

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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OFFICE OF THE D.C. TAXICAB COMMISSION

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SPECIAL COMMISSION MEETING

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WEDNESDAY,
JANUARY 20, 2016

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The Commission met in the Hearing Room, Suite 2032, 2235 Shannon Place, S.E., Washington, D.C., at 10:25 a.m., Ernest Chrappah, Chairman, presiding.

COMMISSIONERS PRESENT:

ERNEST CHRAPPAH, Chairman
ELLIOTT FERGUSON, Commissioner
LINWOOD C. JOLLY, Commissioner
ANTHONY MUHAMMAD, Commissioner
BETTY SMALLS, Commissioner
STANLEY W. TAPSCOTT, Commissioner
DOTTI LOVE WADE, Commissioner

STAFF PRESENT:

PEDRO AGOSTO, Acting Chief Information Officer
JUANDA MIXON, Secretary to the Commission
MONIQUE BOCOCK, ESQ., Assistant General Counsel
JACQUES P. LERNER, ESQ., General Counsel

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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P-R-O-C-E-E-D-I-N-G-S

10:25 a.m.

CHAIRMAN CHRAPPAH: Good morning and welcome to the Special Commission meeting. We are located in 2235 Shannon Place, S.E., Hearing Room 2032. Today is Wednesday --

PARTICIPANT: Can't hear you.

PARTICIPANT: Can't hear you. Cannot hear you.

PARTICIPANT: We cannot hear you.

PARTICIPANT: Cannot hear you.

(Laughter)

CHAIRMAN CHRAPPAH: One of the things that I would expect will be some basic courtesy. Screaming "I cannot hear you," I can also scream "I cannot hear you," and we'll be in this debate for a long time. Once is enough.

The time is 10:26 and we'll be covering a number of items, for today's session though we'll start with a moment of silence for those who departed.

(Moment of silence)

1 CHAIRMAN CHRAPPAH: I'll now turn it
2 over to Madam Secretary for determination of a
3 quorum.

4 SECRETARY MIXON: Commissioner
5 Ferguson?

6 COMMISSIONER FERGUSON: Present.

7 SECRETARY MIXON: Commissioner Jolly?

8 COMMISSIONER JOLLY: Here.

9 SECRETARY MIXON: Commissioner
10 Muhammad?

11 COMMISSIONER MUHAMMAD: (No response)

12 SECRETARY MIXON: Commissioner Smalls?

13 COMMISSIONER SMALLS: Here.

14 SECRETARY MIXON: Commissioner
15 Tapscott?

16 COMMISSIONER TAPSCOTT: Here.

17 SECRETARY MIXON: Commissioner Wade?

18 COMMISSIONER WADE: Present.

19 SECRETARY MIXON: Commissioner

20 Chrappah?

21 CHAIRMAN CHRAPPAH: Present.

22 SECRETARY MIXON: Chairman, we do have

1 a quorum.

2 CHAIRMAN CHRAPPAH: Thank you. We'll
3 go to the Commission Action Items. I don't have
4 any overarching general remarks, comments or
5 questions.

6 We have quite a busy action item list
7 covering a number of things from provisional LCS
8 operator's license all the way down to rescinding
9 regulations authorizing transferrable license.

10 Let's start with the first action item
11 on the agenda, and that covers chapters 10, 12
12 and 99. Essentially we'll be authorizing
13 provisional LCS operator's license, require
14 disability sensitivity training for all public
15 vehicle-for-hire operator's licenses.

16 Over the past three months we've made
17 great progress in not only creating an online
18 learning platform to all drivers, but we also
19 added a course that would improve the rider
20 experience. The course has been well-received
21 not only by drivers who've taken it, but also
22 disability rights advocates and the general

1 public at large.

2 So what we are moving to do here is to
3 make the course available to all drivers at no
4 charge. Drivers can be inconvenienced and at a
5 time that works best for them sign into this
6 online system where they will see the course that
7 will teach them about ADA law, how to serve
8 customers with disabilities, knowing your rights,
9 knowing passenger's rights in the context of ADA
10 and take the course. If they don't have enough
11 time, they can pause, come back at a later time
12 to finish the course.

13 When we get to the general Staff
14 Reports section, we'll provide a demo for those
15 of you who are here, and this is a follow-up to
16 the initial demo provided a few months ago.

17 General Counsel Lerner, can you speak
18 a little bit about the provisional license for
19 the LCS operators?

20 GENERAL COUNSEL LERNER: Sure. Yes,
21 this is a proposed rulemaking which would open a
22 comment period on the idea of having provisional

1 licenses, which means licenses that are given out
2 after all the basic core requirements for
3 licensing are fulfilled. In fact, it's all but
4 just a couple of things in order to expedite the
5 licensing process so that drivers could be put
6 into vehicles and start providing service very
7 quickly. While that's happening the additional
8 requirements would continue to be processed. And
9 when those are done, a full license would be
10 issued. It's important to note that provisional
11 means if things don't work out in completing the
12 background check and so forth, that license, the
13 full license may not be issued. But all of that
14 will be reflected in the rules and also in
15 administrative issuance.

16 CHAIRMAN CHRAPPAH: Thank you. The
17 key nugget here is that if somebody wants to make
18 a living by operating a black car or a limousine
19 and they've completed the basic requirements from
20 a training and being able to provide service,
21 this rulemaking, when final, will provide a
22 pathway where they can almost immediately start

1 driving under certain terms and conditions.

2 Are there any comments or questions
3 from my fellow Commissioners?

4 COMMISSIONER TAPSCOTT: This is more
5 or less in guideline for Uber, right? Would you
6 say yes or not?

7 CHAIRMAN CHRAPPAH: No, it's more
8 streamlining the licensing process. As you may
9 know, TNCs don't do fingerprint, background
10 check. We'll continue to do that for limousine
11 companies in particular. They also provide
12 supplemental training to these drivers and in
13 some instances they provide 401(k) and benefits
14 to these drivers and have greater managerial
15 control over them. So what we are advocating
16 here is a way to expedite the licensing process
17 so that the public vehicle-for-hire can more be
18 more competitive with the private vehicle-for-
19 hire.

20 COMMISSIONER TAPSCOTT: So we're more
21 or less speaking of these drivers that sit at the
22 Safeway and Giant stores and that type of thing?

1 We're going to be licensing them? Is that what
2 it is?

3 CHAIRMAN CHRAPPAH: No.

4 COMMISSIONER TAPSCOTT: No?

5 CHAIRMAN CHRAPPAH: This is someone
6 who wants to be a luxury class service provider,
7 like a limousine driver.

8 COMMISSIONER TAPSCOTT: Thank you.

9 CHAIRMAN CHRAPPAH: You're welcome.
10 Without any further comments or questions, do I
11 have a motion to move?

12 COMMISSIONER WADE: So moved.

13 COMMISSIONER FERGUSON: Second.

14 CHAIRMAN CHRAPPAH: Madam Secretary,
15 can you call the vote?

16 SECRETARY MIXON: Commissioner
17 Ferguson?

18 COMMISSIONER FERGUSON: Yes.

19 SECRETARY MIXON: Commissioner Jolly?

20 COMMISSIONER JOLLY: Yes.

21 SECRETARY MIXON: Commissioner
22 Muhammad?

1 COMMISSIONER MUHAMMAD: (No response)

2 SECRETARY MIXON: Commissioner Smalls?

3 COMMISSIONER SMALLS: Yes.

4 SECRETARY MIXON: Commissioner

5 Tapscott?

6 COMMISSIONER TAPSCOTT: Yes.

7 SECRETARY MIXON: Commissioner Wade?

8 COMMISSIONER WADE: Yes.

9 SECRETARY MIXON: Commissioner

10 Chrappah?

11 CHAIRMAN CHRAPPAH: Yes.

12 SECRETARY MIXON: The vote is six yes.

13 CHAIRMAN CHRAPPAH: We'd move to the

14 second action item, and that is chapter 8

15 proposed rule to allow shared rides by vehicles

16 with digital meters; expand refusal to haul for

17 digital dispatch to cover two ignored service

18 requests during a tour of duty.

