

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CHS. 1001, 1011,
1017, 1019 AND 1021]

Wheelchair Accessible Vehicle Taxicabs

The Philadelphia Parking Authority, on June 12, 2014, adopted a final-form rulemaking order which provides regulatory guidelines for the provision of wheelchair accessible taxicab service in Philadelphia.

Final-Form Rulemaking Order Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-5

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.¹ Pursuant to this obligation, the Authority issued a proposed regulation at this docket number on July 23, 2013.

The initial public comment period for this rulemaking proceeding concluded on November 25, 2013; the Independent Regulatory Review Commission (“IRRC”) submitted its comments on December 24, 2013. The Authority has completed its review of the comments and now issues the final-form regulation. The Authority requested that IRRC toll final consideration of the regulation on June 6, 2014, to permit the Authority to make changes to drafting errors made in §§ 1017.8(b)(3) and 1021.8(c)(3) of the Annex. Those corrections have been completed.

Purpose of the Final-Form Regulation and Statutory Authority

The Authority has been authorized by the Legislature through the act of July 5, 2012 (P. L. 1022, No. 119) (“Act 119”) to issue an additional 15 taxicab medallions in Philadelphia, provided those medallions be used for the purposes of providing wheelchair accessible taxicab service.² Act 119 also increased the number of authorized Philadelphia taxicab medallions by an additional 15 on June 1, 2013 and will continue to increase the aggregate statutory medallion cap by 15 each June 1 until 1,750 Philadelphia taxicab medallions are authorized for issuance by the Authority.³ In order to begin to address the needs of the disabled community, the Authority will restrict all 150 of the new medallions authorized by Act 119 to use on wheelchair accessible vehicles (“WAVs”).

The final-form regulation will establish the first ever set of standards for taxicab service through WAVs in Philadelphia. Many jurisdictions continue to struggle with standards and procedures that will most efficiently provide taxicab service to both the disabled community and the general public.

The Authority has met with many interest groups representing all sectors of the industry, as well as the public and organizations dedicated to advancing the rights of people with disabilities. We have conducted public comment hearings and appeared before commit-

tees, both in the Legislature and the Philadelphia City Council. All of these communications have consistently conveyed two points. First, that the Philadelphia taxicab industry has failed to address this pressing problem on its own and that the problem is long overdue for correction. Second, commentators rarely agree on what standards, procedures and general requirements should apply.

This final-form regulation represents the Authority’s best efforts to address the need to provide high quality WAV taxicab service in Philadelphia, while balancing the interests of the service providers and the general public. The final-form regulation requires the development and reporting of data related to WAV service. The Authority will review that data in an effort to continue to develop ever improving WAV standards and procedures in Philadelphia. The Legislature authorized the gradual increase in the medallion cap, which will permit an analysis of the effectiveness of this rulemaking and permit continued development of best practices.

The Legislature also amended the driver certification section of the act to include a special authorization for WAV taxicab drivers. The final-form regulation established guidelines for these drivers who will be required exit the driver’s seat of their vehicle every time a person in a wheelchair is serviced. The wheelchair ramp and other equipment must be operated properly, the person in the wheelchair must be safely fastened in the vehicle through special devices and special considerations that may apply to disabled persons must be known and honored.

Discussion

The Authority has reviewed the comments filed at each stage of this proceeding. Responses to those comments, explanations of the purpose and alterations of each amended subsection of the final-form regulation are set forth below.

§ 1001.9. Sessions of the Authority.

This section is amended to reflect the address of the Authority’s new headquarters.

§ 1001.10. Definitions.

This section amends the definition of “Dispatcher” to include the term “WAV taxicab dispatcher.” The addition of the term “WAV taxicab dispatcher” is made in section 1011.2. This section also amends the definition of “Taxicab driver” to include the term “WAV taxicab driver.” The addition of the term “WAV taxicab driver” is provided in section 1011.2.

§ 1011.2. Definitions.

The final-form regulation adds a definition of the term “Wheelchair” in order to define the devices that WAV taxicabs must be able to transport. We largely adopted the term as employed by the United States Department of Transportation and provided at 49 C.F.R. 37.3 because we believe it includes the types of personal transportation devices most commonly used by people with disabilities. However, we have altered the width of a “common wheelchair” from 30 inches to 32 inches to accommodate for widening of wheelchairs that we have witnessed thus far during the implementation of the eight WAV taxicabs already in service. This definition provides guidance to certificate holders as to vehicle requirements, equipment standards and procedures to best transport people in wheelchairs.

¹ See Sections 13 and 17 of the Act.

² See 53 Pa.C.S. § 5711(c)(2)(i).

³ See 53 Pa.C.S. § 5711(c)(2)(ii).

Commentator Philadelphia Cab Association (“PCA”) commented that it did not think that the Authority should alter the definition of wheelchair because the definition in the federal regulations pre-empts the Authority’s regulation. PCA provides no support for this assertion and we have found none. We noted above that actual experience with the several WAV taxicabs in service now in Philadelphia has evidenced that real wheelchairs in service today are wider than they were before or are wider than anticipated when the federal regulation was promulgated.

We note that Commentator Disabled in Action of PA, Inc., specifically supported the updating of this definition.

IRRC recommended that the definition of WAV taxicab driver be amended to include reference to § 1021.5a, we have made that change.

§ 1017.8. WAV taxicab specifications.

The final-form regulation adds this section to identify what it means to be a WAV taxicab. The basic requirements of a taxicab will continue to apply to WAV taxicabs, except as limited or expanded by the requirements of this section. The regulation provides general standards for WAVs and guidance on acceptable means of vehicle conversions.

PCA commented that the specifications used by the Authority vary from those provided for in the United States Department of Transportation regulations at “49 C.F.R. § 38.23, 38.28, and 38.31” and again suggested that the Authority is pre-empted from using different standards. PCA also suggests that the Authority has no experience in evaluating vehicle modifications. The Pennsylvania Independent Regulatory Review Commission (“IRRC”) noted this comment and asked for an explanation of the need for more stringent standards and if the Authority’s proposed standards were reasonable.

The Authority is not constrained to use the United States Department of Transportation regulations at all. We have attempted to model some of the provisions of the regulation on existing federal standards to provide a baseline, but were under no obligation to do so.

By way of example, the 32 inch-wide entrance area provided for in the final-form regulation for wheelchairs is a deviation from 49 C.F.R. § 38.23(b)(6) and (c). The updating that this deviation represents has been applauded by commentator Disability in Action of PA, Inc., which represents the interests of people who will actually have to use this service. The deviation is reasonable because disabled people use wheelchairs that require a ramp and entrance wider than 28 to 30 inches. It would be irresponsible to adopt standards that we know are insufficient for the very people who will need to use this service.

For the most part, the final-form regulations adopt the federal standards, but there are areas of service that are not necessarily addressed in those regulations. For example, these federal regulations do not address the issue of adequate leg room. We do not believe that providing standards of that nature imposes a more stringent requirement upon taxicab owners, where the federal regulations do not address the issue at all. Indeed those standards are already in the regulations for standard taxicab and limousine service.

