

Erie Transportation Services, Inc. A108419
South Shore Limousine, LLC A6413689
Metro Transportation of Pa., LLC A6310920

September 26, 2016

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pa. 17105-3265

Re: Temporary Rulemaking for Taxi and
Limousine Industries
Docket No. L-2016-2556432
(*incorrectly listed as docket #L-2016-
2566432*)

Dear Ms. Chiavetta;

The comment below are in conjunction with the proposed regulatory changes to Chapter 29 of Title 52 of the Pa. Code.

1. 29.71 Markings of Taxis

We propose to change this section to incorporate/allow safe and modern dressing of the cars in a way that does not obscure the necessary vehicle identification markings required by the Commission. It will allow fresh “fun” appearance and for a another source of revenue for the companies.

2. 29.62 Interruption of Service

The proposed revisions of this section address issues where the demand for service exceeds “reasonably anticipated demand”. There are times that there are circumstances beyond the Certified Carrier’s control. To avoid penalization of a carrier for these circumstances, this will permit the Carrier to notify the public that they can not safely and reasonably service the call, allowing them to make other arrangements. One example: In our area, during the winter weather season there are times that the city is unable to maintain safe passage on the streets. It is impossible to maintain a fleet that is obligated to travel streets that have not been plowed or have been plowed shut because of the municipality only can run main thoroughfares, not side streets or streets that are blocked because of other drivers getting stuck and blocking roads or intersection. There are many times where we also experience low or no visibility and the drivers do not feel safe for themselves or a potential passenger.

Another issue that is becoming a prominent factor is certain neighborhoods and the illegal activity that more prevalent. It can be a life and death concern and the police have concerns too.

3. 29.314 Vehicle and Equipment Requirements

This primarily addresses the upgrades in dispatch technology to allow the use of soft meters, ie: Tablets, computers or other developing technology that tracks the

vehicles. This will allow operators that chose to invest in such equipment to replace the paper logs with equipment that can record the same information.

The proposed regulations also allow vehicles to remain in service with more than 350,000 miles if they are wheel-chair accessible vehicles, hybrid vehicles and alternate fuel vehicles. It allows the carriers to invest in the more expensive units and “eco friendly” vehicles and recoup the investment with the longer period of time. We had a wheel- chair accessible unit but it’s age required us to discontinue using it without recouping our investment.

The regulation also will allow a vehicle that has time left under the age ruling to operate the balance of the year if it achieves the 350,000 mile limitation but not exceed 400,000 miles. From an accounting/budgeting standpoint it assists the carrier.

4. 29.313 Service Standards and Requirements

This revision addresses the need to take advantage of the electronic data collection age. This automation will reduce the possibilities of error or neglect in writing down the required data on the trip sheets. As with all computers, the parameter could be set to retain the information for a minimum of 24 months as is now required.

5. 29.316 Taxi Tarrif

These provisions are intended to allow the carriers to handle changing market conditions on a daily basis without burdening the PUC staff or the carrier as to justifying changes by maintaining pre-set parameters. This allows the carriers to operate in a manner the TNC’s currently operate and allow us to be more competitive.

The carrier would be able to change it rates as it deem necessary/appropriate, (up or down), as long as it falls within the base fare times a multiple that would be less than four (4) times the base. So. If the flag drop is \$2.65 and the mileage rate is \$.35 per 1/7th mile.

In the event that the carrier would want to change the base rate he would have to apply for a change using the modified/small corporation criteria. All existing carriers would be grandfathered to their existing rates for the multiplier . Therefore there would not be a need for the carrier to file a tariff change in order to in compliance with this scenario.

6. 29.334 Limousine Tariff

The revision to this would allow limousine or Blacjk Car Carriers to have their tariff to be based on time and/or distance. This flexibility in the pricing will allow the carriers to be more available and more competitive with the TNC’s

7. 29.501-506 Service Standards

The proposed changes would will fine tune and specify the criminal history/record of drivers or potential drivers. It will specify what prohibits a candidate from be allowed to drive a limousine or taxi.

