

# PROPOSED RULEMAKING

## PHILADELPHIA PARKING AUTHORITY

[ 52 PA. CODE CH. 1017 ]

### Taxicab Emergency Lights

The Philadelphia Parking Authority (Authority), on October 28, 2013, adopted a proposed rulemaking order to provide for the installation of lights on taxicabs that will illuminate at the front and rear of the vehicle in the event the driver is in distress and presses a panic button.

*Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-7*

### Proposed Rulemaking Order

*By the Authority:*

In accordance with of the act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the “act”),<sup>1</sup> the Authority formally commences its rulemaking process to promulgate a regulation to provide for emergency distress lights to be installed on the exterior of Philadelphia taxicabs. The Authority seeks comments from all interested parties on the proposed regulation, which are found at Annex A to this Order.

#### A. Background and discussion.

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. The Authority’s regulations may be found at 52 Pa. Code Part II. It has been widely recommended to the Authority on several occasions, including a recent public comment hearing related driver safety issues, that an emergency distress lights be affixed to all taxicabs in Philadelphia. The purpose of the emergency distress light is to signal to the public that a driver is in need of emergency assistance, including the existence of a robbery in progress.

#### B. The regulation.

We propose amending 52 Pa. Code § 1017.5 (relating to basic vehicle standards) by adding a new subsection (c) to require each taxicab in Philadelphia to be equipped with emergency distress lights. The lights must be capable of activation by the driver and will be placed at the front and rear of the vehicle as specifically provided in the regulation.

A substantially similar regulation has been in place in New York City for several years; therefore, we anticipate its implementation will be relatively easy because this technology is both simple and already in wide use. We have opted not to pursue a roof top emergency light because there is already a dome light on each taxicab and in many cases an advertising panel, which could obscure the view of an emergency light.

#### § 1017.5. Basic vehicle standards.

We propose amending 52 Pa. Code § 1017.5 (relating to basic vehicle standards) to require as a basic vehicle standard that every taxicab in Philadelphia be equipped with emergency lights on the front and rear capable of activation by the driver in the event the driver is a victim of a crime or another distressing situation arises.

<sup>1</sup> See 53 Pa.C.S. §§ 5722 and 5742.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 17, 2013, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Authority, the General Assembly and the Governor of comments, recommendations or objections raised.

#### Conclusion

The Authority, therefore, formally commences its rulemaking process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the website of the Independent Regulatory Review Commission, which may be reached at 717-783-5417.

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), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 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 regulations set forth in Annex A; *Therefore,*

#### *It Is Ordered That:*

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Executive Director shall do all such other things necessary to advance this regulation through the appropriate promulgations process in an expeditious manner.

5. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

6. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.

7. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

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

VINCENT J. FENERTY, Jr.,  
*Executive Director*

**Fiscal Note:** 126-7. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 52. PUBLIC UTILITIES**  
**PART II. PHILADELPHIA PARKING AUTHORITY**  
**Subpart B. TAXICABS**  
**CHAPTER 1017. VEHICLE AND EQUIPMENT**  
**REQUIREMENTS**  
**Subchapter A. GENERAL PROVISIONS**  
**§ 1017.5. Basic vehicle standards.**

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(b) *Standard taxicab vehicle requirements.* Each taxicab is subject to the following requirements:

\* \* \* \* \*

(25) The Authority may require the installation of a separate heating and air conditioning system in a taxicab if necessary to comply with paragraph (19).

**(c) *Distress signal lights.*** Taxicabs must be equipped with a distress signaling light system consisting of two turn signal type "lollipop" lights with the following specifications:

(1) One light must be mounted on the front center of the vehicle, either on top of the bumper or forward or behind the grill. A second light must be mounted on top of the rear bumper to the left of the license plate.

(2) Each light must be 3 to 4 inches in diameter, have a total rated output of 32 candle power and be amber-colored or have an amber colored lens so that the light output of the device is the color amber at 32 candle power.

(3) The activator shall be installed within easy reach of the driver, silent when operating and fully solid-state.

(4) The lights must be able to flash between 60 and 120 times per minute.

(5) The wiring may not affect or interfere with, directly or otherwise, wiring or circuitry used by the meter for measuring time or distance.

[ (c) ] (d) *Interstate travel.* No requirement of this subpart or any Authority regulation may be interpreted to disrupt or interfere with interstate commerce exclusively regulated by or preempted by the government of the United States.

[ (d) ] (e) *Smoking prohibited.* Persons may not smoke in a taxicab.

[ (e) ] (f) *Advertising prohibited.*

\* \* \* \* \*

[ (f) ] (g) *Inspection by certificate holder.* A certificate holder shall inspect each of its taxicabs on a daily basis to confirm that the taxicab complies with this subpart. A certificate holder may select a person to conduct the inspections required under this subsection on the certificate holder's behalf.

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