

# THE PHILADELPHIA PARKING AUTHORITY

In Re: Proposed Rulemaking Order :  
Philadelphia Taxicab and :  
Limousine Regulations : Docket No. 126-5  
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## PROPOSED RULEMAKING ORDER

### BY THE AUTHORITY:

In accordance with of the act of July 16, 2004, (P.L. 758, No. 94), *as amended*, 53 Pa.C.S. §§5701 *et seq.*, (the “act”),<sup>1</sup> the Authority formally commences its rulemaking process to promulgate regulations to provide regulations related to the provision of wheelchair accessible taxicab service in Philadelphia. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

### **A. Background**

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. 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.<sup>2</sup> 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.<sup>3</sup>

## DISCUSSION

Currently, fewer than 10 taxicabs in Philadelphia of nearly 1,800 are wheelchair accessible. The Legislature has recognized the inequity associated with that disposition. To that end, the Authority has been authorized to begin to remedy that shortcoming through the issuance of 15 taxicab medallions that may only be attached to wheelchair accessible taxicabs. The Authority may then continue to issue additional medallions with identical or similar restrictions over the next nine years as identified above.

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

<sup>2</sup> See 53 Pa.C.S. § 5711(c)(2)(i).

<sup>3</sup> See 53 Pa.C.S. § 5711(c)(2)(ii).

Many cities in the United States are striving to implement regulations to address this important issue. While market conditions and variations in taxicab service vary from city to city, there is little debate that people with disabilities must have broader access to these transportation services.

The purpose of this proposed regulation is to create mandatory requirements for the operation of taxicabs through medallions restricted to wheelchair accessible taxicab service. The proposed regulation will also provide guidelines related to the operation of wheelchair accessible taxicabs generally, because taxicab owners may opt to provide wheelchair accessible taxicab service, although not required to do so by conditions that run with their medallions or certifications. We understand that this is a complicated issue that encompasses fundamental transportation issues, as well as technological and funding challenges.

The Authority has received preliminary comments related to the expense of purpose built wheelchair accessible taxicabs, the costs to retrofit minivans to provide this service, the additional costs of insurance that may apply, the need to train drivers and coordinate dispatching operations and many other facets of wheelchair accessible taxicab service. We have drafted this proposed regulation with those comments in mind and with the anticipation that updated and more narrowly tailored comments will be forthcoming during the comment period. We will rely on those comments when drafting final-form regulations.

## **B. The regulation.**

### *§ 1001.9. Sessions of the Authority.*

We propose amending this section to reflect the address of the Authority's new headquarters.

### *§ 1001.10. Definitions.*

We propose amending the definition of "Dispatcher" to include the term "WAV taxicab dispatcher", unless the context of the term clearly indicates otherwise. The addition of the term "WAV taxicab dispatcher" is proposed in section 1011.2.

We propose amending the definition of "Taxicab driver" to include the term "WAV taxicab driver", unless the context of the term clearly indicates otherwise. The addition of the term "WAV taxicab driver" is proposed in section 1011.2.

### *§ 1011.2. Definitions.*

We propose adding the term "WAV medallion" to identify the medallions that will be issued with the condition that the medallion be attached only to a wheelchair accessible taxicab. WAV is an acronym that stands for "wheelchair accessible vehicle" and is used commonly in the taxicab and limousine industries throughout the United States.

We propose adding the term “WAV medallion taxicab” to identify taxicabs to which a WAV medallion is attached by the Authority as provided in this chapter.

We propose adding the term “WAV taxicab” to identify taxicabs that are capable of duly transporting persons in wheelchairs. The term will apply equally to both taxicabs that are required to be WAVs through conditions imposed upon their respective medallions, as well as taxicabs that operate as WAVs voluntarily.

We propose adding the term “WAV taxicab dispatcher” to identify dispatchers authorized by the Authority to dispatch WAV taxicabs. The “WAV taxicab dispatcher” authorization is addressed in § 1019.8.

