

§ 1001.9. Sessions of the Authority.

Public meetings of the Authority ordinarily will be held in its offices at [3101 Market Street, 2nd Floor,] 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.

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§ 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:

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Dispatcher—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), the term includes a WAV taxicab dispatcher as provided in § 1011.2 (relating to definitions).

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Taxicab driver—The individual to whom a current and valid taxicab driver's certificate has been issued by the Authority under section 5706 of the act, the term includes a WAV taxicab driver as provided in § 1011.2 (relating to definitions).

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§ 1011.2. Definitions.

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

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WAV medallion—A medallion restricted to use on a 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 and § 1017.8 (relating to WAV 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.

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 special certificate for WAV taxicab drivers).

Wheelchair—A mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A common wheelchair is such a device which does not exceed 32 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied and as further defined by 49 C.F.R. § 37.3 (relating to definitions) or its successor regulation.

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§ 1017.8. WAV taxicab specifications.

(a) Basic requirements. WAV taxicabs must be in compliance with all requirements applicable to taxicabs, except where 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 set forth in the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles codified at 49 C.F.R. Sections 38.23, 38.25 and 38.31, as amended, and such higher standards set by the act, this part or an order of the Authority. For example, in the event 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 C.F.R. § 38.23 (b) (relating to mobility and accessibility).

(2) The vehicle must be capable of transporting at least one passenger seated in a common wheelchair 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 vehicle's modification must be completed pursuant to the vehicle manufacturer's standards. The Authority may publish a list of approved vehicle modification entities on its website 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 bachelors degree in either mechanical engineering or electrical engineering with at least 3 years' 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 C.F.R. Part 571 (relating to federal motor vehicle safety standards), as amended, 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 vehicle's effective legroom (L51) for the rear compartment must be at least 43 inches as defined by the Society of Automotive Engineers.
- (8) The vehicle's effective legroom (L34) for the front compartment must be at least 42 inches as defined by the Society of Automotive Engineers.
- (9) The floor of a WAV taxicab may be lowered, but only from the base of the firewall to the area immediately in front of the rear axle.
- (10) The floor of a WAV taxicab with a lowered floor assembly must be stainless steel (16 gauge minimum) and must meet or exceed the 1,000 hour salt spray rating and a vapor-insulating barrier of ½ inch marine grade plywood must be applied over the lowered metal floor and thoroughly secured.
- (11) The vehicle's wheelchair ramp must not block any part of the door or glass while in the stowed position.
- (12) The entry point of the vehicle must measure 56 inches from the ramp to the top of the entry point.
- (13) The system provided to securely hold one or more wheelchairs in place in the vehicle must be the equivalent of the system known as Qstraint, QRT Standard or better.
- (14) No anchor points may project more than 1/8 of an inch above the vehicle's finished floor.
- (15) If the vehicle has a middle fold-up passenger seat, it must have a folding mechanism and base plate and must meet the requirements of the Federal Motor Vehicle Safety Standard No. 207, Code of Federal Regulations, Title 49, and section 571.207 (relating to seating systems).

(16) Any modifications to the rear air conditioning must be approved by the vehicle's manufacturer.

(17) Any and all 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.

(18) 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.

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

(20) If powered by a hybrid-electric power plant, the vehicle must be equipped with an appropriate device to enable persons who are blind to hear the approach of the vehicle as readily as they can hear a conventional gasoline-powered taxicab.

(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 (relating to preservice inspection).

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

(d) WAV taxicab dispatching. Only a WAV dispatcher authorized by the Authority as provided in § 1019.8(b) (relating to dispatcher requirements) may dispatch a WAV taxicab.

(e) WAV taxicab drivers. Only a taxicab driver certificated by the Authority as provide in § 1021.8 (relating to WAV taxicab drivers) may provide taxicab service in a WAV taxicab.

(f) Current vehicles. Taxicabs authorized by the Authority on _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) 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) of this section. The exemption provided in this subsection will expire when the exempted vehicle is removed from taxicab service and will not run with the associated medallion or certificate of public convenience.

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§ 1017.24. Meter activation and display.

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(d) The meters in every taxicab must have properly attached and approved receipt printers specified by the Authority in § 1017.23 (relating to approved meters), including the following:

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(9) The capability of identifying the passenger as a person seated in a wheelchair through the push of one button on the meter by the driver.

(10) An integrated camera system capable of recording and transmitting a photograph of the passenger at the time the meter is engaged and at the time the meter is disengaged at the termination of the taxicab trip.

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§ 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:

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(16) Upon receipt of a request for WAV taxicab service directly from any source, including a potential customer or as provided in § 1021.11(j) (relating to driver requirements), 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) Only a WAV taxicab dispatcher may dispatch WAV taxicabs.

(2) 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 DSP-7 is available on the Authority's web site at www.philapark.org/tld.

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

(4) A WAV taxicab dispatcher shall have no less than ten percent 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 all authorized WAV taxicabs on its website.

(5) A WAV dispatcher shall use a dispatching system that maintains the following data, in addition to the requirements provided in § 1019.8 and §1019.14 (relating to dispatcher records):

(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.

(6) The WAV Dispatcher's monthly filing of the Form No. DSP-4 as provided in § 1019.9 (relating to list of affiliated taxicabs) shall include the data maintained in its dispatch system as provided in paragraph (5).

(7) 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).

(8) 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.