On the issue of licensing, it will prohibit a carrier from knowingly allow an individual from driving a carrier’s vehicle in service that does not possess a valid current license. It duplicates the rules set down by most insurance carriers. This does assist the

carrier some reprieve from penalty in the event that a driver does not notify the carrier or the most recent DMV report does not show that the driver has not current valid license.

8. 29.403 Vehicle Requests

This continues the current restriction of no smoking in taxi and limousines and contains other fairly well know passenger safety rules.It also addresses the maintaining of sorts of standards of appearance, hygiene.

9. 29.332 Method of Operation

This permits Limousine operators to take reservations by telephone or internet applications. It also specifies makes it unlawful for a “Doorman/Valet” to make instantaneous reservations for limousines. But does not permit street hails or instantaneous reservation.

10. 29.405 Inspection

This permits operators to place vehicles out of service so that it is not subject to a PUC inspection. Prevents a vehicle which is waiting for parts or repair service to be included in a inspection.

If you have any questions, please do not hesitate to contact me if you have any questions.

Sincerely;

/s/ Mark J. McEnery

Mark J. McEnery
President

§ 29.62. Interruptions of service.

(a) *Reasonably continuous service.* A certificated common carrier shall furnish and maintain adequate, reasonably continuous service to the public, without unreasonable interruptions or delay if the carrier has sufficient equipment available, subject to the following:

(1) A carrier may, during a period of unexpected demand, provide service as soon as possible and may provide notice to passengers that service is temporarily suspended. If notice is provided to passengers that service is temporarily suspended, no penalty shall apply.

(2) A driver of a call or demand vehicle who believes that his safety or well-being is, or may be, at risk shall not be required to render service and shall not be fined or penalized for failing to provide service under those circumstances.

(b) *Reports of interruptions of service.* An interruption of service for more than 48 hours shall be reported to the Commission with a statement of the cause of interruption and its probable duration. Suspension of service for 5 consecutive days without notice to the Commission will be deemed sufficient cause for revocation or cancellation of the rights of the carrier, except if the suspension is caused by strike or labor difficulties, riot, insurrection, war, government decrees or an act of God. An order of revocation will not issue until the carrier is given opportunity for a public hearing on a complaint as to why the rights should not be revoked and cancelled.

§ 29.71. Marking of vehicles.

(a) *Identification.* A common carrier shall paint or affix on each side of each motor vehicle operated in certificated service by him in letters of at least 2 inches in height and at least 1/2 inch in width, the name or registered insignia, if approved by the Commission, of the carrier and the number of the certificate of public convenience as follows:

“Pa.P.U.C. No. A—”

(b) *Local trade marks.*--A common carrier may not mark, paint or design a vehicle to simulate a vehicle operated by another carrier within the same local service area. The simulation of design or other act intended to invite patronage by deception shall be considered sufficient grounds for revocation of a certificate of public convenience.

(c) *Advertising.*-- Advertising, including, but not limited to, cab tops, signs, placards

and wrapping of vehicles shall be permitted but shall not obscure the mandated vehicle markings required under this chapter or a driver's view in any direction and must be securely fastened to the vehicle.

(d) *Exceptions.*

(1) Subsection (a) does not apply to vehicles owned by another carrier which may be used temporarily in situations arising from accident, breakdown or peak demand.

(2) Subsections (a)(b) and (c) does not apply to vehicles operated in luxury limousine service as provided in § 29.333(c) (relating to vehicle and equipment requirements).

(e) *Numbers.* A common carrier of passengers by taxicab operating more than one taxi shall cause to be painted or affixed a distinguishing number of at least 4 inches in height and at least 1/2 inch in width, in numerical sequence beginning with No. 1, in a conspicuous location on the rear and on each front side where it is clearly distinguishable from the rear and front side of each motor vehicle. If the common carrier operates under the name of an association not certificated by the Commission, there shall also be, in lieu of a separate numbering system, a single numerical sequence for an association and there shall be painted on the taxicab the name of the association, and the sequential number assigned by the association. The association shall supply the Commission with a current listing of the numbers assigned to each certificated carrier.

§ 29.313. Service standards and requirements.

(a) *Required to provide service.* A driver of a call or demand vehicle shall, at all times when on duty and not engaged, furnish trip service on demand to an orderly person for lawful purposes.