We propose adding the term “WAV taxicab driver” to identify taxicab drivers specially authorized to provide taxicab service in a wheelchair accessible taxicab pursuant to § 1021.5.1 and section 5706(a.1) of the act.

We propose adding the term “WAV taxicab driver’s certificate” to identify the special driver’s certificate that will be issued by the Authority to WAV taxicab drivers required by section 5706(a.1)(1) of the act.

We propose adding the term “Wheelchair” to define the devices that wheelchair accessible taxicabs must be able to transport. We have 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 7 wheelchair accessible taxicabs in service today. This definition provides a guideline to certificate holders in terms of developing vehicles, equipment and policies to best transport persons in wheelchairs.

*§ 1017.8. WAV taxicab specifications.*

We propose adding this section to identify what it means to be a wheelchair accessible taxicab. The basic requirements of a taxicab will continue to apply to wheelchair accessible taxicabs, except as limited by the requirements of this section. The proposed regulation provides general standards for WAVs, and guidance on acceptable means of vehicle conversions. All WAVs in Philadelphia are currently minivans that have been retroactively altered to accommodate persons in wheelchairs. The means by which this retroactive fitting is accomplished is important to the overall operation and safety of the vehicle. Many of the standards used in the proposed regulation are in place in other jurisdictions and are adhered to by the wheelchair accessible taxicab owners currently employing this technology in Philadelphia.

This section will also reduce the acceptable age and mileage standards otherwise applicable to taxicabs in § 1017.4 for WAV medallion taxicabs. WAV medallion taxicabs are taxicabs operated through a WAV medallion. We propose reducing the entry level age and mileage for these WAV medallion taxicabs to new or nearly new and that the retirement age be lowered from

8 years to 5 years, although the maximum mileage is not adjusted from that applicable to all taxicabs.

The use of newer vehicles to provide taxicab service is a general goal of the Authority. This is because the public prefers newer, cleaner and more reliable vehicles to older, worn and less reliable vehicles. Implementing regulations to place better vehicles in taxicab service is crucial to the Authority's legislative directive to create a clean, safe, reliable, and well regulated taxicab and limousine industry..." 53 Pa. C.S. § 5701.1(2).

The Authority has not sold any WAV medallions and will not do so until WAV taxicab regulations are in place. This sequencing will permit those who opt to purchase a WAV medallion to understand the financial obligations associated with operating this class of taxicabs before buying the WAV medallion. Additional costs of operation may, therefore, be ameliorated through a reduced initial WAV medallion acquisition auction bid price.<sup>4</sup>

The proposed regulation will also require WAV taxicabs to be dispatched only by WAV dispatchers and operated only by WAV taxicab drivers. An exemption from the vehicle standards and age and mileage limitations of this section is also granted to taxicabs in service and approved by the Authority that are equipped to provide taxicab service to persons in wheelchairs without the need of the passenger to exit the wheelchair on the day the final-form regulation becomes effective. The purpose of this limited exemption is to encourage the use of as many of these Authority approved vehicles as possible now and not to discourage the continued use of these existing, if not completely compliant, wheelchair accessible taxicabs.

*§ 1017.24. Meter activation and display.*

We propose amending subsection (d) of this section to include a new paragraph (9) and (10). Paragraph (9) will require every WAV taxicab meter to be equipped with a button that the driver will push when a person in a wheelchair begins taxicab service. This is a crucial tool to track the emerging use of this new service by persons in wheelchairs. It is necessary because a WAV taxicab may also provide standard taxicab service; therefore, some method of differentiating between the types of service provided is necessary. The meter systems in place in medallion taxicabs currently have the capability to designate an existing button for this purpose.

We also propose in new paragraph (10) that the meter systems in WAV taxicabs be capable of taking a picture of the person in a wheelchair as a passenger in the WAV. This information may be reviewed to assure that the appropriate procedures for fastening wheelchairs into WAV taxicabs are followed and to assure that the driver has not pushed the button required by paragraph (9) when the passenger is not a person in a wheelchair.