We also note that other major cities have made similar deviations from the federal regulations, such as New York City’s WAV requirements that begin in section 67-05.2 of its regulations. We do not suggest that New York City’s

standards are perfect or cannot be improved upon; we simply note that other jurisdictions have made these deviations in an attempt to provide the best and most practical equipment, as we have here.

We disagree with PCA’s assertion that the Authority should not regulate and review the standards through which vehicles are modified to provide taxicab service. The modification of vehicles, including the frame, is very common in the limousine industry and the Authority has always inspected those vehicles to ensure that they are safe. The Authority regularly inspects taxicabs for state and regulatory safety issues, shield installations, and major post-accident repair quality. We believe that one of our key functions as regulators is to ensure that vehicles used to provide common carrier service are safe and capable of performing as necessary. The final-form regulation includes provisions related to the manner in which vehicles are modified to safely transport people in wheelchairs for exactly that reason.

IRRC also notes that the statutory definition of “wheelchair-accessible taxicab” references the Americans with Disabilities Act of 1990 (“ADA”).⁴ IRRC correctly notes that the definition does not restrict the Authority only to the ADA standards, but permits the Authority to use functional equivalents. Again, the comments to not address a particular deviation from the federal regulations, which themselves are not the “ADA” however, the Authority believes the legislative intent of this authorization was to permit common sense and necessary deviations from potentially outdated, incomplete or nonexistent federal standards. The regulation represents that Authority’s use of updated and more specific functional equivalents to the ADA.

(b)(2). This paragraph addresses WAV transportation requirements for people in wheelchairs, including means of entry and egress. This section has been amended to clarify that all wheelchairs must be secured to the vehicle when in operation. Although paragraph (13) (final-form paragraph (11)) addresses securing systems, the regulation did not specifically require wheelchairs to be secured.

(b)(3). This paragraph requires vehicle modifications to adhere to manufacturer standards. The proposed regulation provided that the Authority “may” post a list of approved vehicle modification entities on its website. IRRC recommended that “may” should be changed to “will” noting that such information will be helpful to the regulated community. We agree and have made that change.

(b)(7) and (8). These paragraphs of the proposed regulation attempted to establish “effective legroom” guidelines in WAVs through the use of standards established by the Society of Automotive Engineers. IRRC indicated that proposed regulation was unclear. We have deleted those paragraphs. Passenger space dimensions are provided in paragraph (6).

(b)(10) (final-form (b)(8)). IRRC questioned the meaning of the reference in this paragraph to “1,000 hour salt spray rating” in regard to the decking to be employed on the interior floor of vehicles retrofitted to be WAVs through the use of a lowered floor, which is common. This salt spray rating was developed to determine the durability of metals and other solids. We agree that the term is vague and it has been deleted.

(b)(13) (final-form (b)(11)). The manner in which a wheelchair is secured to a vehicle is clearly important.

⁴ 53 Pa.C.S. § 5701

This proposed regulation attempted to provide for the degree and kind of restraining system that would be allowed. IRRRC commented that the system identified in the proposed regulation was unclear and required further clarification. We agree. We have amended this paragraph to permit the selection of a restraint system from a list to be provided by the Authority, similar to the list of approved meter systems employed in § 1017.23. This will give the Authority the flexibility to review restraining systems used by certificate holders and add acceptable systems to the list.

(b)(16) (*final-form (b)(14)*). The proposed regulation required the owners of vehicles to obtain the manufacturer's approval of modifications to the rear air conditioning system. IRRRC questioned the manner in which an owner would obtain such an approval. We agree with IRRRC's concern and have changed the regulation to require these modifications to be completed in a manner consistent with manufacturers' standards. It was not the Authority's intention to create an additional approval process.

(b)(20). This proposed paragraph requires hybrid vehicles used to provide WAV taxicab service to be equipped with a device that makes sounds similar to a gasoline engine. IRRRC raised several questions about this paragraph; but it has been deleted.

(c) *Age and mileage limitation.*

(1) and (2). These paragraphs establish special age and mileage limitations for WAV medallion taxicabs only; not existing medallions that owners opt to use as WAVs. This is a special requirement that will run with the brand new medallions that will be sold by the Authority and have never been in service before.

Several commentators questioned the need to lower the age and mileage standards and suggested the requirement was unreasonable and financially burdensome. IRRRC asked the Authority to explain why this requirement is reasonable and the standards that apply to non-WAV taxicabs are insufficient.

We have noted in many forums that most taxicab owners are perfectly content to provide taxicab service through a vehicle that cost between \$4,000 and \$6,000, while the fair market value of a taxicab medallion exceeds \$500,000. This results in the use of uncomfortable, unsightly and sometimes dangerous taxicabs in America's 4th largest city. We believe that all taxicabs need to be newer, cleaner and safer. The Authority will address that larger issue in time.

This regulation addresses a different issue. These age and mileage standards will only apply to the new medallions sold by the Authority. The free market will provide for an adjustment to the value of these special medallions in consideration of the initial costs of operation, including insurance, outfitting and initial acquisition. Those who buy will adjust their medallion bids in consideration of increased operational costs.

This regulation does not work a fiscal impact upon anyone, unless that party opts to buy a WAV medallion. Liberty Resources' comments did not contain an objection to the entry level age and mileage requirements, but suggested that the retirement age be increased to seven years. Liberty Resources suggests that such an increase in the life span of a WAV vehicle will "incentivize providers to purchase and use WAV Taxis." WAV medallion taxicab owners have no option but to provide service in a WAV vehicle, an incentive is unnecessary.

The regulation does not impact the mileage or age limitations applicable to all other medallion and partial-

rights taxicabs. Therefore, the life span of a medallion taxicab that opts to provide service in a WAV vehicle is currently eight years. Black Point Taxi, LLC et al. ("BPT") comments seem to endorse the City of Chicago's WAV procedures and notes that the maximum age permitted for a WAV in Chicago is five years old with the possibility of one extra year. BPT also noted that standard taxicabs are removed from service at four years of age in Chicago, where the limit in Philadelphia is eight years.

PCA suggests the maximum age of a vehicle to which a new medallion is attached should be six years. We note that the regulation uses a very similar WAV medallion age cap of five years. Experience has shown that after five years of use as a taxicab in a congested urban environment, these vehicles will be well worn and in need of replacement. Again, this is a requirement that will be known by the WAV medallion buyer from the start. That knowledge may push the sale price of these medallions below the fair market value of regular medallions. The Authority believes the trade-off in reduced revenue to the medallion fund in exchange for newer, more spacious and higher quality taxicabs in Philadelphia is consistent with the legislative intent of the Act 94. See 53 Pa.C.S. § 5701.1.

We believe that these heightened vehicle standards for this brand new type of service are reasonable and necessary, create no negative fiscal impact upon any current service provider and are in the public interest. Indeed it would be a wasted opportunity to not demand better taxicab service at this unique point.