(9) Dispatchers engaged in dispatching of WAV taxicabs on _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) may continue without the authorization required by subsection (b)(2) until July 1, 2015. This exemption will not apply to the dispatching of WAV medallion taxicabs.

(c) WAV taxicab dispatcher requirements.

(1) 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 website at www.philapark.org/tld as approved for use.

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

(3) The employees or agents, or both, of a WAV taxicab dispatcher who are engaged in dispatching to WAV taxicabs shall complete the same training and applicable to a WAV taxicab driver as provided in section § 1021.8 (relating to certain training subjects).

(4) Customers referred to a dispatcher as provided in subsection (a)(16) or 1021.11(j) (relating to driver requirements) shall be serviced in all ways as if the request were made directly to the dispatcher.

(5) In the event that a WAV taxicab dispatcher can not provide a WAV taxicab to a requesting customer within 45 minutes, the request for service shall be forwarded by the WAV taxicab dispatcher to each other WAV taxicab dispatcher through the system required by paragraph (1).

(6) The information provided by the forwarding WAV taxicab dispatcher as provided in paragraph (5) shall include all of 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.

(7) 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 (6)(v).

(8) Acceptance of the forwarded request shall be simultaneously communicated to all other WAV taxicab dispatchers through the system required by paragraph (1).

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

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

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

(a) Purpose. The 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 5606(a.1)(1) of the act.

(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 all of the taxicab driver requirements of this chapter and submit a completed Form DR- 4 "WAV Driver Application". Form DR-4 is available on the Authority's web site at www.philapark.org/tld.

(4) An applicant may apply for both a taxicab driver's certificate and a WAV taxicab driver's certificate at the same time. In the event an applicant discontinues the WAV taxicab driver certification process or is unable to successfully complete such 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 all of the authorizations applicable to a taxicab driver's certificate.

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

(i) A WAV taxicab driver applicant must have at least two 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 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.

(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 website at www.philapark.org/tld.

(2) In order to address circumstances of increased need, the Authority may alter the cap imposed by this section, upon investigation, for a period not to exceed one year.

(3) The Director may 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 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 may deny the renewal of a WAV taxicab driver's certificate if the driver has failed to provide taxicab service in a WAV taxicab for 250 or more days and for not less than 8 hours each such day in the immediately preceding consecutive 12 month period.

(3) 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 150 or more days and for not less than 8 hours each such day in the immediately preceding consecutive 12 month period.

(4) The Authority may deny the renewal of a WAV taxicab driver's certificate if the number of taxicab trips provided by the driver to persons seated in wheelchairs remains below the average provided by WAV taxicab drivers in the immediately preceding consecutive 12 month period.

(5) 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) (relating to power of authority to issue certificates of public convenience) for each successfully renewed WAV taxicab driver.

(6) When a WAV taxicab driver's certificate is denied for a reason identified in paragraphs (2) through (5) and on no other 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 must 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 must 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 in order 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 must 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 its dispatcher of the hail. The dispatcher shall arrange for an alternate taxicab to provide service to the original customer.

(f) WAV taxicab driver incentive program. Beginning December 1, 2015, the Authority will provide the following incentives to WAV taxicab drivers, upon the successful renewal of their WAV taxicab driver's certificate, from proceeds of the sale of WAV medallions as provided in section 5711(c) of the act:

(1) \$250 to each WAV taxicab driver who provided 75 or more taxicab trips to a person seated in a wheelchair in a WAV taxicab during the one year period immediately preceding the renewal of the WAV driver's certificate.

(2) \$500 to each WAV taxicab driver who provided 135 or more taxicab trips to a person seated in a wheelchair in a WAV taxicab during the one year period immediately preceding the renewal of the WAV driver's certificate. The incentive provided by this paragraph shall be in addition to that provided in paragraph (1).

(3) \$500 to each WAV taxicab driver who provided 250 or more taxicab trips to a person seated in a wheelchair in a WAV taxicab during the one year period immediately preceding the renewal of the WAV driver's certificate. The incentive provided by this paragraph shall be in addition to that provided in paragraphs (1) and (2).

§ 1021.8. Certain training subjects.

(a) *Continued training subjects.* The Authority will continually monitor issues related to taxicab drivers, including safety, 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.

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(b.1) WAV taxicab driver training.

(1) In addition to training required by this section, WAV taxicab driver training will consist of such additional 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 related to 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) Each WAV taxicab driver shall attend a minimum of 4 hours of continuing WAV taxicab service training every 2 years. The Authority may order such additional training as it determines necessary to meet the requirements of the act and this part.

§ 1021.9. Taxicab driver test.

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

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(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.

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(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.

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(e) Failure to pass the test required by this section within 90 days of filing the DR-1 application as provided in §§ 1021.5 (relating to standards for obtaining a taxicab driver's certificate; and special WAV taxicab driver's certificate and requirements) will render the application void.

(f) Upon the denial or voiding of a DR-1 or DR-4 as provided in this chapter an applicant may not reapply for a driver's certificate for 6 months.

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§ 1021.11. Driver requirements.

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(j) A taxicab driver must respond to a hail by a person in a wheelchair and immediately inform their dispatcher of any request for taxicab service by a person in a wheelchair if that taxicab driver is unable to provide WAV taxicab service.

(k) Upon initiation of taxicab service, a taxicab driver must identify the passenger as a person in a wheelchair through the meter as provided in § 1017.24(d)(relating to meter activation and display. A driver may make the identification required by this section only if the passenger is a person in a wheelchair.