

EXHIBIT B

Waived Regulations under Experimental Authority

§ 21.2. Advertising by common carriers of passengers or household goods in use.

A common carrier of passengers or household goods in use which advertises its services as an intraState carrier within this Commonwealth shall include in the advertisements its certificate number issued by the Commission. A common carrier of passengers or household goods in use which does not comply with this section shall be subject to penalty under 66 Pa.C.S. § § 3301—3315 (relating to violations and penalties).

§ 23.32. Inclusion of all rules affecting rates.

(a) Tariffs and supplements shall contain all rules or a proper reference to them, which govern or in any manner affect the rates named therein.

(b) Rates and charges shall be stated in cents, or in dollars and cents, per unit.

§ 23.64. Data required in filing increases in operating revenues.

If a common carrier of passengers, other than railroad or aircraft, files a tariff or tariff supplement which will increase the operating revenues of the carrier for the latest 12-month period, it shall submit to the Commission with the tariff or tariff supplement, in addition to the statements required in § 23.63 (relating to data required in filing proposed rate changes), the following information in the detail required to be maintained in the records under the system of accounts applicable to the operation of the carrier:

(1) A detailed balance sheet of the carrier at the end of a month not more than 45 days prior to such filing.

(2) A summary, by primary accounts, of the book value of the property of the carrier devoted to passenger transportation at the date of the balance sheet required by paragraph (1).

(3) A statement showing the amount of the depreciation reserve, at the date of the balance sheet required by paragraph (1), applicable to the property referred to in that paragraph.

(4) A statement showing passenger motor vehicles owned at the date of the balance sheet required by paragraph (1), setting forth the make, date of purchase, the cost of each vehicle, the depreciation accrued on each vehicle and the basis for allocation of depreciation to interstate or intrastate operations, or both, if applicable.

(5) A statement of operating income derived from passenger transportation, setting forth the operating revenues and expenses by detailed accounts, by months, for the 12-month

period which ended on the date of the balance sheet referred to in paragraph (1). Expenses claimed to be variable costs shall be designated as such.

(6) A statement of the salaries paid to and the duties performed by the owners and officers of the carrier.

(7) A statement to the effect that in the event of any proceedings before the Commission with respect to the proposed rates it is agreed that the tariff and the financial data submitted therewith will be offered in evidence by the utility respondent as an exhibit.

(8) A map or sketch of the operation indicating zones, if any.

(9) An income and expense statement for Commonwealth operations for the 12 months preceding the tariff filing. Expenses claimed to be variable costs shall be designated as such. If expenses are allocated between interstate and intrastate operations, include a description of the method of allocation.

(10) Total passenger miles systemwide and total passenger miles intrastate in this Commonwealth for the 12 months preceding the tariff filing.

(11) Costs of capital improvements within this Commonwealth for the 3 years previous to the tariff filing with a detailed explanation of how the costs were allocated between interstate and intrastate operations, whether the costs were included in justifications for previous tariff filings and allocation of depreciation—if any—taken on the capital improvements.

(12) A statement of revenues derived from terminals and similar facilities—not actual passenger fares—in this Commonwealth for the 12-month period preceding the tariff filing with a detailed explanation of how the revenues are allocated between intrastate and interstate operations or why such an allocation is not performed.

(13) An explanation of the methodology used to determine the rates attributed to interstate and intrastate routes provided in a passenger fare comparison.

(14) A statement of rate reductions filed with the Interstate Commerce Commission concerning points in this Commonwealth for the 6-month period preceding the tariff filing.

(15) A statement of the last approved rate increase from the Interstate Commerce Commission, including the corresponding document filing and the order approving the increase.

§ 23.67. Financial data.

(a) The Commission will not permit a tariff filing increasing rates by a common carrier of household goods in use or making a general increase in rates published by a rate bureau, conference or similar organization of carriers, which will increase gross annual revenues by more than 1%, unless financial justification in support of the proposed increase is filed with the tariff.

(b) Household goods in use carriers shall be governed by the following procedures in the filing of tariffs or tariff supplements:

(1) A tariff increasing rates shall be published to become effective on no less than 30 days' notice.