Proposed (d). WAV taxicab dispatching. IRRRC recommended that the language of this subsection be moved to § 1019.8 because it deals with dispatching issues. We agree. This issue is addressed in § 1019.8(c)(1).

Proposed (e). WAV taxicab drivers. IRRRC recommended that this subsection be moved to § 1021.5a because it deals with special WAV driver issues. We agree and have moved this language to new paragraph (b)(8) in § 1021.5a.

§ 1017.24. *Meter activation and display.*

The proposed regulation directed that a currently available and unused button on the currently approved meter systems in Philadelphia be dedicated to the use of WAV passengers. The proposed regulation also required that a camera already installed in each taxicab meter should be activated to evidence that the passenger was actually in a wheelchair when the driver indicates that they have picked up a passenger in a wheelchair through a street hail. While a dispatcher will know when a WAV trip is pre-arranged, it will not know that a person in a wheelchair received service in a taxicab through a street hail unless the driver notifies the dispatcher. We have clarified in § 1021.5a(e)(4) that when a person in a wheelchair is secured within a taxicab the driver must notify the dispatcher that service to a person in a wheelchair has begun. The compilation of usage data will be crucial to the improvement of WAV taxicab service and the potential expansion of that service in Philadelphia.

The driver incentive program in the proposed regulation was based upon actual service to people in wheelchairs, as was the requirement that a WAV taxicab driver provide a certain minimum number of trips to people in wheelchairs. These issues necessitated some means of independent verification that the customer was actually a person in a wheelchair.

IRRC, Liberty Resources, BPT and PCA all objected to the use of cameras in the manner suggested. While we

disagree with the assertion that a person has a reasonable expectation of privacy in the use of a taxicab, we understand the concern of the commentators as to the selective use of these photographs. Therefore, we will delete this requirement and the required use of the meter button for use in conjunction with wheelchair customers. The elimination of these requirements and the data they would have produced will also necessitate the elimination of the minimum trip level for WAV taxicab driver renewal review and the entire incentive program provided for in § 1021.5a(f).

We note that the Authority's proposed rulemaking No. 126-8 will require the use of security cameras in every taxicab. Upon the promulgation of that regulation we will reconsider the use of the data originally proposed in this regulation and the reintroduction of the driver incentive program.

§ 1019.8. *Dispatcher requirements.*

The final-form regulation adds language to specify the means through which a WAV taxicab may be dispatched, the way to obtain a WAV dispatcher authorization and requirements related to dispatching WAV taxicabs.

(b) *WAV taxicab dispatcher authorization and renewal.*

IRRC noted that several of the paragraphs of this subsection do not strictly relate to authorization and renewal. Therefore, we have moved proposed paragraphs (1) and (4)–(6) to subsection (c), which deals with WAV taxicab dispatcher requirements.

IRRC and PCA questioned the wisdom and applicability of requiring each WAV taxicab dispatcher have 10% or more of the WAV taxicab fleet in its dispatch association. IRRC requested that the Authority provide its interpretation of Section 5711(c) of Title 53 in terms of this authorization process. Section 5711(c) does not deal directly with this issue, but does address the process through which WAV medallions will be authorized for release into the marketplace over the next eight years.

As provided in final-form paragraph (5), any certificate holder engaged in dispatching WAV taxicabs on the date this regulation becomes effective may continue to dispatch those WAV taxicabs unabated through July 1, 2015. These existing WAV dispatchers are not prohibited from adding more WAV taxicabs to their fleets, but this caveat will not apply to WAV medallions.

The regulation envisions applications for WAV dispatcher authorization from both existing dispatcher certificate holders and those in the process of seeking a new dispatcher certificate of public convenience ("CPC"). The authorization is not a CPC, although nothing in the regulation dictates a deviation from the standards that generally apply to applications for dispatcher CPCs. A person seeking a CPC to act as a dispatcher has never had existing taxicabs in its dispatch association, because it has no association. In order to be approved, there are regulatory and statutory standards that an applicant must meet and if that is accomplished, the Authority awards a dispatcher CPC. See 52 Pa. Code § 1019.8.

Even standard dispatchers are required to maintain at least 20 taxicabs in their dispatch association. 52 Pa. Code § 1019.13(a). This is an existing requirement and has never impeded the application process, neither will it here. The Authority anticipates that authorized WAV taxicab dispatchers will seek out WAV taxicab owners for association. If the dispatcher fails to do so, or does reach that minimum number and later falls below that threshold, then its authorization will not be renewed

upon expiration as provided in paragraph (3) and may be suspended before renewal is due. This will not impact the dispatcher's ability to dispatch standard medallion taxicabs and the dispatcher would be able to dispatch the nine or less WAV taxicabs until the validity of its WAV dispatcher authorization is addressed.

We do not anticipate any implementation problems associated with the initial authorization of WAV taxicab dispatchers. However, we do anticipate that only dispatchers that are interested in proactively addressing the needs of the disabled community will seek this authorization.

The goal of this regulation is not to create a new revenue stream for dispatchers, but to address the needs of the disabled community. We must do this in as precise a manner possible, with the limited number of WAV medallions that will be available. We believe that the easier it is for a customer to request and receive a WAV taxicab, the more we can alleviate the transportation problems of these citizens. Establishing a regulation that requires a de minimus concentration of WAV taxicabs with each WAV dispatcher will increase the likelihood that the dispatcher will have a WAV taxicab available. BPT and PCA commented that a type of centralized dispatch system may be the best method through which WAV taxicabs could be dispatched. We do not discount the potential for such centralized dispatching, but it would be a significant departure from standard dispatching procedures and merits its own rulemaking. We will review this option in conjunction with the effectiveness of the current dispatching paradigm.

IRRC asked if there will be enough WAV medallions to permit dispatchers to meet this 10% requirement. Purely in terms of numbers, the answer is yes. When all 150 of the new medallions⁵ authorized by section 5711(c) of the act are issued for WAV service, 15 dispatchers could operate 10 WAV medallions each and qualify under this single WAV dispatcher requirement. This calculation does not include WAV taxicabs that are not WAV medallion taxicabs. A dispatcher could qualify under this 10% requirement with no WAV medallions in its association. The 10% requirement goes to WAV taxicabs generally, not just WAV medallion taxicabs. It is worth noting that the number of dispatchers in Philadelphia is trending down. One year ago there were 14 dispatchers, today there are only 11. Of those original 14 and even the remaining 11, only 2 dispatch WAV taxicabs now.

PCA suggested that the 10% requirement infringes on some freedom of association enjoyed by drivers. We disagree. Owners are responsible for assuring association with a dispatcher, not drivers. These requirements will apply only to those dispatchers that volunteer to dispatch WAVs and to owners and drivers who volunteer to own and operate these special vehicles. Upon issuance of 150 WAV medallions, 85% of the medallion taxicab fleet could still be non-WAV taxicabs. We anticipate that owners, drivers and dispatchers that do not hold a commitment to serving disabled people will not seek these WAV authorizations.

