

**INDEPENDENT REGULATORY REVIEW COMMISSION  
DISAPPROVAL ORDER**

Commissioners Voting:

Public Meeting Held April 16, 2015

John F. Mizner, Esq., Chairman  
George D. Bedwick, Vice Chairman  
W. Russell Faber  
Murray Ufberg, Esq.  
Dennis A. Watson, Esq.

Order Issued April 20, 2015  
Regulation No. 57-296 (#3033)  
Pennsylvania Public Utility Commission  
Motor Carrier Vehicle List and Vehicle Age  
Requirements

On October 3, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code § 29.314(c)-(d) and § 29.333(d)-(e). The proposed regulation was published in the October 19, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 27, 2015.

The regulation amends existing motor carrier passenger regulations by eliminating the vehicle list requirements for taxis and limousines; eliminating a waiver exception related to operating a taxi or limousine beyond the limitations set in regulation; replacing vehicle age limitations for taxis and limousines; and incentivizing the use of alternative fuel vehicles.

Upon review, we find that Section 29.314(c) (relating to vehicle and equipment requirements) is ambiguous and lacks clarity and therefore, does not satisfy the criterion set forth in Section 5.2(b)(3)(ii) of the Regulatory Review Act (Act) (71 P.S. § 745.5b(b)(3)(ii)). The PUC proposes that a vehicle that is more than ten model-years old or has more than 350,000 miles of cumulative mileage on its odometer may not be operated in call and demand service. However, this dual age or mileage limitation is followed by an example which states:

“For example, the last day on which a 2016 model year vehicle may be operated in taxi service is December 31, 2026.”

We are concerned that this language could be interpreted as negating the mileage limitation. Likewise, this clarity concern applies to the similar example provided later in this same subsection related to electric vehicles, hybrid electric vehicles and vehicles utilizing alternative fuels. We ask the PUC to review Section 29.314(c) and make clear that the age limitations do not negate the mileage limitations.

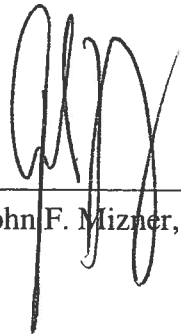
We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa. C.S. § 501, 1301, 1501 and 2301) and the intention of the General Assembly. However, after considering the criterion of the Act discussed above, we find promulgation of this regulation is not in the public interest.

**BY ORDER OF THE COMMISSION:**

The regulation # 57-296 (IRRC # 3033) from the \_\_\_\_\_

Pennsylvania Public Utility Commission

was disapproved on April 16, 2015.

  
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John F. Mizner, Chairman