(2) At the time an increase in rates is filed with the Commission, the carrier or rate bureau, conference or similar organization requesting the increase shall submit sufficient evidence under certification by its chief executive, or other responsible officer which will enable the Commission to determine:

(i) The former or existing rate, the new or proposed rate and the percentage increase.

(ii) The dollar amount of the increased revenue which the increase is expected to provide.

(iii) The expected change resulting from the increase in the carrier's operating revenues together with known changes in operating expenses, and a calculating of operating ratio before income taxes, after the aforesaid changes.

(c) Common carriers of household goods in use with operating ratios of no less than 93%, before income taxes,* need not file substantiating data required by subsection (b)(2), but shall submit a statement with the tariff, or tariff supplement, stating that its operating ratio before income taxes for the same period is no less than 93%. The tariffs, or tariff supplements, shall be published to become effective on no less than 30 days' notice. Nothing in this subsection precludes the Commission from requiring supporting financial data in instances when increases in rates appear to be excessive.

* Operating ratio is operating expenses, excluding income taxes, divided by operating revenue.

§ 29.62. 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.

§ 29.101. Operation of leased equipment.

(a) *General provisions.* General provisions include the following:

(1) *Common carriers.* Common carriers shall operate vehicles in compliance with this title and of the laws of the Commonwealth.

(2) *Drivers.* When used in the authorized service of the lessee, leased vehicles shall be operated by drivers qualified under Subchapter F (relating to driver regulations) when operating vehicles with seating capacities of 15 or less, including the driver, or Chapter 37 (relating to safety code for transportation of property and passengers), when operating vehicles with seating capacities of 16 or more, including the driver.

(3) *Insurance and registration.* Leased vehicles shall be covered by insurance as provided by § 32.11 (relating to passenger carrier insurance) and conform with the requirements for registration of vehicles as set forth in 75 Pa.C.S. § § 101—9910 (relating to the Vehicle Code).

(4) *Capacity.* The operation of leased vehicles may in no event be assumed to permit an increase in the number of vehicles or in the seating capacity of vehicles where so limited by the terms of the certificate.

(5) *Control.* Vehicles shall be owned by or leased by the certificateholder. Operation and service shall be under the direct control and supervision of the certificateholder. A common carrier of passengers may not lease a vehicle to a driver, except as provided in subsection (f), relating to call or demand service.

(b) *Lease agreements.* Lease agreements must conform with the following:

(1) *Content.* Leases of vehicles must be in writing, specifically set forth the terms of the lease including obligations assumed such as maintenance and fuel, compensation, and the duration of the lease, and be executed by the parties or their authorized agents or officers.

(2) *Copies of lease and distribution.* The following applies to copies and distribution of the lease:

(i) *Preparation.* Lease agreements must be prepared in triplicate, the original to be retained by the certificateholder in whose service the equipment is to be operated. The original shall be retained at the principal office of the certificateholder, one copy to be retained by the owner of the equipment, and one copy to be carried on the leased vehicle for the duration of the contract. The certificateholder shall retain leases for 2 years following their expiration date.

(ii) *Certificates.* In lieu of a copy of the lease, a certificate or rental form identifying the leased vehicle shall be carried on the leased vehicle certifying that the equipment is to be operated exclusively in the service of the certificateholder named therein as lessee, the names and addresses of the owner and lessee, the date of the lease, the location of the original lease retained by the certificateholder, and the exact expiration date of the lease. This certificate or rental form shall be certified as true and correct by the certificateholder or an authorized representative.

(c) *Safety inspection.* It is the duty of the certificateholder, before taking possession of

equipment, to inspect the equipment or to have the equipment inspected by a person who is competent and qualified to make an inspection as a representative of the carrier to insure that the equipment is in a safe condition to be operated on the highway. The person making the inspection shall certify the results thereof. The certification shall be retained by the certificateholder for at least 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the certificateholder.

(d) *Registration of vehicles.* When the Department of Transportation, at the request of the owner, designates the lessee certificateholder as the registrant of the vehicle and the name and address of the lessee are substituted for the address of the lessor, the Commission will approve the registration when the certificate is in good standing, but the approval is effective only for the period during which the lease remains in effect.