(c) *WAV taxicab dispatcher requirements.*

This subsection provides for WAV taxicab dispatcher requirements.

⁵ BPT suggested that the Authority should investigate issuing all of the medallions authorized by Section 5711(c)(2)(ii) of the act at one time and that every such medallion must be a WAV medallion. The statute is not vague on this issue. The statutory cap on medallions in Philadelphia will increase by 15 each June 1 until the new ceiling of 1,750 is reached. The Authority has no power to issue a medallion before it is authorized by statute.

(3). Paragraph (3) of the proposed regulation required the employees of a dispatcher to attend WAV taxicab driver training. PCA noted that the duties of a dispatcher employee and those of a WAV taxicab driver are different and suggested this requirement be eliminated. IRRC also questioned the need for this paragraph. We have deleted this requirement, but will continue to consider the creation of a training program for these special dispatchers.

(6). Paragraph (6) establishes a minimum wait time for those requesting WAV taxicab service through a dispatcher. This paragraph was numbered "(5)" in the proposed regulation. In the event a WAV dispatcher determines that it will not be able to provide service to a customer within that wait time then the customer request would have to be made available to the other WAV dispatchers through the communication system required by final-form paragraph (3). PCA commented that the proposed 45 minute threshold was too long and unreasonable. IRRC also questioned the reasonableness of this deadline.

Upon review of these comments we agree that the threshold wait time must be significantly narrowed and that 45 minutes is unreasonable. We must view requests for service from disabled people with at least the same urgency that applies to other dispatcher customers. We have reviewed the data related to the average wait time for taxicab service and determined that it is 11 minutes. Now, this is an average. Rush hour, inclement weather and special events will certainly impact this response time. Taking that into consideration we believe that the threshold should be reduced to 20 minutes. This will permit the WAV dispatcher some leeway in terms of arranging to provide WAV service through its dispatch association, without unduly delaying service to the disabled community.

IRRC recommended that the word "each" in final-form paragraph (c)(6) be changed to "every." That change has been made. Paragraph (a)(16) and final-form paragraph (c)(5) are amended to reference § 1021.16(a), in lieu of the now deleted § 1021.11(j).

§ 1021.5a. *Special WAV taxicab driver's certificate and requirements.*

This section establishes the special WAV taxicab driver certificate and associated qualification and maintenance standards and requirements.

(b)(7). IRRC noted that this paragraph dealing with WAV driver qualifications uses the vague phrase "high degree of experience." We have deleted that phrase.

Disabled in Action of PA, Inc., and Liberty Resources commented that the certification requirement (we presume for drivers) should be relaxed; that disabled people can direct what they need and that one year of driver experience was sufficient. We agree that the standards should not dissuade drivers or medallion owners from providing WAV service, but we also have to make sure that this service is provided by people who know how to operate the necessary equipment and generally provide good service, particularly in the early stage of the implementation of this new and unique class of service.

(7)(i) and (ii). This subparagraph requires a WAV taxicab driver applicant to have at least 2 years of Philadelphia taxicab driver experience within the 3 years period preceding the application. IRRC noted the comments of Disabled in Action of PA, Inc., and Liberty Resource, referenced above and requested clarification of the need for 2 years of experience in Philadelphia taxicabs.

WAV taxicab drivers will operate the newest and most expensive taxicabs in Philadelphia. These taxicabs will not be restricted to servicing passengers in wheelchairs and will wait in cab stand lines and pick up hails in Center City and other popular areas just like every other taxicab. In addition, WAV taxicab drivers will be relieved of the cost of renewing their driver's certificate every year and will actually be paid to attend training classes.

We know from the experience of the eight WAV taxicabs in service now that those vehicles are preferred by people with baggage or who are traveling in a group or who just want extra legroom. These WAVs will be in demand by the general public, not just the disabled community. Therefore, we anticipate that the interest in becoming a WAV taxicab driver will exceed the numbers necessary to operate those WAV taxicabs in service in Philadelphia.⁶ For that reason, we have established higher standards for this classification of service than are demanded of regular taxicab drivers.

We want WAV taxicab drivers who:

- Are familiar with the rules and regulations related to Philadelphia taxicab service.
- Are familiar with Philadelphia's geography and special attractions.
- Have a track record of good service in Philadelphia, without driving infractions and regulatory violations.

We believe that requiring two years of Philadelphia taxicab experience will help evidence applicants with these qualities through the creation of a reviewable service record. IRRC also questioned why taxicab service in another jurisdiction, as opposed to just Philadelphia would not suffice. A person who operated a taxicab in Chicago or Las Vegas simply will not have this heightened local experience or regulatory track record that a Philadelphia taxicab driver will possess. Subparagraph (iii) has been amended to note that the revocation of a limousine driver's certificate is as unacceptable as the loss of a taxicab driver's certificate.

(c) *WAV taxicab driver cap.* This subsection establishes a cap on the number of WAV taxicab drivers as the product of the number of WAV taxicabs multiplied by four.

(1). IRRC and PCA questioned the need for the cap. PCA suggested that all 3,750 taxicab drivers be trained to operate as WAV taxicab drivers. The costs of retraining the existing 3,750 taxicab drivers, in addition to the new driver applicants that continue to apply for certification is simply cost prohibitive, particularly when we consider that there will likely be less than 55 WAV taxicabs in Philadelphia in fiscal year 2015. There is no need for the application of the Authority's resources in the manner suggested by PCA.

There are 1,599 medallion taxicabs in service, with 3,750 potential drivers. That equates to less than 2.5 drivers per taxicab. Taxicab driver interest groups often complain that this ratio is too high. And further suggest that having such a "high" ratio of drivers negates any individual driver's ability to negotiate for a better taxicab or better dispatching service, because there is always another driver waiting to take that driver's place.

We have nearly doubled that putatively high ratio for WAV taxicabs. We do this to make certain that WAV taxicab drivers will be available to operate WAV taxicabs.

⁶ We believe this addresses the concern of BPT related to why people would want to be WAV taxicab drivers. We agree that a driver incentive program is a good idea and will consider such a program in a future rulemaking, particularly if the use of safety cameras are approved in Philadelphia for use in taxicabs.

The standards applicable to becoming a WAV driver in this section are geared toward securing the best available drivers, not “fly-by-night” drivers. Section (d) identifies standards for maintaining the WAV driver certificate, which include a certain minimum number of hours in a WAV taxicab each year. Drivers that stop working for long stretches of the year, such as all summer as noted by PCA and referenced by IRRRC, will find it very challenging to maintain this WAV driver designation. When a driver loses that status, a position opens for a new driver who will take this special designation seriously.

Proposed (2). This paragraph authorized the Director of the Authority’s Taxicab and Limousine Division to adjust the cap on WAV taxicab drivers to address the need for an increased need. Because the cap established in this subsection is significantly higher than the ratio of drivers to regular taxicabs and because the aggregate number of WAV drivers will increase with the number of WAV taxicabs in service, we believe this language is unnecessary and it has been deleted from the final-form regulation.