19 One of the things that we've seen from

20 my research is that shared rides, particularly in

21 taxi meters, is largely being limited to, for

22 example, the Nationals baseball park and other

1 areas in the city. And in this new
2 transportation ecosystem where taxis are
3 competing alongside private vehicles-for-hire
4 that do shared rides it is necessary to not only
5 level the playing field, but also to give taxis
6 enhanced revenue opportunities. So what this
7 rulemaking seeks to accomplish is to expand the
8 areas where taxis can do shared rides provided
9 there's appropriate technology in place to make
10 this not subject to abuse. So that's essentially
11 what we are hoping to accomplish here.

12 The second thing we hope to accomplish
13 here is also increase the utilization of taxis
14 that are in service because we foresee a merge of
15 the physical hailing with the electronic hailing.
16 So if a driver says they are available to pick up
17 a fare and they ignore two requests in a row in
18 the same two-hour shift window, that will be
19 problematic. So what comes along with increased
20 revenue opportunities also comes along with good
21 accountability. So that's what we're hoping to
22 accomplish with this proposed regulation.

1 Any questions or comments from my
2 fellow Commissioners on this?

3 COMMISSIONER WADE: Yes, I did have a
4 question. The tour, you're talking about a tour
5 of duty when they drop their flag that they're
6 available now?

7 CHAIRMAN CHRAPPAH: Yes.

8 COMMISSIONER WADE: So if they don't
9 respond within that tour of duty, then they get
10 fined. So what do they do if say they say
11 they're available for hire, they got to use the
12 restroom, take a break, whatever? Do they sign
13 out and then sign back in after they take the
14 break, or do they leave their window open?

15 CHAIRMAN CHRAPPAH: That's a good
16 question. When they are taking a break, they
17 sign out.

18 COMMISSIONER WADE: They sign out?

19 CHAIRMAN CHRAPPAH: They sign out.

20 COMMISSIONER WADE: It's just that
21 simple?

22 CHAIRMAN CHRAPPAH: It's that simple.

1 COMMISSIONER WADE: And then they sign
2 back in?

3 CHAIRMAN CHRAPPAH: That's correct.

4 COMMISSIONER WADE: So for them to get
5 two ignores during the tour it has to be kind of
6 like a deliberate action?

7 CHAIRMAN CHRAPPAH: That's correct.

8 COMMISSIONER WADE: Because it's
9 really simple to just sign out?

10 CHAIRMAN CHRAPPAH: That's correct.

11 COMMISSIONER WADE: And sign back in?

12 CHAIRMAN CHRAPPAH: That's correct.

13 COMMISSIONER WADE: Okay.

14 COMMISSIONER TAPSCOTT: Mr. Chairman?

15 CHAIRMAN CHRAPPAH: Yes.

16 COMMISSIONER TAPSCOTT: I had one on
17 the share riding. I know we need share riding,
18 but I think more work needs to be done on this
19 because share riding with a meter is -- would be
20 very complicated. Going to be very complicated.
21 So I'll not be voting on this item because it's
22 shared riding.

1 CHAIRMAN CHRAPPAH: Thanks for sharing
2 your concerns, Commissioner Tapscott, about how
3 shared riding is very difficult with the existing
4 meters. And to solve that problem, that is why
5 we are proposing a digital meter. There are
6 several limitations of the traditional taximeter
7 or the legacy taximeter. And at some point we'll
8 post on our website a comparison between what you
9 get from the legacy meter and what you can get
10 from a digital meter. And one of course is the
11 problem you are alluding to about our shared
12 riding.

13 Shared riding in this context will not
14 work with a traditional meter. That is why we
15 are pairing a digital meter with shared riding,
16 so that if I have to go from here to Friendship
17 Heights and I have three people who are sharing
18 the ride, the system can create the fare
19 structure that is transparent to everybody
20 involved and there's complete visibility.

21 COMMISSIONER TAPSCOTT: So that means
22 we're going to have to have another type of meter

1 installed, right?

2 CHAIRMAN CHRAPPAH: Not necessarily.

3 Not necessarily. For those who want to take
4 advantage of the new revenue stream or revenue
5 opportunities around shared riding and other
6 things, this is the pathway for them. So if
7 someone doesn't want to do shared riding, they
8 don't want to make more money, they can keep
9 their legacy meter.

10 COMMISSIONER TAPSCOTT: They're not
11 going to be forced to put the new meter in?

12 COMMISSIONER WADE: Chair? Oh, excuse
13 me. Is there a fee for these new meters?

14 CHAIRMAN CHRAPPAH: Not the way we
15 envision the program. That's an excellent
16 question. What we've looked at are various
17 technologies that can enable this to happen. And
18 at this point based on the information we have
19 there shouldn't be any cost for the meter
20 component to drive it. Now, when it comes to
21 credit card swipe fees and all those other
22 things, that will remain our standard, but the

1 meter is not going to cost drivers the way we
2 envision the program today.

3 COMMISSIONER WADE: So we would
4 provide the meters?

5 CHAIRMAN CHRAPPAH: We are looking to
6 providing the technology, yes.

7 COMMISSIONER WADE: Yes.

8 CHAIRMAN CHRAPPAH: That's correct.

9 COMMISSIONER WADE: So it wouldn't
10 be --

11 COMMISSIONER TAPSCOTT: The technology
12 or the meter?

13 CHAIRMAN CHRAPPAH: It's the same
14 thing, Commissioner Tapscott. The meter is a
15 technology.

16 COMMISSIONER WADE: I see. The
17 technology is in the meter?

18 CHAIRMAN CHRAPPAH: Yes, so imagine
19 you have a smartphone and the app is the meter.
20 And when we get to the general Staff Report
21 section, we will show you some visuals of these
22 things beyond what we've covered in the executive

1 session. So those who are sitting here today,
2 some of you are already familiar with this
3 technology. You'll get a chance to see how we
4 envision this coming together.

5 But the main point here is that taxis
6 will not be competitive if things remain status
7 quo. If you look back to developing countries,
8 Nigeria or some other countries, they were able
9 to leapfrog and grow by adoption of our
10 smartphone technology and the taxi industry has
11 been encumbered by the potpourri of legacy
12 technologies that exist in their vehicle, which
13 is one contributing factor to what some of you
14 have reported to us as high PSP fees. And we
15 think we can go do something about it.

16 It starts by making quantum leaps to
17 level the playing field with TNCs. And more
18 importantly, providing an opportunity for drivers
19 to make a fair amount of money. Today what they
20 are making is simply not enough.

21 Are there any other questions from the
22 Commissioners?

1 And for those who are listening, this
2 is not a question and answer session. So don't
3 raise your hand expecting that I'll call. There
4 will be a general comment session for you to
5 participate. We want to follow some structure
6 here so that we can make use of your time and our
7 time as well. So please I hope you understand.

8 Any --

9 (Simultaneous speaking)

10 COMMISSIONER JOLLY: I'll just make a
11 quick comment. I just wanted to follow up on a
12 point that the Chairman made. I think a lot of
13 what we've done here is we're trying to pave the
14 way to equalize the taxi industry using
15 technology to the best extent possible. A lot of
16 -- when you hear about a new meter -- in our
17 discussion just last week -- we're careful about
18 how we present that to the industry, because a
19 new meter in this sense doesn't come with a cost
20 at all to the driver. That's the intent. And
21 that should be the goal.

22 The new meter will then -- or the

1 digital meter -- let me be specific -- the
2 digital meter will then allow that driver to
3 participate in a lot of other revenue streams,
4 some of which are in this rule, but there are a
5 few others that will come in later presentations
6 by the Chairman. But the intent of this is not
7 to burden the driver with any new cost, but to
8 enable the driver to be able to take advantage of
9 a lot of new revenue streams that we see today,
10 but also ones that we think in the future will
11 also help the bottom line for the taxi industry.
12 That's all.