(b) *Shortest route to be followed.* A driver of a call or demand vehicle shall transport passengers to their destinations by the shortest practical route, unless directed by a passenger to take a different route.

(c) *Log sheets.* A driver of a vehicle in call or demand service shall keep a log sheet or manifest for each shift he operates unless the vehicle is equipped with a digital dispatch system, mobile data transmitter or GPS dispatching system which records and stores, either on the device itself or on a computer or server located elsewhere, the following information:

(1) The date.

(2) The time he commenced the shift and the time he ended the shift and ceased driving.

(3) The vehicle identification number.

(4) The times and places of origin and destination of each trip including the odometer or meter mileage at the origin and destination of each passenger trip. Origin and destination places shall contain a street name and address or, if unavailable, an identifiable landmark.

(5) The number of passengers and the fare collected on each trip, indicating separately each fare collected from each passenger or party of passengers sharing the ride.

(6) Each trip on which packages were delivered and the charge for the trip.

(7) The meter readings at the beginning and end of each shift, if applicable.

(8) The name and number of the driver.

(9) The signature of the driver attesting to the accuracy of the data recorded unless the data is stored electronically.

(10) Other information as may be required by this title.

If a certificated carrier has a system which electronically stores the information, a paper log shall not be required. A certificated carrier shall store and hold all paper and electronic logs for a two-year period.

(d) *Baggage.* No charge may be made by a certificateholder or driver for a hand baggage or hand luggage carried by a fare-paying passenger.

(e) *Expressage.* The driver may carry packages or parcels when the merchandise is accompanied by a passenger but shall refuse to carry the packages or parcels when the contents cause the vehicle to become stained or evil smelling. Nothing contained in this subsection may be interpreted as permitting the hiring of vehicles for expressage purposes only unless the rights are specifically included in a certificate held by the carrier.

(f) *Fare receipts.* The driver of a call or demand vehicle shall, if requested, deliver to the person paying for hire of the same, at the time of payment, a correct receipt therefor. Upon this receipt shall be legibly printed or written the name of the carrier, a

method of identifying the vehicle and its driver, items for which a charge is made, the total amount paid and the date of payment. A certificateholder shall supply each of its drivers with blank receipts assembled in book form.

§ 29.314. Vehicle and equipment requirements.

(a) *Seating capacity.* A call or demand service may be operated only in vehicles with seating capacities of eight passengers or less, excluding the driver.

(b) *Meters.* A call or demand vehicle operated within this Commonwealth must be equipped with a meter. A device constituting a meter shall include, but not be limited to:

- 1) A traditional or mechanical meter;
- 2) A mobile data transmitter unit;
- 3) A GPS-based Internet application using a tablet or computer; or
- 4) Another accurate technology to track distance and fare that meets with commission approval and reliably demonstrates the correct fare according to the authorized certificate holder's tariff.

(5) The meter shall be installed in the vehicle so that, at all times, it is plainly visible to and the fare is readily ascertainable by all occupants of the vehicle. The face of the meter must be properly illuminated at all times.

(6) Unless otherwise permitted by the Commission, mechanical meter and meter driving equipment must be sealed so that the meter case, meter driving equipment or additional gear boxes, if any, cannot be disconnected without breaking a seal.

(7) The responsibility for sealing the meter and appurtenant equipment and for maintaining the seals intact while the vehicle is in operation lies with the certificateholder.

(8) It is the responsibility of the certificateholder to cause the meters to be so regulated that the fare is calculated and registered in accordance with the current tariff rates on file with and approved by the Commission.

(9) The meter must be in operation during the entire time the vehicle is engaged by a passenger, and the passenger shall be required to pay only the amount recorded by the meter, except that, when back-mileage or surcharge provisions of the tariff of the carrier apply, the back-mileage charge or surcharge shall be added to the amount

recorded by the meter. Each meter charge shall be collected only once regardless of whether the vehicle is being used in exclusive service or in nonexclusive service.

(10) Paragraph (7) does not apply when the filed tariff provides for a flat rate in lieu of a metered charge for transportation beyond a certain mileage point or for a zone-based fare structure. This paragraph is invalid after January 1, 2007.