(d) WAV taxicab driver renewal. This section establishes guidelines to be used to determine if a WAV taxicab driver designation should be continued for another year.

The elimination of the special WAV passenger button and photograph requirement in § 1017.24(d)(9) and (10) has rendered the reliability of any data on individual driver service to passengers in wheelchairs unreliable. Therefore, consideration of such service has been deleted from this subsection. Also, IRRRC recommended that proposed paragraph (2) be deleted because in conjunction with the standards in proposed paragraph (3) the standard for renewal was unclear. We agree and have deleted proposed paragraph (2).

IRRC also suggested that in lieu of using the number of days in conjunction with a certain number of hours per day to evaluate a WAV driver’s active participation in WAV service, an annual number of hours be used. We agree with IRRRC and have amended paragraph (2) of the final-form regulation to employ a standard based purely on the number of hours in service in a WAV taxicab each year. This information is easily ascertainable from the taxicab’s meter system. We have opted to use a blend of the number of days/hours used in paragraphs (2) and (3) of the proposed regulation. The minimum number of hours in the final-form regulation will be 1,600. While many taxicab drivers work shifts longer than eight hours, using an eight hour model, these drivers will need to provide this service for approximately 200 days each year. Final-form section (d)(4) has been amended to note only the new paragraph (2) as a basis for denial.

§ 1021.8. *Certain training subjects.*

This section establishes certain training requirements for individuals who wish to become WAV taxicab drivers and maintain that status.

(c). IRRRC noted that paragraphs (1) and (2) did not indicate a minimum number of hours of training necessary to become a WAV taxicab driver. We agree. We have amended the regulation to require a minimum of six hours of training. IRRRC noted that paragraph (3) included non-regulatory language and recommended that it be deleted. We have made that deletion.

(f). Subsection (f) was amended to clarify that the denial of a DR-4 for failure to provide the required number of hours of service in a WAV taxicab will not bar the driver from continuing as a regular taxicab driver as provided in § 1021.5a(d)(4).

§ 1021.11. *Driver requirements.*

This section of the proposed regulation added two new subsections related to the manner in which taxicab drivers must handle requests for service from people in wheelchairs. We have deleted proposed subsection (j) because we believe that this issue is already addressed in existing § 1021.16(a). We have also deleted subsection (k) because the method through which a driver would identify a passenger as a person in a wheelchair has been deleted as we noted in response to comments related to § 1021.5a.

Affected Parties

The final-form regulation will primarily affect the disabled community by permitting the creation of a fleet of modern wheelchair accessible taxicabs. Where there were no wheelchair taxicabs in Philadelphia just three years ago and there are only eight now, we anticipate as many as 55 by the end of fiscal year 2015. As many as 15 more medallions may be added to service each year thereafter, until the statutory cap on medallions reaches 1,750.

Those who volunteer to buy a new WAV medallion or provide service in a WAV taxicab will also be impacted by the regulation related to this special class of service.

Fiscal Impact

The final-form regulation will require vehicles used to provide wheelchair accessible service in Philadelphia to comply with certain standards. Those standards are largely in place now in the current eight WAV taxicabs. The WAV taxicabs in operation on the day of this regulation becomes effective will be permitted to continue in operation until removed from service at the option of the owner or as required by the existing regulations.

The costs to acquire and outfit a vehicle that will meet the vehicle standards required for these new WAV medallions will be significantly higher than those that are applicable to non-WAV medallion taxicabs. However, the largest part of that deviation is based on a combination of the poor quality of vehicles currently used by most taxicab owners and the need to acquire a better conditioned special large vehicle to properly service the disabled community. Those who acquire new WAV medallions will do so with the knowledge that the vehicles to which those medallions are attached will have to be in a much better condition than currently permitted in Philadelphia. There are no current regulated parties that are impacted by these requirements because only those who decide to competitively bid on WAV medallions or opt to drive or dispatch WAV taxicabs will be affected.

Commonwealth

The Authority anticipates increased regulatory demands associated with this regulation, particularly in terms of inspection, application review and training. This is a new program that will simply require additional regulatory resources.

Political subdivisions

This final-form rulemaking will not have a direct fiscal impact on political subdivisions of this Commonwealth.

Private sector

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

General public

This final-form rulemaking will not have a fiscal impact on the general public, although we anticipate the development of data that will evidence a positive fiscal impact upon the disabled community in Philadelphia.

Paperwork Requirements

This final-form rulemaking will not affect the paperwork generated by the Authority. Some additional entries as to service to disabled persons will be required on the monthly form that all dispatchers already complete and file with the Authority on a monthly basis.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 15, 2013, the Authority submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 6373 (October 26, 2013), to IRRC and the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 9, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 10, 2014, and approved the final-form rulemaking.

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 (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 final regulations set forth in Annex A; *Therefore*,

It Is Ordered That:

1. The regulations of the Authority, 52 Pa. Code Chapters 1001, 1011, 1017, 1019 and 1021, are amended by adding §§ 1017.8 and 1021.5a and by amending §§ 1001.9, 1001.10, 1011.2, 1019.8, 1021.8 and 1021.9 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* Amendments to §§ 1017.24 and 1021.11 included in the proposed rulemaking have been withdrawn by the Authority.)

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.

VINCENT J. FENERTY, Jr.,
Executive Director

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, see 44 Pa.B. 5156 (July 26, 2014).)

Fiscal Note: 126-5. (1) Philadelphia Taxicab and Limousine Regulatory Fund; (2) Implementing Year 2014-15 is \$69,349; (3) 1st Succeeding Year 2015-16 is \$73,466; 2nd Succeeding Year 2016-17 is \$77,830; 3rd Succeeding Year 2017-18 is \$82,454; 4th Succeeding Year 2018-19 is \$87,355; 5th Succeeding Year 2019-20 is \$92,549; (4) none—this is a new program; (7) Philadelphia Parking Authority; (8) recommends adoption.

Annex A**TITLE 52. PUBLIC UTILITIES****PART II. PHILADELPHIA PARKING AUTHORITY****Subpart A. GENERAL PROVISIONS****CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE****Subchapter A. GENERAL PROVISIONS****§ 1001.9. Sessions of the Authority.**

Public meetings of the Authority ordinarily will be held in its offices at 701 Market Street, Suite 5400, Philadelphia, Pennsylvania. Schedules for public meetings are advertised and posted under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act) and copies of the schedule can be obtained on the Authority's web site at www.philapark.org.

§ 1001.10. Definitions.

(a) Subject to additional definitions contained in subparts which are applicable to specific chapters or subchapters, the following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Dispatcher—

(i) The owner of a certificate of public convenience to operate a dispatching service in Philadelphia issued by the Authority under section 5711(c)(6) of the act (relating to power of authority to issue certificates of public convenience) and Chapter 1019 (relating to dispatchers).

(ii) The term includes a wheelchair accessible vehicle (WAV) taxicab dispatcher as provided in § 1011.2 (relating to definitions).

* * * * *

Taxicab driver—

(i) The individual to whom a current and valid taxicab driver's certificate has been issued by the Authority under section 5706 of the act.