13 CHAIRMAN CHRAPPAH: Thank you,
14 Commissioner. That's helpful. Absent of any
15 further questions, do I have a motion?

16 COMMISSIONER SMALLS: So moved.

17 COMMISSIONER JOLLY: Second.

18 CHAIRMAN CHRAPPAH: Madam Secretary,
19 would you call the vote?

20 SECRETARY MIXON: Yes, this is for
21 item 2. Commissioner Ferguson?

22 COMMISSIONER FERGUSON: Yes.

1 SECRETARY MIXON: Commissioner Jolly?

2 COMMISSIONER JOLLY: Yes.

3 SECRETARY MIXON: Commissioner

4 Muhammad?

5 COMMISSIONER MUHAMMAD: (No response)

6 SECRETARY MIXON: Commissioner Smalls?

7 COMMISSIONER SMALLS: Yes.

8 SECRETARY MIXON: Commissioner

9 Tapscott?

10 COMMISSIONER TAPSCOTT: No.

11 SECRETARY MIXON: Commissioner Wade?

12 COMMISSIONER WADE: Yes.

13 SECRETARY MIXON: Commissioner

14 Chrappah?

15 CHAIRMAN CHRAPPAH: Yes.

16 SECRETARY MIXON: The vote is five
17 yes, one no.

18 CHAIRMAN CHRAPPAH: The next item on
19 the agenda covers chapters 4 and 8. It's a
20 proposed rule to allow pre-payment of the minimum
21 fare. Over the last eight months I constantly
22 get reports of passengers skipping out on

1 drivers. And drivers sitting in this room, I'm
2 sure you've gone through that experience before,
3 or not having enough money. And for a hard-
4 working citizen or driver in the District it can
5 be very disheartening to have two, three of these
6 things happen to you in one shift.

7 Ideas that were floated initially was
8 around requiring credit card payment up front
9 from passengers, but what our research has shown
10 is that passengers overwhelmingly object to that
11 notion and the blowback for the industry will be
12 very bad.

13 So through legal counsel and further
14 research we landed on an opportunity to reduce
15 the risk of drivers not getting anything at all
16 for a trip. And we landed on this idea of the
17 flat drop, because if I'm going from here to
18 Dulles Airport, or I'm going from here to just a
19 Metro station, the minimum I have to pay is a
20 flat drop.

21 So what this rule seeks to accomplish
22 is avoid discrimination that can come into play

1 when there is a requirement for pre-credit card
2 authorization, but provides a consistent basis
3 whether you're paying by cash, credit or any
4 other digital payment for the driver to know how
5 much they're going to get at the minimum and also
6 for customers to know how much they are required
7 to pay.

8 The way it is structured now in the
9 proposed rule regardless of the payment method
10 the passenger will have to pay \$3.25 prior to the
11 commencement of a trip as a flat drop. And then
12 at the end of the trip the balance of the fare
13 will be paid, either again through cash, credit
14 or any other form of digital payment.

15 With that said, are there any other
16 questions from Commissioners, please?

17 COMMISSIONER WADE: Yes, I just could
18 envision some passengers who have paid
19 specifically in cash having dropped the \$3.25 up
20 front jumping out of the cab at the end of the
21 ride saying I'm not going to pay any more. I
22 mean, how do we deal with that issue and do you

1 see that as something that might be pervasive?

2 CHAIRMAN CHRAPPAH: Can you run that
3 by me again? Like a customer --

4 COMMISSIONER WADE: Okay. So they've
5 prepaid the \$3.25. They get to their destination
6 and they owe another \$6. They just hop out the
7 cab. I already paid you. I'm not paying you any
8 more. What is the likelihood of that being a
9 really concerning feature?

10 CHAIRMAN CHRAPPAH: That's a great
11 question. And at this point we don't know if
12 that will be any different from, sorry, I don't
13 have the money. I'm out.

14 COMMISSIONER FERGUSON: So there's no
15 more liability.

16 CHAIRMAN CHRAPPAH: Yes, that's
17 correct. There's no additional liability. And
18 as much as there's a loss to driver, we think
19 this creates a flaw where at least you have
20 \$3.25. And then if you want to pursue the
21 typical -- because I believe -- is it a
22 misdemeanor or something to not pay for a

1 service?

2 COMMISSIONER TAPSCOTT: Yes. Yes.

3 CHAIRMAN CHRAPPAH: Yes, there are
4 some things that can be pursued. But from what
5 we've seen so far, drivers typically say I don't
6 even want to deal with it. So we'll monitor this
7 and see if there's any change in passenger
8 behavior, or driver behavior, or what the data
9 tells us. And if we need to make it better,
10 we'll propose another rule.

11 COMMISSIONER WADE: So will there be
12 publication of this, like PSA announcements or
13 something to the public? I mean, I know the cab
14 drivers get the information, but the public would
15 need to be really made aware of this, like a
16 campaign or something to let them know this is
17 the new law of the land as opposed to how we
18 normally publish.

19 CHAIRMAN CHRAPPAH: Absolutely. The
20 public education component of this will even be a
21 greater challenge and undertaking, more so than
22 the adoption of the rule.

1 COMMISSIONER WADE: Yes.

2 CHAIRMAN CHRAPPAH: Because not only
3 do we have to educate residents, but also
4 visitors. And we think we can leverage the
5 existing public service announcement systems we
6 have. We'll even look into doing further
7 outreach in communities, maybe some newspaper
8 ads. Would write up or by investing in educating
9 people to understand the new system that we are
10 operating under, what drove this, the benefits to
11 both drivers and passengers, and monitor the
12 results. And when they are improving
13 opportunities, we will look at them and move
14 forward. But I think you hit on something which
15 is very important, and that is educating the
16 public about this beyond people who hang around
17 here.

18 COMMISSIONER FERGUSON: Is there a
19 precedent whereas this exists in other
20 communities now and how it is working, if it does
21 already exist in those communities? And then
22 also how does this affect the app that you all

1 are developing as well for hailing a taxi? I
2 mean, is there any -- how does that work --

3 (Simultaneous speaking)

4 CHAIRMAN CHRAPPAH: Yes, there are
5 some elements that exist in different
6 jurisdictions.

7 COMMISSIONER FERGUSON: Yes.

8 CHAIRMAN CHRAPPAH: Not only from the
9 taxi side, but also on the private vehicle-for-
10 hire. So for example, with the Ubers and the
11 Lyfts there's a minimum payment that you just
12 have to pay regardless. So the driver is assured
13 of a certain amount of money that will make their
14 trip. In other jurisdictions that have transit
15 programs, some also have pre-defined amounts that
16 is guaranteed or pre-loaded for a customer to
17 spend towards a trip, but we've not seen any
18 jurisdiction, at least from our research, take a
19 very comprehensive look at how do we put in place
20 something that is not discriminatory regardless
21 of the type of passenger and the method of
22 payment?

1 I think Counsel Lerner will add
2 something to that as well.

3 GENERAL COUNSEL LERNER: Yes, thank
4 you. I did want to say that we've been looking
5 at this for a while to try to figure out how we
6 could balance the problem that's reported by some
7 drivers of passengers who skip out on the ride
8 and leave them with no fare, which could be more
9 widespread than we even know about, at the same
10 time while making sure that we're not creating
11 even a new basis for discrimination. And so,
12 that was a big question that we've been kicking
13 around. And so, we did actually do just as the
14 Chairman just said. We did some research to see
15 if there were other jurisdictions and how they
16 handled it. And in addition to what the Chairman
17 said, we were not able actually to find another
18 jurisdiction that authorizes this particular kind
19 of method.