(e) *Identification.* If a removable device is used to identify the operating carrier as lessee, the device must be made of durable material securely affixed to the vehicle operated, throughout the duration of the lease. Upon relinquishing possession of the equipment, the certificateholder operating the leased vehicle under this subsection shall remove the legend or removable device displayed on the vehicle.

(f) *Call or demand.* The following applies to call or demand carriers operating leased equipment:

(1) A certificateholder may not lease, contract with or make an arrangement with an employee-driver under which the certificateholder is given custody, possession or use of a vehicle owned or leased by the employee-driver or his nominee. For the purpose of this paragraph, a nominee shall include the employee-driver, his spouse, children, parents or a trust for their benefit or an affiliated corporation, partnership or association.

(2) The holder of a call or demand certificate may lease vehicles to drivers for operation in the service of the certificateholder only under the following conditions:

(i) The leased vehicle shall be operated under the direct control and supervision of the certificateholder.

(ii) The driver-lessee of the vehicle and the certificateholder shall be required to keep and retain daily log sheets as prescribed by § 29.313(c) (relating to service standards and requirements).

(iii) The certificateholder shall be required to furnish and maintain adequate service to the public which shall be reasonably continuous and without unreasonable interruptions or delays.

(iv) The leasing plan of the certificateholder must conform with § 29.315 (relating to alternative forms of compensation).

§ 29.103. Simulating color or design.

Common carriers are prohibited from marking, painting or designing their vehicles so as to simulate vehicles operated by other carriers within the same local area. The simulation of design or other act intended to invite patronage by deception will be considered sufficient ground for revocation of certificates.

§ 29.313. Service standards and requirements.

(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 some other method is, upon petition, specifically approved by the Commission. These log sheets shall be filled out contemporaneously with the trip, on a form supplied by the certificateholder. The log sheets shall be retained by the certificateholder for at least 2 years. Log sheets may be retained in electronic format. Log sheets, or comparable printouts from an electronic storage device, shall be turned over upon request to an authorized representative of the Commission upon the rendering of a receipt. Drivers shall fill out the log sheets with the following information:

(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.

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(b) *Meters.* Meters must conform with the following requirements:

(1) A call or demand vehicle operated within this Commonwealth shall be equipped with a meter.

(2) The meter shall be installed in the front of 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.

(3) No meter affixed to a vehicle may be operated from a drive other than the transmission of the vehicle unless some other method is, upon petition, specifically approved by the Commission.

(4) Unless otherwise permitted by the Commission, the 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.* A vehicle that is more than 10 model years old or has more than 350,000 miles of cumulative mileage registered on its odometer may not be operated in call and demand service. For example, for a vehicle with less than 350,000 miles, the last day on which a 2016 model year vehicle may be operated in taxi service is December 31, 2026. Electric vehicles, hybrid electric vehicles and vehicles utilizing alternative fuels, as defined in 75 Pa.C.S. § § 102 and 9002 (relating to definitions), may operate in call and demand service until the vehicle age of 12 model years or the cumulative mileage level of 350,000 miles registered on the odometer. For example, for a vehicle with less than 350,000 miles, the last day on which a qualifying model year 2016 alternative fuel vehicle, hybrid electric vehicle or electric vehicle may be operated in taxi service is December 31, 2028. This subsection is effective January 19, 2016.

§ 29.315. Alternative forms of compensation.

(a) Certificateholders' plans for alternative forms of compensation for call or demand drivers, as permitted by § 29.101 (relating to operation of leased equipment), must conform with the following conditions:

(1) The certificateholder shall at all times own the vehicles or lease them from a nondriver owner pursuant to equipment leasing procedures authorized by this chapter.

(2) The certificateholder shall be responsible for providing and maintaining insurance as required by § 32.11 (relating to passenger carrier insurance).

(3) The certificateholder shall comply with Subchapters E and F (relating to vehicle equipment and inspection; and driver regulations).

(4) Vehicles shall be kept at specifically designated garages or parking locations when they are not being used in the public service.

(5) The certificateholder shall ensure that drivers adhere to regular shifts of operation and utilize disciplinary procedures for drivers who fail to adhere to these shifts.