(ii) The term includes a WAV taxicab driver as provided in § 1011.2.

* * * * *

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:

* * * * *

*Transfer fee—*The nonrefundable fee charged by the Authority to review an application to sell transferable rights.

*WAV medallion—*A medallion restricted to use on a wheelchair accessible vehicle (WAV) taxicab.

*WAV medallion taxicab—*A taxicab to which a WAV medallion is attached by the Authority as provided in this chapter.

*WAV taxicab—*A motor vehicle authorized by the Authority to provide taxicab service that meets the requirements of a "wheelchair accessible taxicab" as defined in section 5701 of the act (relating to definitions) and § 1017.8 (relating to wheelchair accessible vehicle taxicab specifications).

*WAV taxicab dispatcher—*A dispatcher approved by the Authority to dispatch WAV taxicabs as provided in § 1019.8(b) (relating to dispatcher requirements).

*WAV taxicab driver—*The individual to whom a current and valid WAV taxicab driver's certificate has been issued by the Authority under section 5706 of the act (relating to driver certification program) and § 1021.5a (relating to special wheelchair accessible vehicle taxicab driver's certificate and requirements).

*WAV taxicab driver's certificate—*The original photographic identification card issued by the Authority which confirms that an individual has complied with section 5706 of the act and § 1021.8 (relating to certain training subjects).

Wheelchair—

(i) A mobility aid belonging to any class of three-wheeled or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered.

(ii) A common wheelchair is a device which does not exceed 32 inches in width and 48 inches in length measured 2 inches above the ground and does not weigh more than 600 pounds when occupied.

(iii) The term as further defined by 49 CFR 37.3 (relating to definitions) or its successor regulation.

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 1017.8. Wheelchair accessible vehicle taxicab specifications.

(a) *Basic requirements.* Wheelchair accessible vehicle (WAV) taxicabs must be in compliance with the require-

ments applicable to taxicabs, except when deviations are authorized or required by the act, this part or an order of the Authority.

(b) *Standard specifications for WAV taxicabs.* In addition to the requirements of subsection (a), a WAV taxicab is a vehicle that has been inspected and approved by the Enforcement Department to meeting the following requirements:

(1) The vehicle complies with the specifications in the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles codified in 49 CFR 38.23, 38.25 and 38.31 (relating to mobility aid accessibility; doors, steps and thresholds; and lighting) and higher standards set by the act, this part or an order of the Authority. For example, if the Authority required vehicle lift platforms to have provisions to prevent deployment, falling or folding any faster than 10 inches per second, that requirement would supersede the 12 inches per second requirement of 49 CFR 38.23(b).

(2) The vehicle must be capable of transporting at least one passenger seated in a common wheelchair secured to the vehicle by a system approved by the Authority as provided in paragraph (11) with access and entry to the passenger compartment either from the right side of the vehicle to and from the curb or through rear entry.

(3) If modified to become a WAV taxicab, the modification of the vehicle shall be completed under the vehicle manufacturer's standards. The Authority will publish a list of approved vehicle modification entities on its web site at www.philapark.org/tld.

(4) The owner of a vehicle modified to be a WAV taxicab shall, upon presentation for a preservice inspection as provided in § 1017.2 (relating to preservice inspection), provide the certification of an engineer with at least a bachelor's degree in either mechanical engineering or electrical engineering with at least 3 years of experience in automotive manufacturing that the vehicle has been modified using the design tested to meet or exceed impact protection requirements as provided in 49 CFR Part 571 (relating to Federal motor vehicle safety standards) and the specifications of the vehicle's manufacturer.

(5) When loaded to gross vehicle weight rating, the distance between the ground and the vehicle's frame must be 5 inches or more.

(6) The vehicle's passenger compartment length from the back of the passenger's seats to any barrier in front of it must be 56 inches or more.

(7) The floor of a WAV taxicab may be lowered only from the base of the firewall to the area immediately in front of the rear axle.

(8) The floor of a WAV taxicab with a lowered floor assembly must be stainless steel (16 gauge minimum). A vapor-insulating barrier of 1/2-inch marine grade plywood must be applied over the lowered metal floor and thoroughly secured.

(9) The vehicle's wheelchair ramp may not block any part of the door or glass while in the stowed position.

(10) The entry point of the vehicle must measure 56 inches from the ramp to the top of the entry point.

(11) The Authority will maintain a list of wheelchair restraint systems to be used to securely hold one or more wheelchairs in place in the vehicle while in operation.

The list of approved wheelchair restraint systems may be obtained from the Authority's web site at www.philapark.org/tld.

(12) Anchor points may not project more than 1/8 inch above the vehicle's finished floor.

(13) If the vehicle has a middle fold-up passenger seat, it must have a folding mechanism and base plate and meet the requirements of 49 CFR 571.207 (relating to standard No. 207; seating systems).

(14) Modifications to the rear air conditioning must be completed in a manner consistent with the guidelines of the vehicle's manufacturer.

(15) Electrical wiring installed while modifying the vehicle to meet the requirements of this section must be PVC or better, insulated and color-coded for positive identification.

(16) The vehicle must have an electrically operated back-up alarm device that produces an intermittent audible signal when the vehicle's transmission is shifted into reverse.

(17) The vehicle must display the universal logo for wheelchairs as a marking of at least 6 inches high and 6 inches wide on the rear of the vehicle and on each side of the vehicle.

(c) *Age and mileage limitation.*

(1) When a vehicle is proposed for WAV medallion taxicab service, it must be one of the manufacturer's two latest vehicle model years with an odometer reading of less than 500 miles to qualify for inspection as provided in § 1017.2.

(2) A WAV medallion taxicab will not be eligible for inspection as provided in § 1017.31 (relating to biannual inspections by Authority) upon reaching 5 years of age.

(d) *Current vehicles.* Taxicabs authorized by the Authority on August 30, 2014, that are capable of providing taxicab service to a person in a wheelchair without the need for the person to exit the wheelchair are exempt from the requirements of subsections (b) and (c). The exemption provided in this subsection expires when the exempted vehicle is removed from taxicab service and does not run with the associated medallion or certificate of public convenience.

CHAPTER 1019. DISPATCHERS

§ 1019.8. Dispatcher requirements.

(a) *General requirements.* A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including the following:

(1) Control a radio frequency signal of sufficient strength to transmit and receive real time verbal communication and data throughout Philadelphia.

(2) Respond to customer calls 24 hours a day.

(3) Have taxicabs available for dispatch 24 hours a day, 7 days a week.

(4) Dispatch taxicabs with current Authority rights to provide the service requested.

(5) Obtain the Authority's confirmation, which may be provided by the Authority through e-mail, of a taxicab's good standing before beginning to provide it with dispatching service.

(6) Have at least one display advertisement in a telephone book with citywide circulation in Philadelphia or a

web site which displays all of the information necessary to order a taxicab through the dispatcher.

(7) Have a minimum of four coordinated telephone lines to receive incoming calls for service from the public.