20 But this is what we came down to,
21 because every passenger owes the minimum fare
22 once the trip starts. So we figured, well,

1 somehow that has to be paid. And then the
2 question of how to eliminate discrimination is to
3 take the decision -- if the driver wants to make
4 the business decision to conduct their trips, his
5 or her trips in this manner, that's fine.

6 A notice would have to be filed. And
7 this is the mechanics of how it would work. A
8 notice would have to be filed with the Office
9 that this driver has made this decision for a
10 certain period, and that must be on file with the
11 Office. And as long as that's on file with the
12 Office, that driver must charge the minimum fare
13 to all passengers at all times in all areas of he
14 city. There are no choices. If you do that,
15 that's what you must do. That's your business
16 model.

17 Alternatively, if you don't have that
18 notice on file, then you may not do it, ever, at
19 all, which is what the rule is right now. So
20 it's either one way or the other. And it's up to
21 the driver. The driver can choose which method
22 to use and which model to use. And also, the

1 amount is always the minimum fare. It's not less
2 and it's not more.

3 COMMISSIONER SMALLS: If this rule is
4 accepted, could we have a period where we try
5 this rule and see does it work before we make it
6 a permanent thing?

7 CHAIRMAN CHRAPPAH: I think because
8 it's proposed --

9 COMMISSIONER SMALLS: Yes.

10 CHAIRMAN CHRAPPAH: -- we have some
11 flexibility in what it ultimately becomes.

12 COMMISSIONER SMALLS: Yes.

13 CHAIRMAN CHRAPPAH: We want to invite
14 robust conversations around this, not only from
15 the driver community, company community, but also
16 from our passengers.

17 COMMISSIONER SMALLS: Yes.

18 CHAIRMAN CHRAPPAH: And I would like
19 to trust the process that whatever we end up
20 coming up with as final will be our best foot
21 forward. And if for some reason it doesn't work,
22 we can always repeal it.

1 COMMISSIONER SMALLS: Okay. Thank
2 you.

3 CHAIRMAN CHRAPPAH: I would like to
4 announce that we've been enjoyed by Commissioner
5 Muhammad. Good morning.

6 COMMISSIONER MUHAMMAD: Good morning.

7 COMMISSIONER TAPSCOTT: Mr. Chairman?

8 CHAIRMAN CHRAPPAH: Yes.

9 COMMISSIONER TAPSCOTT: I applaud you
10 for the thoughts of doing this, but there are
11 some many complications to it, I think. Number
12 one, it's not enough money. The \$3.25 is not
13 enough. If I'm taking a trip from Southeast
14 Washington all the way over to Northwest, upper
15 Northwest, fare \$25-\$30, they give me that \$3.25
16 or even swipe \$3.25 on their card. And get to
17 the end, the door flies open. It's not enough
18 money. I've gone all across town for \$3.25.
19 Now, if I were getting to go across town for say
20 \$10 rather than \$3.25, it would be more
21 meaningful for drivers. But this, sir, needs a
22 lot a more work. A lot more work. I applaud you

1 for what you're trying to do here, but I think
2 you're opening up a can of worms, really.

3 CHAIRMAN CHRAPPAH: I appreciate your
4 comments. I mean, that's the beauty of the
5 proposal making process. We are not Einsteins
6 here all the time and we don't --

7 (Laughter)

8 CHAIRMAN CHRAPPAH: -- try to be. I
9 don't think we have the smartest minds in the
10 world. I mean, I love what our fellow
11 Commissioner said. I love myself, too. I mean,
12 we have ideas. By the end of the day this is
13 where the input of the greater community fits in.
14 What is the right amount? What is not the right
15 amount? How best to do it? It's an idea at this
16 stage. And through the rulemaking process the
17 merits and the intent and the best way to
18 implement this will come out. So I'm actually
19 very confident that by going through this process
20 in a transparent way we'll get to a favorable
21 place at the end.

22 COMMISSIONER WADE: Mr. Chairman, the

1 minimum fare now is \$3.25?

2 CHAIRMAN CHRAPPAH: That's correct.

3 COMMISSIONER WADE: If we were to --
4 want to -- not that I'm suggesting it, but if we
5 wanted to increase it, we would have to do a
6 additional rulemaking to increase the minimum
7 fare? How would we get to that? That would
8 require additional rulemaking?

9 CHAIRMAN CHRAPPAH: That's correct.

10 We will review the rates and then we'll look at
11 -- compare the forces and then we'll also review
12 the impacts of higher fares. And then we'll
13 propose higher fares if that is a position the
14 Commission wants to make and go through a
15 separate process.

16 COMMISSIONER WADE: Well, I'm just
17 trying to be clear that we won't just, by saying
18 we're going to increase the fare to accommodate
19 this particular app, do it.

20 CHAIRMAN CHRAPPAH: That's correct.

21 We just can't do it that way.

22 GENERAL COUNSEL LERNER: Commissioner,

1 just to amplify what the Chairman just said, I
2 think, if my recollection serves correctly, the
3 Commission had the authority to review rates at
4 any time. With that said, in the statute there's
5 a mandatory biennial review, which you may from
6 -- you know, your recent review of the Act, and
7 that's coming up I think this year. I think this
8 is one of those years. It wasn't last year. So
9 it would have been the year before. So, which we
10 are required to do so. And the General Counsel
11 assists the Commission in doing that. And mostly
12 what you do is you look at the regs and you
13 determine whether they are okay, what the issues
14 are, whether they should be raised, lowered, left
15 alone. And that's coming up; just to let you
16 know, I believe.

17 COMMISSIONER JOLLY: Can I comment?

18 This is just a little -- I'm kind of excited
19 about this rule here because it begins the
20 conversation about how do we reduce the risk of
21 drivers in terms of getting payment. It also
22 then puts the burden back on us to figure out how

1 to get it done. It ties into digital meters,
2 right? And then it also ties into looking at the
3 variety of other forms of payment.

4 I heard what Commissioner Tapscott
5 said. If I'm a driver, I prefer being able to
6 offer my passengers the ability to swipe
7 MasterCard, Visa. And there are some other
8 things that we've been talking about as well.
9 I'd love them to be able to swipe a Metro fare
10 care. Because if you swipe that, even if I get
11 the \$3.25 approval, if you jump out and the fare
12 is \$50, I can get my money from the card
13 provider. So once again, it provides more -- it
14 decreases the risk of the driver, to Commissioner
15 Tapscott's point.

16 I think, Commissioner Ferguson, you
17 had also talked about the Act as well. I think
18 in the Act there it's a software fix, because
19 there we can program the D.C. hail app to also do
20 that minimum.

21 COMMISSIONER FERGUSON: Yes, sir.

22 COMMISSIONER JOLLY: And then if

1 somebody skips out, the driver can still get the
2 money back.

3 COMMISSIONER FERGUSON: Yes.

4 COMMISSIONER JOLLY: So this begins
5 that dialogue. And where we all got to go in the
6 comment section of this when this is out for
7 public comment is everybody has to collapse their
8 ideas into that. But the intent of what we're
9 trying to do is lower the risk for the driver of
10 not getting paid.

11 CHAIRMAN CHRAPPAH: Well said,
12 Commissioner. Absent of any further comments or
13 questions, do I have a motion to move?

14 COMMISSIONER WADE: I move that we
15 approve this proposed rulemaking.

16 CHAIRMAN CHRAPPAH: Okay.

17 COMMISSIONER FERGUSON: Second.

18 CHAIRMAN CHRAPPAH: Madam Secretary,
19 can you call the vote?

20 SECRETARY MIXON: Yes. This is item
21 3. Commissioner Ferguson?

22 COMMISSIONER FERGUSON: Yes.

1 SECRETARY MIXON: Commissioner Jolly?

2 COMMISSIONER JOLLY: Yes.

3 SECRETARY MIXON: Commissioner

4 Muhammad?

5 COMMISSIONER MUHAMMAD: Yes.

6 SECRETARY MIXON: Commissioner Smalls?

7 COMMISSIONER SMALLS: Yes.

8 SECRETARY MIXON: Commissioner

9 Tapscott?

10 COMMISSIONER TAPSCOTT: No.

11 SECRETARY MIXON: Commissioner Wade?

12 COMMISSIONER WADE: Yes.

13 SECRETARY MIXON: Commissioner

14 Chrappah?

15 CHAIRMAN CHRAPPAH: Yes.

16 SECRETARY MIXON: We have six yes, one
17 no.

18 CHAIRMAN CHRAPPAH: Thank you. The
19 fourth item is chapter 6 proposed rule to add
20 passenger rating of the ride experience to the
21 rear console of the Modern Taximeter System, the
22 MTS.