(c) *Vehicle age and mileage.* On the last day of each calendar year, a certificate holder shall remove from service, all vehicles greater than 10 model years old or with greater than 350,000 miles. Any vehicle that surpasses 350,000 miles during a calendar year may remain in service until the end of that calendar year, but in no event shall the vehicle remain in service after reaching 400,000 miles. The vehicle age and mileage restrictions under this section shall not apply to any of the following:

(i) An electric vehicle or hybrid electric vehicle as defined under 75 Pa.C.S. § 102 (relating to definitions).

(ii) A vehicle utilizing alternative fuels as defined under 75 Pa.C.S. § 9002 (relating to definitions).

(iii) A wheelchair-accessible vehicle. .

(d) *Dome lights.* Unless otherwise permitted by the Commission, vehicles operated by call and demand carriers must have a dome light affixed to the roof of the vehicle. The dome light shall be visible from a distance of 100 feet from the front and rear of the vehicle. The dome light shall be illuminated only when a customer does not occupy the vehicle.

§ 29.316. Tariff requirements.

- a) Taxi Tariffs.- A motor carrier of call and demand service shall, prior to furnishing or offering to furnish service, file with the commission tariffs showing the rates or other compensation demanded for the service as provided for in this section. The following shall apply:
- 1) A taxi tariff must be filed, posted and published in accordance with law and title 52 Pa Code. Fares may be charged:
 - i) In the amount that is calculated and registered on the meter.
 - ii) As a fixed amount for the trip.
 - iii) As the amount shown to be due on the meter plus a surcharge.
 - 2) A cancellation, no-show and cleaning fee may be applied as necessary and included within the tariff or charged separately with advance notice to the customer.
 - 3) A motor carrier of call and demand service must disclose the fare calculation method, the applicable rates being charged and provide an estimated fare to the customer upon the customer's request.

- 4) A motor carrier of call and demand service may charge a minimum fare of \$1 and a maximum fare equal to 4X the approved base tariff rates with advance notice to the customer. For the purposes of this Section, the base tariff rate shall include the amount charged for the flag drop, each additional mile, and any applicable surcharge, if any.
- 5) Nothing in this section shall be precluded to prohibit a certificate holder from offering promotional discounts.

b) *Posting of fare rate.* Every operator of a call or demand service with fares based on a meter or flat rate shall post the rates of fare in a conspicuous place in each of its vehicles or digital platform.

c) *Full fare information about alternative services.* When a customer requests call or demand service from a certificateholder who offers service under tariffs authorizing both exclusive and nonexclusive services: the dispatcher shall, if requested by the customer, quote to the customer the estimated fare for the trip of the customer as priced under both of these two alternative services, considering the number of people in the traveling group of the customer; and the dispatcher shall explain to the customer, if necessary, the difference in these two types of service.

§ 29.332. Method of operation.

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating limousine service shall have the rights and be subject to the conditions as follows:

(1) To transport persons on an exclusive basis between points as authorized by the certificate, if the order for service is received in advance through a call, digital platform, or other Internet-based electronic platform and not by street hail. The following shall apply:

- (a) A verbal order for service made by a hotel doorman or employee at a restaurant and other similar venue, or by others arranging for limousine service in person, shall be deemed a violation of this section.
- (b) A person is in violation of 52 Pa. Code Ch. 39 (relating to brokers) if the person arranges for limousine service on behalf of the riding public without the appropriate broker's authority issued by the commission.

(2) To charge for service based upon use of a limousine with payment made by a single person or organization and not by passengers as individuals.

(3) Direct, in-person solicitation of a passenger by the driver or a representative of the driver or carrier, is prohibited.

(4) Charge rates based on time, distance or both as filed in tariff or posted and published as required by this Chapter.

(5) Prohibit the use of meters.

§ 29.334. Tariff requirements.

Limousine Tariffs.- A limousine tariff must be based on time, distance or both and shall be available to the commission for review upon request. Agreed pricing between passenger and limousine carrier shall be deemed legally appropriate and binding.

§ 29.403. Requirements for drivers and vehicles of passenger service operation.