(8) Operate and maintain a taxicab meter system approved by the Authority as provided in § 1017.23 (relating to approved meters), including computer hardware and software, means of communication between the dispatcher and each taxicab meter and the Authority.

(9) Answer customer questions about rates and services provided within 12 hours.

(10) Answer customer questions or complaints about service in writing and within 5 days of receipt of the complaint.

(11) Maintain records as provided in § 1019.14 (relating to dispatcher records).

(12) A dispatcher may not discriminate against nor allow its affiliated drivers to discriminate against any member of the public and may not refuse service to any section of Philadelphia. Partial-rights taxicabs may only be dispatched to provide service consistent with the certificate holder's rights.

(13) A dispatcher shall be able to receive and respond to emergency or distress alerts received from taxicab drivers 24 hours a day, 7 days a week.

(14) In addition to the requirements in the act, this part or an order of the Authority, a dispatcher may institute rules of conduct for drivers and certificate holders associated with the dispatcher.

(15) A dispatcher shall report violations of the act, this part or an order of the Authority committed by a driver or certificate holder associated with the dispatcher to the Authority immediately.

(16) Upon receipt of a request for wheelchair accessible vehicle (WAV) taxicab service directly from a source, including a potential customer or as provided in § 1021.16(a) (relating to service issues regarding people with disabilities), a dispatcher not authorized to dispatch WAV taxicabs shall immediately forward the potential customer's contact information and location to a WAV taxicab dispatcher through a means of electronic communication approved by the Authority.

(b) *WAV taxicab dispatcher authorization and renewal.*

(1) A dispatcher or applicant for a dispatcher's certificate as provided in § 1019.3 (relating to dispatcher application) may request authorization to act as a WAV taxicab dispatcher by filing a Form No. DSP-7 "WAV Dispatcher Authorization" with the Manager of Administration. Form No. DSP-7 is available on the Authority's web site at www.philapark.org/tld.

(2) The authorization to dispatch WAV taxicabs is nontransferable.

(3) The authorization to dispatch WAV taxicabs will automatically expire on July 1 of each year. A dispatcher may reapply for WAV dispatcher authorization at the time it makes its annual filing as provided in § 1011.3 (relating to annual rights renewal process).

(4) The authorization to dispatch WAV taxicabs may be suspended, cancelled or revoked for a violation of the act, this part or an order of the Authority.

(5) Dispatchers engaged in dispatching of WAV taxicabs on August 30, 2014, may continue without the authoriza-

tion required under subsection (b)(1) until July 1, 2015. This exemption does not apply to the dispatching of WAV medallion taxicabs.

(c) *WAV taxicab dispatcher requirements.*

(1) Only a WAV taxicab dispatcher may dispatch WAV taxicabs.

(2) A WAV taxicab dispatcher may not have less than 10% of the WAV taxicabs authorized by the Authority to provide city-wide call or demand service in its association at all times. The Authority will maintain a current list of authorized WAV taxicabs on its web site at www.philapark.org/tld.

(3) A WAV taxicab dispatcher shall maintain a means of immediate and simultaneous telephone, Internet or other electronic communication with every WAV taxicab dispatcher that is approved in advance by the Authority. The Authority will post a list of approved communication methods on its web site at www.philapark.org/tld.

(4) Dispatchers shall give preference to persons seated in a wheelchair when dispatching a WAV taxicab.

(5) Customers referred to a dispatcher as provided in subsection (a)(16) or § 1021.16(a) shall be serviced in all ways as if the request were made directly to the dispatcher.

(6) In the event that a WAV taxicab dispatcher cannot provide a WAV taxicab to a requesting customer within 20 minutes, the request for service shall be forwarded by the WAV taxicab dispatcher to every other WAV taxicab dispatcher through the system required under paragraph (3).

(7) The information provided by the forwarding WAV taxicab dispatcher as provided in paragraph (6) must include the information necessary to provide the requested service, including the following:

(i) The time the request was received by the forwarding WAV dispatcher.

(ii) The time that the service is requested to begin.

(iii) The location where the WAV taxicab is expected to appear to initiate service.

(iv) The telephone number and other contact information of the person requesting service, if available.

(v) The time that the forwarding WAV dispatcher would be able to initiate service, if at all.

(8) A WAV taxicab dispatcher shall immediately accept the request forwarded as provided in paragraph (6) if the dispatcher can provide a WAV taxicab as requested before the forwarding dispatcher and sooner than any other WAV dispatcher. If the request for service is not accepted, the forwarding WAV dispatcher shall provide the service as provided in paragraph (7)(v).

(9) Acceptance of the forwarded request shall be simultaneously communicated to all other WAV taxicab dispatchers through the system required under paragraph (3).

(10) The accepting dispatcher shall inform the person that has requested WAV taxicab service that it will dispatch a WAV taxicab to the requester immediately.

(11) A WAV dispatcher shall use a dispatching system that maintains the following data, in addition to the requirements in this section and § 1019.14:

(i) Each request to the dispatcher for a WAV taxicab and the dispatcher's response to that request.

(ii) Each occasion of WAV taxicab service to a person in a wheelchair by a taxicab in the dispatcher's association, including the date of service, the amount of the fare paid and the manner in which the taxicab service was initiated.

(iii) The name and WAV taxicab driver certificate number for each driver that has accepted or declined a dispatch for service to a person in a wheelchair.

(12) The WAV dispatcher's monthly filing of Form No. DSP-4 as provided in § 1019.9 (relating to list of affiliated taxicabs) must include the data maintained in its dispatch system as provided in paragraph (11).

(13) The Authority will maintain a list of WAV dispatchers on its web site at www.philapark.org/tld.

CHAPTER 1021. TAXICAB DRIVERS

§ 1021.5a. Special wheelchair accessible vehicle taxicab driver's certificate and requirements.

(a) *Purpose.* The wheelchair accessible vehicle (WAV) taxicab driver's certificate is created to ensure that the needs of the disabled community are known and fully addressed by the drivers of WAV taxicabs and to ensure that those in need of WAV taxicab transportation are efficiently and adequately provided with that transportation by the best qualified drivers available.

(b) *WAV taxicab drivers.*

(1) The Authority will issue a special driver's certificate for individuals to provide WAV taxicab service as provided in section 5706(a.1)(1) of the act (relating to driver certification program).

(2) A WAV taxicab driver's certificate will identify the driver as having been trained in the operation of a WAV taxicab and in the best practices of transporting a person in a wheelchair.

(3) To obtain a WAV taxicab driver's certificate, an individual, including a current taxicab driver, shall comply with the taxicab driver requirements of this chapter and submit a completed Form No. DR-4 "WAV Driver Application." Form No. DR-4 is available on the Authority's web site at www.philapark.org/tld.

(4) An applicant may apply for a taxicab driver's certificate and a WAV taxicab driver's certificate at the same time. If an applicant discontinues the WAV taxicab driver certification process or is unable to successfully complete the training, the applicant may pursue taxicab driver's certification.