1 Much has been said over the years
2 about getting passenger input or getting
3 passenger rating. And in the world we live in
4 today ratings is everywhere, from restaurants,
5 from airports. So what we are looking to
6 accomplish here is to preempt potential
7 complaints and also hear from passengers what
8 they think about our ride. It is not focused on
9 the driver. This rating is about the whole ride
10 experience.

11 And through an administrative issuance
12 we'll flesh out the structure of the rating, but
13 at a minimum people will have the option at any
14 given point in time when they are in a vehicle-
15 for-hire to say if the ride was excellent, or it
16 sucked, or so-so. And if they pick, for example,
17 that their ride experience was terrible, they may
18 be prompted to provide some additional context.
19 Is it because the trip took too long? Is it
20 because it was a dirty cab, or some other reason?
21 But by doing this we also level the competitive
22 playing field, because taxis have been pointed at

1 for not having a way to get feedback from
2 passengers. And some of you sitting here have
3 said we think the -- not only the importance of
4 this, but also the transparency around it,
5 because at the end of the day it will provide an
6 opportunity for us to hear directly from the
7 passengers who pay for the trips.

8 Are there any questions or comments
9 from our Commissioners on this?

10 COMMISSIONER MUHAMMAD: Will it give
11 the driver the same right to rate someone eating
12 in my car, drinking in my car, cussing me out?
13 Will it give the driver the right to make a
14 comment on the passenger? Because just to give
15 the right to the passenger to make the comment on
16 the driver, it's not equaling a playing field
17 that other ride share services have. The driver
18 can comment on the passenger on the ride share
19 service. Sometimes they have some terrible
20 riders.

21 COMMISSIONER FERGUSON: I would say
22 that with -- like as we were talking about the

1 app, if and when the app is more prevalent within
2 the community, then that exists. If you have a
3 rider that's paying cash, you would not have any
4 follow up for that individual. So that's the
5 benefit of having the digital option, because
6 what happens is that not only can the passenger
7 rate the driver, but the driver could also rate
8 the passenger. And as you utilize an app like
9 that, then drivers can determine whether or not
10 they want to deal with a passenger based on that
11 rating. But other than that, it would probably
12 be really difficult to do.

13 COMMISSIONER MUHAMMAD: Right now on
14 the website a passenger can make a comment about
15 a driver, right, at this point right now.

16 COMMISSIONER FERGUSON: Right.

17 COMMISSIONER MUHAMMAD: It's not given
18 that on the website where a driver can comment on
19 a passenger.

20 COMMISSIONER FERGUSON: But you'd have
21 to also have all the --

22 (Simultaneous speaking)

1 COMMISSIONER MUHAMMAD: On the website
2 right now as I speak.

3 COMMISSIONER FERGUSON: Yes, you'd
4 have to have information on that passenger to be
5 able to follow up, otherwise --

6 (Simultaneous speaking)

7 COMMISSIONER MUHAMMAD: I got the time
8 and the date. That's all I need.

9 COMMISSIONER FERGUSON: Yes.

10 COMMISSIONER MUHAMMAD: That's what
11 they ask for on a manifest when I bring it down.

12 COMMISSIONER WADE: But aren't you an
13 individual businessman?

14 COMMISSIONER MUHAMMAD: I still
15 comment on the --

16 COMMISSIONER WADE: Okay. No, no,
17 you're --

18 COMMISSIONER MUHAMMAD: -- passenger.

19 COMMISSIONER WADE: -- a businessman.
20 You're a businessman. So you are providing a
21 service. You're -- it is --

22 COMMISSIONER MUHAMMAD: But they're

1 not going to be rated by a regulatory affair
2 who's going to make a --

3 COMMISSIONER WADE: No --

4 COMMISSIONER MUHAMMAD: -- decision
5 made by --

6 COMMISSIONER WADE: -- we're not
7 rating you. The customer is rating you. The
8 customer is simply rating --

9 COMMISSIONER MUHAMMAD: And then I'm
10 going to rate the customer.

11 COMMISSIONER WADE: -- the driver.
12 There's no -- in normal business when you go
13 to --

14 COMMISSIONER MUHAMMAD: Well, they're
15 doing it on the driver service right now.

16 COMMISSIONER WADE: In normal --

17 COMMISSIONER MUHAMMAD: Ride service
18 right now --

19 (Simultaneous speaking)

20 COMMISSIONER WADE: -- business
21 operations it is the owner of the business who
22 seeks feedback from their customers. It's not

1 the business owners who are looking to complain
2 about their customers. That venue doesn't seem a
3 reasonable expectation --

4 COMMISSIONER MUHAMMAD: It is,
5 though --

6 COMMISSIONER WADE: -- from a
7 customer.

8 COMMISSIONER MUHAMMAD: -- because
9 this is not a regular business --

10 COMMISSIONER WADE: It's a business.

11 COMMISSIONER MUHAMMAD: -- that you --
12 this is not a stationary business.

13 COMMISSIONER WADE: You can't call it
14 a business in one voice and say it's not a --

15 COMMISSIONER MUHAMMAD: Those rules
16 don't apply.

17 COMMISSIONER WADE: -- business in
18 another voice. It's a business or it's not a
19 business. And this is absolutely independent
20 businesses --

21 COMMISSIONER MUHAMMAD: Thank you for
22 your comment --

1 COMMISSIONER WADE: -- unless you are
2 working for a company.

3 COMMISSIONER MUHAMMAD: -- but that
4 doesn't apply.

5 CHAIRMAN CHRAPPAH: Thank you,
6 Commissioner. That's helpful. The crux of this
7 is winning the hearts of customers. That's the
8 first intent here. Today there's no framework in
9 place that is fair and is consistent for us to
10 get feedback from our customers. If there is
11 usage of the app or any other app, that has a
12 consistent framework for passenger and driver
13 rating, but when it comes to the back seat
14 experiences in a world where the customer is
15 largely anonymous, it is important to not only
16 create systems where we hear from them -- because
17 sometimes we get feedback through emails and
18 website, but this is when you are in the ride,
19 when the information is fresh and you have an
20 opportunity to rate drivers. But it doesn't
21 start with the driver. It starts with the ride
22 in general. That's where the focus is. And if

1 there's a need to drill down to a particular
2 driver, that will be explored at a different
3 time.

4 COMMISSIONER TAPSCOTT: Yes, a
5 question. Supposing I have a customer in my car
6 and he makes a complaint. That complaint goes
7 where?

8 CHAIRMAN CHRAPPAH: It goes to the
9 Complaints Department. We have a complaints
10 adjudication process.

11 COMMISSIONER TAPSCOTT: All right.

12 CHAIRMAN CHRAPPAH: But that is
13 not --

14 (Simultaneous speaking)

15 COMMISSIONER TAPSCOTT: So that opens
16 up for me to be called in for that complaint,
17 right?

18 CHAIRMAN CHRAPPAH: That is in place
19 today.

20 COMMISSIONER TAPSCOTT: Huh?

21 CHAIRMAN CHRAPPAH: There's no change.
22 That is in place today.

1 COMMISSIONER TAPSCOTT: I understand,
2 but you have complaints. And what right do a
3 passenger have over the customer? There's nobody
4 there but that customer and the passenger. Whose
5 word are you going to take?