(a) *Vehicle requirements*-- A common carrier or a contract carrier may not permit a vehicle having a designed seating capacity of 15 passengers or less, including the driver, to be operated to transport passengers unless it complies with the following requirements, in addition to those in § 29.402 (relating to vehicle equipment requirements):

(1) Vehicles which are equipped with folding, temporary or removable seats must have hinges, latches, brackets or other hardware associated with the seats in working order.

(2) Vehicles must be in clean and sanitary condition.

(3) Vehicles must have a factory-type heater, capable of producing heat for the accommodation of passengers. The heater must be in working order.

(4) Trunk compartments must be clean and suitable for carrying passengers' luggage.

(5) Vehicles must have snow tires or all-weather tires on the drive wheels between October 1 and April 1 of the following year.

(6) A vehicle's exterior may not have any dents or gouges larger than 4 inches in diameter or damage that protrudes from the vehicle.

(7) A vehicle must have 4 matching wheel covers, or the equivalent.

(8) A vehicle must have operative air conditioning.

(9) A vehicle's seats must be secure and not be damaged so as to allow springs or other cushioning or support devices to protrude through the seat.

(10) Vehicles shall not be required to have child restraint systems for passengers under eight years of age. Passengers traveling in a taxi with a child under eight years of age shall supply and install child restraint systems in accordance with 75 Pa.C.S. § 4581 (relating to restraint systems). Operators and drivers of passenger services shall not be liable for personal or property damage resulting from the transport of an unsecured child.

b) Taxi Driver Requirements--A taxi driver shall be required to:

1) Comply with the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act, and may not smoke or permit smoking in the taxi.

2) Be responsible for providing clean, safe and courteous taxi service, including the following:

i) Representing a neat, clean and hygienic appearance while providing taxi service.

ii) Dressing in clean clothing.

§ 29.502. Current driver's license required.

A common or contract carrier may not knowingly permit a person to operate a vehicle in its authorized service unless that person has a current, valid driver's license. Failure to hold a valid driver's license while operating a vehicle in certificated service shall subject the driver to immediate disqualification as a driver and to such fines and penalties as the commission deems appropriate.

§ 29.504. Driver history.

a) (a) A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained and reviewed a driver history from the appropriate agency of every state in which that person held a motor vehicle operator's license or permit during the preceding 3 years or independent third party licensed to collect and share driver history data. Any person convicted of

any of the following within the three years immediately preceding the request date of the driving record may not be a driver:

- i) More than three moving violations.
- ii) A major violation, including attempting to evade a police officer, reckless driving or driving with a suspended license.

(b) Following receipt of the initial driver history report, a common or contract carrier shall, at least once every 12 months from the date of the last report, obtain a driver history for each driver operating under its authority from the appropriate agency of the state in which the driver held an operator's license during the time period. A common or contract carrier shall not be deemed to be in violation of this subsection if an eligible driver is convicted of subsection (i) or (ii) between the mandated driver history review periods if the driver fails to inform the common or contract carrier of the violation(s) at the time of the offense or if a real-time driver history report and notification system is not available from the state agency.

(c) A copy of the driver history shall be maintained by the common or contract carrier for at least 2 years.

§ 29.505. Criminal history.

(a) *Criminal history record required.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained and reviewed a criminal history record through the use of the Pennsylvania State Police's or Commission's database and systems, or equivalent systems for each taxi or limousine driver. in which the person resided for the last 12 months. The criminal history record information shall consist of a national, state and local criminal background check, including the National Sex Offender Registry.

(b) *Frequency of record check.* Following receipt of the initial criminal history record, a common or contract carrier shall obtain and review a criminal history record on a biannual basis.

(c) *Disqualification.* A person who has been convicted, pled guilty or pled no contest to any of the following is not permitted to operate a vehicle in the authorized service area of a common or contract carrier:

- i) Driving under the influence of drugs or alcohol, within the last seven years;
or
- ii) Fraud, a sexual offense, use of a motor vehicle to commit a felony, a crime involving property damage or theft, acts of violence or acts of terrorism.

(d) *Record retention.* A copy of the criminal history shall be maintained by the common or contract carrier for at least 3 years.