(5) Applications for a WAV taxicab driver certificate will be processed by the Director in the order accepted for filing.

(6) A WAV taxicab driver certificate includes the authorizations applicable to a taxicab driver's certificate.

(7) An applicant for a WAV taxicab driver's certificate shall maintain a record of compliance with the act, this part and orders of the Authority as follows:

(i) A WAV taxicab driver applicant shall have at least 2 years of Philadelphia taxicab driver experience as an Authority certificated driver completed within the immediately preceding consecutive 36-month period prior to the date of application.

(ii) A WAV taxicab driver application will be denied if an order has been entered against the applicant by the Authority or the PUC related to the provision of unsafe or discourteous taxicab service.

(iii) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate or limousine driver's certificate has ever been cancelled or revoked.

(iv) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate has been suspended for any reason in the immediately preceding consecutive 36 months.

(8) Only a taxicab driver certificated by the Authority as provided in this section may provide taxicab service in a WAV taxicab.

(c) *WAV taxicab driver cap.*

(1) Except as provided in paragraph (2), the number of WAV taxicab drivers may not exceed the product of the number of WAV taxicabs multiplied by four. The Authority will continuously maintain a list of the maximum number of WAV taxicab drivers on its web site at www.philapark.org/tld.

(2) The Director will not accept applications for WAV taxicab driver's certificates in excess of the cap established by the Authority.

(d) *WAV taxicab driver renewal.*

(1) A WAV taxicab driver's certificate may be renewed by filing the completed Form No. DR-4 with the Manager of Administration and adhering to standard renewal requirements as provided in § 1011.3 (relating to annual rights renewal process).

(2) The Authority will not renew a WAV taxicab driver's certificate if the driver has failed to provide taxicab service in a WAV taxicab for 1,600 hours or in the immediately preceding consecutive 12-month period.

(3) The annual taxicab driver renewal fee charged by the Authority shall be paid from the proceeds of the sale of WAV medallions authorized by section 5711(c) of the act (relating to power of authority to issue certificates of public convenience) for each successfully renewed WAV taxicab driver.

(4) When a WAV taxicab driver's certificate is denied as provided in paragraph (2) and not on another basis, the Authority will issue the renewing driver a standard taxicab driver's certificate.

(e) *Wheelchair service preference.*

(1) A person seated in a wheelchair who requests taxicab service shall be given preference by a WAV taxicab driver over a potential customer that is not in a wheelchair. For example, if a WAV taxicab is hailed by two people at the same time but only one of those people is seated in a wheelchair, service shall be provided to the person seated in the wheelchair first.

(2) A customer already seated in a taxicab may not be asked to exit the taxicab to accommodate a person seated in a wheelchair.

(3) When a WAV taxicab has been dispatched and is in route to provide taxicab service to a person not in a wheelchair and is hailed by a person seated in a wheelchair, the WAV taxicab driver shall stop and provide taxicab service to the person in a wheelchair. Prior to assisting the hailing customer into the WAV taxicab, the driver shall notify his dispatcher of the hail. The dispatcher shall arrange for an alternate taxicab to provide service to the original customer.

(4) A WAV taxicab driver shall notify his dispatcher each time taxicab service is provided to a person in a

wheelchair. The notification required under this paragraph shall be made once the customer is secured in the taxicab.

§ 1021.8. Certain training subjects.

(a) *Continued training subjects.* The Authority will continually monitor issues related to taxicab drivers, including safety, wheelchair accessible vehicle (WAV) taxicab service and customer service, and maintain a current list of taxicab driver training subjects on its web site at www.philapark.org/tld.

(b) *Basic training issues.* Taxicab driver training will consist of a minimum of 18 hours of in-class instruction and will be developed to address all areas of the act, this part and orders of the Authority. The dress code applicable to taxicab drivers applies to applicants during training. Training will address issues provided for in subsection (a), including the following subjects:

(1) Authority regulations governing taxicab drivers, including differences between the services medallion taxicabs and partial-rights taxicabs provide.

(2) Authority regulations governing taxicab certificate holders.

(3) Authority regulations governing equipment.

(4) Penalties for violation of Authority regulations.

(5) An overview of the administrative process related to violations.

(6) The identification and address of the Authority offices responsible for administering the act.

(7) Customer service issues, including the following:

(i) Personal appearance of drivers.

(ii) Driver courtesy and hygiene.

(iii) Assistance to elderly and people with disabilities.

(8) Driving and customer safety issues, including the following:

(i) Defensive driving techniques.

(ii) Emergency aid.

(iii) Vehicle and equipment inspections.

(iv) Crime prevention.

(v) Accident reporting procedures.

(9) Issues related to the geography of Philadelphia, including the following:

(i) Map reading.

(ii) Overview of major street and traffic patterns.

(iii) Identification and location of popular landmarks and locations.

(c) *WAV taxicab driver training.*

(1) In addition to training required under this section, WAV taxicab driver training will consist of a minimum of 6 hours of in-class instruction and field training necessary to address current and evolving issues related to WAV taxicab service, including sensitivity training, safe and proper use of applicable equipment, and regulations regarding WAV taxicab service.

(2) WAV taxicab driver training will consist of training in all aspects of WAV taxicab service, including the operation of a WAV taxicab and the entry, exit and securing of a passenger in a wheelchair.

(3) A WAV taxicab driver must attend a minimum of 4 hours of continuing WAV taxicab service training every 2 years.

(d) *Testing.* The applicant will be tested under § 1021.9 (relating to taxicab driver test) on the final day of training.

§ 1021.9. Taxicab driver test.

(a) The Authority will develop a test to assure that applicants for taxicab driver's certificates and wheelchair accessible vehicle (WAV) taxicab driver's certificates understand the information presented during training as provided in § 1021.8 (relating to certain training subjects).

(b) The test will be administered in the English language. The assistance of interpreters will not be permitted. An applicant's responses to all test questions shall be in the English language.

(c) Except as limited by this chapter, the test may be administered in a manner and in a form deemed appropriate by the Authority. The test may include:

- (1) Questions requiring a written response.
- (2) Multiple choice questions.

(3) Oral questions.

(4) The demonstration of an ability to operate a motor vehicle and use taxicab related equipment.

(5) For WAV taxicab driver applicants, the demonstration of an ability to operate a WAV taxicab and to assist with the entry, exit and securing of a passenger in a wheelchair in the WAV taxicab.

(d) Failure to pass the test required by this section after three attempts will render the application void.

(e) Failure to pass the test required by this section within 90 days of filing Form No. DR-1 application as provided in § 1021.5 (relating to standards for obtaining a taxicab driver's certificate) will render the application void.

(f) Except as provided in § 1021.5a (relating to special wheelchair accessible vehicle taxicab driver's certificate and requirements), upon the denial or voiding of a Form No. DR-1 or Form No. DR-4 as provided in this chapter an applicant may not reapply for a driver's certificate for 6 months.

[Pa.B. Doc. No. 14-1813. Filed for public inspection August 29, 2014, 9:00 a.m.]