6 CHAIRMAN CHRAPPAH: Hold on one
7 second. Let me make sure I understand. What is
8 the concern and what's the question?

9 COMMISSIONER TAPSCOTT: The question
10 is if the rater, the passenger makes a comment
11 derogatory to the driver, about the driver, about
12 me, I did so and so and so, when it comes into
13 the office, then the complaint is going to be
14 taken up and call me in or call the driver in.
15 My customer, the customer said you did so and so
16 and so. Is that the purpose of this?

17 CHAIRMAN CHRAPPAH: No, not related at
18 all. We --

19 COMMISSIONER TAPSCOTT: What's the
20 purpose of it then?

21 CHAIRMAN CHRAPPAH: The purpose is to
22 provide a rating of your ride experience. It is

1 not to file a complaint. The channel for filing
2 a complaint is clear. It's on the passenger
3 rights. It's also on our website. And there is
4 due process --

5 COMMISSIONER TAPSCOTT: You answered
6 my question.

7 CHAIRMAN CHRAPPAH: -- to process
8 complaints. When there's a complaint, it is
9 researched, investigated. And when it's
10 substantiated, that is when the driver gets
11 notice to come in. And when they come in, there
12 is no presumption of guilt. There's an
13 opportunity to have conflict resolution. And if
14 that also fails, then it goes further in the
15 process.

16 COMMISSIONER TAPSCOTT: I understand
17 that process.

18 CHAIRMAN CHRAPPAH: That is the single
19 reason why drivers are more comfortable with the
20 current adjudication process than what was in
21 place previously, because there are guidelines
22 and there are rules that have to be followed.

1 That is very different from rating your ride
2 experience.

3 COMMISSIONER TAPSCOTT: My concern is
4 the complaints that we will be receiving from the
5 rider, from the public will not be used against
6 the driver.

7 GENERAL COUNSEL LERNER: Commissioner,
8 if I will, the complaints process is based on, as
9 I'm sure you know from hearing, although I know
10 you don't have personal experience since you
11 haven't had complaints filed against you --

12 COMMISSIONER TAPSCOTT: Right.

13 GENERAL COUNSEL LERNER: -- but it's
14 a separated isolated process --

15 COMMISSIONER TAPSCOTT: Okay.

16 GENERAL COUNSEL LERNER: -- that
17 resolves specific problems that do in fact often
18 -- in fact they are -- they lead to NOIs, okay?
19 Because if they don't lead to an NOI, then there
20 isn't any jurisdiction over it. So it's serious
21 stuff. Okay? Like the meter wasn't -- like I
22 saw the meter. It was fine. I got in the cab

1 and I was told I wasn't allowed to pay with a
2 credit card. Things like that are typical.

3 Well, this is --

4 COMMISSIONER TAPSCOTT: Isn't that --

5 GENERAL COUNSEL LERNER: Well, it
6 could be, but you see, generally speaking when a
7 passenger gets in the car, the car is dirty, the
8 driver is not polite, other kinds of things that
9 just affect the total ride experience, but not an
10 NOI necessarily at all. It's a legal ride.

11 There's nothing wrong with it. It's just that
12 it's not the kind of thing that is conducive to
13 helping the industry become more competitive
14 especially in light of where it is now with other
15 services. This is part of that ongoing process
16 to simply improve customer service and allow the
17 Commission to have that information that it needs
18 to go forward with that.

19 Arguably, it overlaps somewhat with
20 what you're talking about, the complaint process,
21 but a complaint could be filed and the passenger
22 might choose to not even use the rating system.

1 COMMISSIONER TAPSCOTT: Well, that --

2 GENERAL COUNSEL LERNER: But hopefully
3 they both work to help make the industry --

4 COMMISSIONER TAPSCOTT: That is not --

5 GENERAL COUNSEL LERNER: -- better,
6 but they're not necessarily related.

7 COMMISSIONER TAPSCOTT: For a
8 complaint to be filed it has to follow the normal
9 process.

10 GENERAL COUNSEL LERNER: Yes.

11 COMMISSIONER TAPSCOTT: So you're not
12 going to be filing a complaint because someone on
13 the ride complains about something.

14 GENERAL COUNSEL LERNER: No, they're
15 not necessarily related at all.

16 COMMISSIONER TAPSCOTT: Okay.

17 GENERAL COUNSEL LERNER: No. I hope
18 that's helps.

19 CHAIRMAN CHRAPPAH: Really, it's
20 important to --

21 COMMISSIONER WADE: So one is like a
22 survey and the other one is like an action item?

1 CHAIRMAN CHRAPPAH: Thank you.

2 COMMISSIONER WADE: Yes.

3 (Laughter)

4 COMMISSIONER WADE: Okay.

5 (Simultaneous speaking)

6 CHAIRMAN CHRAPPAH: Yes. Any other
7 comments or questions for this matter?

8 (No response)

9 CHAIRMAN CHRAPPAH: Do I have a motion
10 to move?

11 COMMISSIONER JOLLY: Yes, moved.

12 COMMISSIONER WADE: Second.

13 CHAIRMAN CHRAPPAH: Madam Secretary,
14 can you call the vote?

15 SECRETARY MIXON: Yes, this is item 4.
16 Commissioner Ferguson?

17 COMMISSIONER FERGUSON: Yes.

18 SECRETARY MIXON: Commissioner Jolly?

19 COMMISSIONER JOLLY: Yes.

20 SECRETARY MIXON: Commissioner
21 Muhammad?

22 COMMISSIONER MUHAMMAD: No.

1 SECRETARY MIXON: Commissioner Smalls?

2 COMMISSIONER SMALLS: Yes.

3 SECRETARY MIXON: Commissioner

4 Tapscott?

5 COMMISSIONER TAPSCOTT: Abstain.

6 SECRETARY MIXON: Commissioner Wade?

7 COMMISSIONER WADE: Yes.

8 SECRETARY MIXON: Commissioner

9 Chrappah?

10 CHAIRMAN CHRAPPAH: Yes.

11 SECRETARY MIXON: The vote is five
12 yes, one no, one abstain.

13 CHAIRMAN CHRAPPAH: Thank you. We'll
14 move to the next item, which covers chapter 10
15 and 18. It is emergency and proposed rulemaking
16 to allow independents to join Transport DC.

17 As some of you are aware, currently
18 companies enroll in the Transport DC Program to
19 provide an alternative to Metro Access or a
20 transit service. We've heard feedback from
21 independent drivers who would like to participate
22 in this opportunity and we are now extending the

1 opportunity to independent drivers. This is an
2 avenue and a clear pathway for people to get H-
3 tags. It is also an avenue to solve some of the
4 challenges in the transportation ecosystem,
5 specifically passengers with disabilities.

6 So what we are effectively proposing
7 here through the emergency rulemaking and the
8 proposed rulemaking process is if you want to
9 join Transport DC, if you want to buy a full
10 chassis motor vehicle using some of the grant
11 funding that our Commission has made available
12 and will continue to make available, if you want
13 to get an H-tag, sure, you can do it. So this is
14 to address transportation inequities and also
15 provide people an opportunity to own their own H-
16 tag.

17 Questions from --

18 COMMISSIONER WADE: Yes, I hate to be
19 the --

20 (Laughter)

21 COMMISSIONER WADE: -- one with all
22 the questions, but this is kind of new. So it

1 says for three years they have to participate in
2 the program to be eligible for the grant and the
3 H-tag and all of that. After three years they
4 will still have the H-tag if the opt out of the
5 wheelchair-accessible vehicle and go to a more
6 traditional vehicle?

7 CHAIRMAN CHRAPPAH: They can get out
8 of the program, but they can't get out of the
9 vehicle. I mean, the vehicle is owned by them.