The latter reason for the meter camera system goes to the requirement that WAV taxicab drivers be committed to provide taxicab service to persons in wheelchairs. WAV taxicab drivers will be paid by the Authority to train for this classification of service and each WAV taxicab driver's annual registration fee will also be paid by the Authority. These benefits are extended with the intent of encouraging drivers to proactively seek (and not avoid) service to persons in wheelchairs. WAV taxicab drivers will be required to provide a minimum number of taxicab

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<sup>4</sup> See, 53 Pa.C.S. § 5717(b).

trips to persons in wheelchairs each year as provided in § 1021.5.1(d), and may receive monetary rewards based on the number of such passengers serviced. The camera system is the best means of assuring the accuracy of this data.

§ 1019.8. *Dispatcher requirements.*

We propose adding subsections (b) and (c) to this section and reidentifying the existing regulatory language as “(a) *General requirements*”. The new subsection (a) applies to all dispatchers generally and will include the addition of a paragraph (16) that requires dispatchers to refer requests for a WAV taxicab to a WAV dispatcher. This is as opposed to terminating the request for service with instructions to “call another dispatcher”. We have received comments emphasizing the need for a form of dispatching coordination to rapidly match a person in a wheelchair with an available wheelchair accessible taxicab by making only one phone call. This requirement is added in furtherance of that goal.

We propose that only WAV dispatchers be permitted to dispatch WAV taxicabs. Persons in wheelchairs will often require a unique form of interaction with a dispatcher, not the least of which will be the need for the dispatcher to have access to several WAV taxicabs. Dispatchers that understands the special requirements associated with WAV taxicab service will be of great assistance to the community of people with disabilities, as will the additional training that the proposed regulation will require of these WAV dispatchers as provided in the proposed language of subsection (c)(3).

Also, each WAV dispatcher must have at least ten percent of the WAV taxicabs then in service in Philadelphia associated with its dispatch service in order to maintain the WAV dispatcher status. The Authority’s goal is to make it easy for persons in wheelchairs to obtain WAV taxicab service. A larger pool of WAV taxicabs increases the likelihood that a WAV dispatcher will have a WAV taxicab available for requested service.

We also propose that dispatchers apply for the WAV dispatcher authorization and that the authorization be temporary (for one year), but renewable. We believe that the improper or unenthusiastic dispatching of WAV taxicabs will cause the program to fail and that the process for changing WAV dispatchers must be efficient and uncomplicated. The potential for a non-renewal of this authorization will help assure that WAV dispatchers exercise their responsibilities properly. Dispatchers engaged in dispatching of wheelchair accessible taxicabs on the date these regulations become effective may continue to do so through July 1, 2015 (the beginning of fiscal year 2016), before formal WAV dispatcher authorization will be required. This will permit the existing dispatchers of these vehicles to continue to provide that service while they transition into the new regulatory framework. However, WAV medallion taxicabs may only be dispatched by authorized WAV dispatchers upon the effective date of the final-form regulation.

We propose that WAV dispatchers be required to maintain certain data about the service provided by the WAV taxicabs in their respective associations. The information includes each request to the dispatcher for a WAV taxicab and the dispatcher’s response, each time a WAV taxicab in its association provides service to a person in a wheelchair and information related to

the WAV taxicab drivers who have accepted or rejected dispatched WAV taxicab service. This information will need to be added to and included in the monthly filing that all dispatchers already provide to the Authority about the status of their dispatch services.

WAV dispatchers will be required to maintain a system of immediate communication to refer requests for WAV taxicab service to the other WAV dispatchers if the initially contacted dispatcher is unable to provide the requested service within 45 minutes. Again, we have received comments about the need to have coordination between WAV dispatchers to dispense with the need for a potential customer to call multiple dispatchers to find an available WAV taxicab. We believe that this inexpensive and immediate form of instant communication (such as instant or email messages) will address this concern.