(6) The certificateholder shall require a stated payment from drivers for use of the

vehicles and shall permit drivers to keep all revenues and gratuities in excess of this stated payment.

(7) For those certificateholders utilizing radio dispatching, the vehicles they operate shall be radio-dispatched. The certificateholder shall ensure that drivers answer radio dispatches promptly and utilize disciplinary procedures for drivers who fail to answer radio dispatches.

(8) The certificateholder shall be responsible for daily supervision of drivers and utilize disciplinary procedures for drivers who fail to comply with applicable laws, including this title.

(b) Certificateholders whose plans for alternative forms of driver compensation do not conform with the conditions in subsection (a) shall submit plans to the Commission for review 30 days in advance of a proposed starting date. Review will include but will not necessarily be limited to the factors enumerated in subsection (a).

(c) In all alternative forms of compensation for drivers, whether authorized by this section or by order of the Commission, the certificateholder and driver shall comply with § 29.317 (relating to accounting requirements for alternative forms of compensation for drivers).

§ 29.316. Tariff requirements.

(a) *Charges.* Every call or demand carrier shall charge according to its tariffs filed, posted and published in accordance with law and this title:

(1) The amount as is calculated and registered on the meter.

(2) When authorized by the tariff, a fixed amount for the trip or the amount shown to be due on the meter plus a surcharge. This provision is invalid after January 1, 2007.

(3) When authorized by the tariff, a charge tabulated according to the zones entered in the course of the trip. This provision is invalid after January 1, 2007.

(b) *Zone tariff requirements.* If the rates of fare specified in the tariff of the certificateholder are calculated according to the zones entered in the course of the trip: a map of the service territory on which each zone is delineated and in which the cost calculations for trips are described shall be available in the vehicle for the passenger to examine, and a representative of the certificateholder shall be available to quote to the passenger in advance the estimated cost of the particular trip of the passenger. This provision is invalid after January 1, 2007.

(c) *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.

(d) *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.

§ 29.317. Accounting requirements for alternative forms of compensation for drivers.

(a) *Revenues.*

(1) *Metered rates.*

(i) Log sheets required to be prepared under § 29.313(c) (relating to service standards and requirements) shall be signed by the lease driver, independent contractor or another designation of a person not an employee-driver of a call or demand certificateholder—lease driver—and turned in to an authorized employee. The employee shall sign and retain a log sheet and attest to the signature of the driver who is responsible as to the accuracy of the revenues reported, which agrees with the information shown on the sealed meter at the end of a shift.

(ii) It is the responsibility of the certificateholder to ensure that appropriate information from the log sheets is properly and correctly recorded under §§ 29.41 and 29.43 (relating to accounts and records; and assessment reports).

(2) *Zoned rates and flat rates.* The requirements of paragraph (1) except for meter verification are applicable when the fare is based on zones entered in the course of the trip or on flat rates. This provision is invalid after January 1, 2007.

(b) *Expenses.*

(1) A copy of receipts relative to operating expenses incurred to keep the vehicle in operating condition shall be given to the certificateholder by a lease driver.

(2) It is the responsibility of the certificateholder to insure that reported expenses are properly and correctly recorded in the accounting records required by the Commission at § 29.41.

(c) *Reporting.* At the end of a calendar year, the certificateholder shall supply a lease driver, upon request, with a statement of operating revenues and operating expenses based on the information supplied as required by subsections (a) and (b). The statement may be provided during the calendar year when appropriate.

§ 29.318. Consumer information.

To provide passengers with the necessary information to file a complaint, taxicabs must display a Commission-issued complaint decal which lists the telephone number and web site to be used to lodge a complaint. The decal shall be posted on the inside of the

§ 29.356. Consumer information.

To provide passengers with the necessary information to file a complaint, paratransit and experimental carriers shall post a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at (800) 782-1110 or at www.state.pa.us. Include the company name and A-# for all complaints.

§ 29.402. Vehicle equipment requirements.

(3) Unless otherwise permitted by the Commission, advertising on vehicles is limited to the exterior roof of the vehicle. Advertising displayed on a vehicle shall be securely fastened and may not obscure the driver's view in any direction.