10 COMMISSIONER WADE: Right. What I
11 mean is they can then purchase another vehicle
12 that is not wheelchair-accessible, that --

13 CHAIRMAN CHRAPPAH: Yes. Yes.

14 COMMISSIONER WADE: -- is less
15 cumbersome? But they would still maintain their
16 own H license?

17 CHAIRMAN CHRAPPAH: Absolutely.
18 Absolutely.

19 COMMISSIONER WADE: That's critical.
20 That's very critical for people who try it and
21 then find that it's maybe too physically
22 challenging for them or they don't have the right

1 disposition, because it is difficult sometimes to
2 deal with people who have special needs. So you
3 think you can do it, but after a period of time
4 you know you can't do it, but you don't want to
5 give up your H license. So you still have an
6 opportunity to hang in there for three years and
7 then keep your H license in perpetuity --

8 CHAIRMAN CHRAPPAH: That's correct.

9 COMMISSIONER WADE: -- with a
10 different vehicle?

11 CHAIRMAN CHRAPPAH: That's correct.

12 And in fact the grants that we've made available
13 in the past allow people to lease a vehicle. So
14 I can go lease a wheelchair-accessible vehicle to
15 join the program. And at the expiration of my
16 lease I can use my vehicle license towards
17 another car. So there is that flexibility where
18 they are not bound to stay in the program.

19 COMMISSIONER WADE: Clear.

20 CHAIRMAN CHRAPPAH: Thank you.

21 COMMISSIONER TAPSCOTT: I mean, does
22 this mean that they will not have to take the

1 written test to get an H -- I mean, get a hack
2 license?

3 CHAIRMAN CHRAPPAH: I wasn't hearing.
4 Sorry. Say that again?

5 COMMISSIONER TAPSCOTT: This will
6 skirt getting a hack license to drive a cab. How
7 do they get the hack license to drive a cab?

8 CHAIRMAN CHRAPPAH: The process to get
9 the hack license remains the same. This is only
10 about vehicle license.

11 COMMISSIONER TAPSCOTT: Okay.

12 GENERAL COUNSEL LERNER: I mean,
13 there's just one minor error that we found in the
14 preamble. It says that the emergency rules --
15 correctly says will expire 120 days from today if
16 this rule is adopted as emergency rulemaking
17 today. It says August 6th is the expiration
18 date. A hundred and twenty days is actually May
19 19th, 2016. Minor error, but I want to make sure
20 it's clear for the record.

21 CHAIRMAN CHRAPPAH: What happened to
22 your calculator at the time? It wasn't working?

1 GENERAL COUNSEL LERNER: We didn't
2 access the day after day thing.

3 CHAIRMAN CHRAPPAH: Okay.

4 (Laughter)

5 GENERAL COUNSEL LERNER: Also bad a
6 math.

7 COMMISSIONER WADE: I move that we
8 accept the proposed rulemaking with the
9 correction of the date to May 19, 2015, which
10 should be 2016.

11 GENERAL COUNSEL LERNER: Thank you.

12 COMMISSIONER WADE: Yes.

13 COMMISSIONER FERGUSON: Second.

14 CHAIRMAN CHRAPPAH: Madam Secretary,
15 can you please call the vote?

16 SECRETARY MIXON: Yes, this is for
17 item 5. Commissioner Ferguson?

18 COMMISSIONER FERGUSON: Yes.

19 SECRETARY MIXON: Commissioner Jolly?

20 COMMISSIONER JOLLY: Yes.

21 SECRETARY MIXON: Commissioner
22 Muhammad?

1 COMMISSIONER MUHAMMAD: Yes.

2 SECRETARY MIXON: Commissioner Smalls?

3 COMMISSIONER SMALLS: Yes.

4 SECRETARY MIXON: Commissioner

5 Tapscott?

6 COMMISSIONER TAPSCOTT: Yes.

7 SECRETARY MIXON: Commissioner Wade?

8 COMMISSIONER WADE: Yes.

9 SECRETARY MIXON: Commissioner

10 Chrappah?

11 CHAIRMAN CHRAPPAH: Yes.

12 SECRETARY MIXON: We have seven yeses.

13 CHAIRMAN CHRAPPAH: Thank you. The
14 sixth item is final rulemaking and it expands
15 appeals to the Commission from decisions by the
16 Office; clarify the scope and standard of review
17 by Office of Administrative Hearings; and clarify
18 effect of revocation on future licensing.

19 This was the rule that was proposed
20 several months back and has gone through the
21 rulemaking process and it's now up for final
22 adoption. In summary, it allows drivers or

1 companies to have faster hearings on licensing
2 decisions. So if the Office of Taxicabs denies,
3 for example, a driver or company a license, the
4 driver or company can have their case heard by
5 the Commission. So instead of having to wait for
6 OAH all the time, this is an opportunity for
7 people to get a faster or expeditious hearing.

8 Is there something else you want to
9 add to provide context on this?

10 GENERAL COUNSEL LERNER: I don't think
11 so. I think in general if I -- well, quickly,
12 I'll say actually, you've covered the major
13 changes and the thing is there's -- chapter 7 are
14 the due process rules, we tend to call them
15 around here for lack of a better term. And it
16 establishes the procedures for all the kinds of
17 enforcement actions that we take, everything from
18 cease and desists to the tickets, the NOIs that
19 are written. And in addition to those there are
20 just conforming changes throughout to make sure
21 that things like deadlines are -- calculation of
22 time, which is important, like how long you have

1 to do something. That was added, in addition to
2 what the Chairman just said.

3 And it has completed comment, and we
4 do did make two minor changes in response to the
5 comment. Those are mentioned in the preamble,
6 but no substantial changes have been made.

7 CHAIRMAN CHRAPPAH: Thank you.

8 Questions or comments?

9 (No response)

10 CHAIRMAN CHRAPPAH: May I have a
11 motion to call the item up for vote?

12 COMMISSIONER SMALLS: So moved.

13 COMMISSIONER JOLLY: Second.

14 CHAIRMAN CHRAPPAH: Madam Secretary?

15 SECRETARY MIXON: Yes, this is item 6.

16 Commissioner Ferguson?

17 COMMISSIONER FERGUSON: Yes.

18 SECRETARY MIXON: Commissioner Jolly?

19 COMMISSIONER JOLLY: Yes.

20 SECRETARY MIXON: Commissioner

21 Muhammad?

22 COMMISSIONER MUHAMMAD: Yes.

1 SECRETARY MIXON: Commissioner Smalls?

2 COMMISSIONER SMALLS: Yes.

3 SECRETARY MIXON: Commissioner

4 Tapscott?

5 COMMISSIONER TAPSCOTT: Yes.

6 SECRETARY MIXON: Commissioner Wade?

7 COMMISSIONER WADE: Yes.

8 SECRETARY MIXON: Commissioner

9 Chrappah?

10 CHAIRMAN CHRAPPAH: Yes.

11 SECRETARY MIXON: The vote is seven
12 yes.

13 CHAIRMAN CHRAPPAH: Thank you. The
14 next item is chapter 5 final rule to clarify
15 company liability for operator misconduct.

16 This was initially adopted by the
17 Commission on August 12th, 2015, and that was to
18 address concerns that in cases where a driver is
19 affiliated with a fleet and the driver undertakes
20 some action that leads to some liability, there
21 has to be a separation between the driver's
22 liability and the fleet or company's liability.

1 Because the vast majority of the
2 public think that -- I wouldn't say a vast
3 majority, but a significant proportion of the
4 public thinks that some drivers are actually
5 employees of companies and driver conduct
6 automatically extends to the companies.
7 But drivers are independent operators, as you all
8 know. So we want to make sure that anybody
9 looking at our rules understands that and knows
10 the distinction and the separation between the
11 driver's responsibility, their liability versus
12 company liability.