*§ 1021.5.1. Special WAV taxicab driver's certificate and requirements.*

We propose the development of a WAV taxicab certification program and certificate, as required by section 5706(a.1) of the act. To be approved, an applicant must have two years experience as an Authority certified driver within the three years preceding the application for this special certificate, among other identified requirements. An applicant may apply for both a standard taxicab driver and a WAV taxicab driver certificate. A WAV taxicab driver certificate encompasses all of the service rights of a standard driver's certificate; therefore, when an applicant received a WAV driver's certificate the standard certificate will be unnecessary.

In order to prevent driver saturation of the WAV taxicab market, the number of these drivers will be capped at four times the number of then existing WAVs, not only WAV medallions. WAV taxicab drivers are expected to put their WAV training to use and gain additional experience in furtherance of improving this program. The number of drivers must be kept in proportion to the number of available vehicles in order to achieve this goal.

We propose that WAV taxicab drivers maintain a minimum amount of time in a WAV taxicab each year and that a minimum number of persons in wheelchairs be serviced by each driver in order for the driver to maintain the WAV driver certification. We also propose a graduated cash incentive program for drivers who provide a certain number of taxicab trips each year to persons in wheelchairs. We have received comment related to the need to incentivize drivers to actively service persons in wheelchairs in light of the fact that such service may be more physically challenging and time intensive, without a direct monetary benefit. We proposed both the negative incentive of potentially losing the certification in conjunction with the positive incentive of cash bonuses and the payment of the annual driver's certificate fee.

*§ 1021.8. Certain training subjects.*

We propose that WAV taxicab drivers attend WAV taxicab related training in addition to standard driver training. Again, this is required by section 5706(a.1) of the act. This training will evolve along with the technologies and challenges associated with the operation of this program; therefore, specific training indices are neither prudent nor necessary for purposes of the promulgation of this regulation. For certain, the actual operation of the WAV taxicab

equipment, including the demonstrated ability to assist persons in wheelchairs with the safe entry, exit and secure seating within a WAV taxicab will be required of each applicant.

We proposes that WAV taxicab drivers complete 4 hours of continuing training classes every 2 years in order to remain current on emerging technology, new or better understood needs of the community of people with disabilities and any changes to statutes, regulations or procedures.

*§ 1021.9. Taxicab driver test.*

We propose amending this section to clarify that WAV taxicab driver testing will also be required and that the applicant must pass the test within the existing time window required of all taxicab driver applicants.

*§ 1021.11. Driver requirements.*

We propose adding a new subsections (j) and (k) to this section. Subsection (j) will require all taxicabs to respond to hails of a person in a wheelchair, even if not in a WAV taxicab. A taxicab driver who responds to such a hail, but who is not operating a WAV taxicab must communicate the service request of the person in a wheelchair to the driver's dispatcher. If the dispatcher is a WAV dispatcher it can dispatch a WAV taxicab to the requestor as provided in the proposed regulation or forward the request to a WAV dispatcher as provided in proposed § 1019.8(a)(16).

We also propose that WAV taxicab drivers be required to identify the passenger as a person in a wheelchair through the meter system as provided in proposed § 1017.24(d)(9) and that drivers be prohibited from falsifying the status of the passenger.

## **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), (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 regulations set forth in Annex A, attached hereto;

**THEREFORE,**

**IT IS ORDERED:**

1. That a proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. That 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. That 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. That 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*.
5. That 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.
6. That 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 website at [www.philapark.org/tld](http://www.philapark.org/tld).
7. That the contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

**THE PHILADELPHIA PARKING  
AUTHORITY**

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Joseph T. Ashdale  
Chairman  
(SEAL)

**Certified:**

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Alfred W. Taubengerger  
Vice-Chairman/Secretary  
(SEAL)

ORDER ADOPTED: July 23, 2013  
ORDER ENTERED: July 23, 2013