIBITION SHALL CONTINUE FOR 6 MONTHS FROM THE DATE THE CONVICTED PERSON COMPLETES THE SENTENCE IMPOSED, INCLUDING INCARCERATION, PROBATION, PAROLE AND OTHER FORMS OF SUPERVISED RELEASE.

**§ 1057.14. General limousine driver reports.**

A limousine driver shall make timely written reports to the Manager of Administration as required under the act, this part or an order of the Authority, including the following:

\* \* \* \* \*

(2) A change of address or telephone number, or both, shall be reported within 15 days.

\* \* \* \* \*

**CHAPTER 1059. APPLICATIONS AND SALE OF RIGHTS**

**§ 1059.4. Agreement of sale.**

\* \* \* \* \*

(b) An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee [at the time the sale is initiated as provided in § 1059.5 (relating to application for sale of transferable rights)].

(c) THE TERM OF AN AGREEMENT OF SALE FOR TRANSFERABLE RIGHTS MAY NOT EXCEED 15 BUSINESS DAYS FROM THE DATE OF EXECUTION, EXCEPT WHEN EXECUTED ON THE DATE THE APPLICATION FOR SALE OF TRANSFERABLE RIGHTS IS FILED AS PROVIDED IN § 1059.5 (RELATING TO APPLICATION FOR SALE OF TRANSFERABLE RIGHTS).



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701 MARKET STREET  
SUITE 5400

PHILADELPHIA, PA 19106

2014 JUL 25 8:28 PM

July 8, 2014

**VIA HAND DELIVERY**

John F. Mizner, Esquire  
Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Re: Agency/ID/Docket No. 126-4  
Final Rulemaking  
Philadelphia Taxicab and Limousine Regulations  
52 Pa. Code §§ Part II (Various Sections)  
Taxicab and Limousine Amendments


Dear Chairman Mizner:

Enclosed please find one (1) copy of the modified Annex to the above referenced regulation. The Authority requested the Independent Regulatory Review Commission (IRRC) toll this regulation from consideration at its July 10, 2014 meeting. The request was approved on July 8, 2014, and is re-submitted for consideration today.

The tolling request was based on a drafting error. Specifically, a change made to the proposed regulation for taxicab drivers in § 1021.4 was supposed to have been replicated in the section applicable to limousine drivers, § 1054.4(8). The change modifies the prohibition of an applicant for either driver status related to a conviction for driving under the influence of alcohol or controlled substance. The look back period applicable to such convictions in this section will be comparable to that in other existing regulations.

Thank you for your consideration of this matter. The undersigned is the contact person for this rulemaking.

Sincerely,  
The Philadelphia Parking Authority

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

DGW/pdm  
Enclosures  
cc: Joseph T. Ashdale, Chairman  
Vincent J. Fenerty, Jr., Executive Director  
James R. Ney, Director, TLD

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

**I.D. NUMBER:** 126-4

**SUBJECT:** Philadelphia Taxicab and Limousine Regulations  
52 PA. Code Sections Part II (Various Sections)

**AGENCY:** Taxicab and Limousine Amendments  
Philadelphia Parking Authority



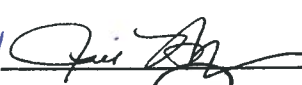

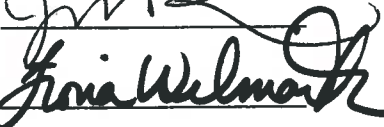
**TYPE OF REGULATION**

- ( ) Proposed Regulation
- ( ) Final Regulation
- ( ) Final Regulation with Notice of Proposed Rulemaking Omitted
- ( ) 120-day Emergency Certification of the Attorney General
- ( ) 120-day Emergency Certification of the Governor
- (X) Delivery of Tolled Regulation  
(X) With Revisions ( ) Without Revisions

2014 JUL -8 PM 4: 28

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IRRC

**FILING OF REGULATION**

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<u>HOUSE COMMITTEE -</u>
7-8-14		MAJORITY CHAIR _____
7-8-14		MINORITY CHAIR _____
		<u>SENATE COMMITTEE -</u>
7-8-14		MAJORITY CHAIR _____
7-8-14		MINORITY CHAIR _____
7-8-14		<u>INDEPENDENT REGULATORY REVIEW COMMISSION</u>
_____	_____	<u>ATTORNEY GENERAL</u> (for Final Omitted only)
_____	_____	<u>LEGISLATIVE REFERENCE BUREAU</u> (for Proposed only)