13 COMMISSIONER WADE: I don't
14 understand.

15 GENERAL COUNSEL LERNER: I agree with
16 what the Chairman just said. I would also like
17 to just add that there was some confusion as to
18 this rule, which has been around for -- this is a
19 legacy rule. I think this rule has been around
20 since maybe the late '80s or early '90s, but
21 there's been confusion as to what is the purpose
22 of the rule?

1 The purpose of the rule is to
2 encourage companies who have the ability to
3 improve the quality of service of their
4 employees, and even their associated operators,
5 both rental drivers and ones who are associated
6 through their fleets -- to encourage them to
7 maintain some supervision of them and make sure
8 that they are as a group delivering not just good
9 service, but service that's in compliance with
10 the rules. That's a regulatory oversight matter
11 as opposed to civil liability. If you go to
12 court and there's some kind of a lawsuit or
13 something, looking at our rules and trying to
14 take away something else from that.

15 The purpose of the rule -- and this is
16 -- I believe it's in the preamble; it's also in
17 the preamble for the proposed rules, is that this
18 is a regulatory -- this is part of a regulatory
19 scheme to make sure that the industry is
20 operating as best as it can and to hold companies
21 responsible to some extent within that scheme.
22 It is not intended as a basis for civil

1 liability.

2 CHAIRMAN CHRAPPAH: And an example
3 would perhaps help. I believe it was in
4 California where a driver had a discrimination
5 case against him and through the litigation
6 process the company was being forced in some way
7 to assume some of the liability. And we want to
8 make sure that our rule makes it clear that
9 things that are driver-related do not necessarily
10 affect the company, but companies also have some
11 responsibility in overseeing that drivers do what
12 is expected of them. So it was just clarifying
13 the language based on some litigation and some
14 things that are happening in California and other
15 parts of the country.

16 COMMISSIONER TAPSCOTT: Question. I'm
17 confused on this one. And I should have made it
18 more clear when we had our meeting, but are we
19 saying that me as an independent driver I'm
20 associated with a company, that company more or
21 less owns my business now?

22 CHAIRMAN CHRAPPAH: No, no, no, no.

1 No. No. It's the exact opposite. So let's say
2 a driver hits a passenger; and I'm not an
3 insurance expert here --

4 COMMISSIONER TAPSCOTT: Okay.

5 CHAIRMAN CHRAPPAH: -- or a driver
6 discriminates against a passenger and somebody's
7 trying to bring charges or recoup some money.
8 They can attach the claim to the driver and the
9 company. If our language is not clear about the
10 driver and company relationship, it will muddy
11 the water, because in the scenario I just gave
12 that was purely something that was done by the
13 driver when they were operating independently.
14 It doesn't say anything about the company owning
15 the vehicle or none of that stuff.

16 COMMISSIONER TAPSCOTT: Well, don't
17 the Insurance Administration cover this?

18 CHAIRMAN CHRAPPAH: Yes, that's
19 through property damage liability.

20 COMMISSIONER TAPSCOTT: Wouldn't this
21 be a rule coming from the Insurance Commission,
22 though?

1 GENERAL COUNSEL LERNER: I guess
2 exactly what you just said illustrates the point.
3 That's exactly the kind of thing that the rule is
4 not intended to cover. It's not a basis for
5 determining insurance liability coverage. It's
6 not a basis for determining who wins a lawsuit.
7 The whole point is to say companies who have
8 people associated with them -- they could be
9 their employees, they could be independent
10 business owners like yourself. It's their job to
11 encourage, and especially if they know that
12 there's an ongoing problem with the driver, to
13 say, hey, we're aware that you're doing something
14 and we want you to stop it. That's the point of
15 the rule. This is part of an overall regulatory
16 scheme as opposed to going to -- you have a
17 lawsuit or there's an insurance claim. The rules
18 are not intended to be a basis for deciding that.
19 So what you just said about owning your business,
20 no, it's exactly the opposite. Very much so.

21 CHAIRMAN CHRAPPAH: Or another way to
22 look at it is in the past language it was murky

1 and somebody could look at it and say, oh,
2 actually, you know what, let me redistribute the
3 liability between the driver and the company
4 because the company has more money, too. Because
5 when somebody is looking to recover something on
6 a claim, they will attach to where they think the
7 money is. And we wanted to make it clear that
8 that is not the purpose of our rule. It's not
9 for people to use it to redistribute liability.
10 No. Because drivers are independent
11 owner/operators. They decide when to work, how
12 long they want to work. And companies have a
13 different set of things that they have to comply
14 with.

15 So it's more making sure that there
16 are no unintended consequences that impacts
17 drivers, because we live in a very litigious
18 society and drivers face a lot of challenges in
19 making a decent living and we don't want anything
20 to be misconstrued to make things difficult for
21 the driver.

22 Any other questions or comments on

1 this matter?

2 COMMISSIONER MUHAMMAD: Isn't that
3 really an insurance issue?

4 COMMISSIONER TAPSCOTT: That's what
5 I'm saying.

6 CHAIRMAN CHRAPPAH: We are saying it's
7 not an insurance issue in our rules.

8 COMMISSIONER MUHAMMAD: Because if
9 they sue me and I'm insured, it's going through
10 the insurance company.

11 CHAIRMAN CHRAPPAH: Yes.

12 COMMISSIONER WADE: But he's saying
13 you may issue --

14 COMMISSIONER MUHAMMAD: And I don't
15 want to be overlorded by a company telling me
16 come in, you got to go through this class.
17 Because that's what it seems like this is what
18 this rule is dictating to the company. Make sure
19 your children act like they're supposed to act.

20 CHAIRMAN CHRAPPAH: No, not at all.
21 Not at all, Commissioner Muhammad. Certainly
22 not. If you read the language again from the

1 proposed to the final rulemaking, it clarifies in
2 no ambiguous terms what drivers do, what
3 companies do, the nature of their relationship.
4 It doesn't dive into insurance. That is not the
5 place. There's the Department of Insurance,
6 Securities and Banking that handles all of this.

7 COMMISSIONER MUHAMMAD: So liability
8 for conduct of associate persons means what?

9 GENERAL COUNSEL LERNER: It means
10 persons who are acting to carry out an activity
11 of some kind. And under our rules that means
12 through some type of a written agreement. And
13 again, that could be an employee, it could be --
14 or I mean, it could be a rental driver, or it
15 could be independent owner/operators who are part
16 of a fleet with a company. They're people who
17 are associated with you. The legal definition is
18 not all that far off of what I think other people
19 are thinking.

20 I'm associated with that person or I'm
21 associated with that company. What does that
22 mean? Well, either you are a rental driver for

1 them or you're independent and you, you know,
2 driving around. A passenger might think you're
3 actually a rental, but it turns out, no, you're
4 actually an independent business owner. They're
5 all associated.

6 But again, the point is to actually
7 clarify that the purpose of the rule is simply to
8 -- where companies are in a better position to
9 say, oh, we have this problem among our rental
10 drivers. Let's see if we can fix it. Okay?
11 That's the purpose of the rule. It's to improve
12 customer service. It's to improve compliance
13 with the rules by companies who are in a good
14 position, a much better position than individuals
15 to improve the level of service and compliance
16 with the rules than just one person. One person
17 can do a lot, but the company, because they have
18 associated persons, a lot of them sometimes,
19 hundreds perhaps, they can do more. That is the
20 purpose of the rule. That was not clear before,
21 but it is now.

22 On the other hand, it's not a basis

1 for a lawsuit. It's not a basis for determining
2 insurance. We don't do that here. That's not
3 what this agency does. That is the clarification
4 that is intended by this. It's not intended to
5 do anything else. I hope that's helpful.

6 COMMISSIONER MUHAMMAD: I guess it
7 goes to it's not what is true, it's what you can
8 prove.

9 CHAIRMAN CHRAPPAH: Do I have a motion
10 to call the item for a vote?

11 COMMISSIONER SMALLS: So moved.

12 COMMISSIONER WADE: Second.

13 CHAIRMAN CHRAPPAH: Madam Secretary?

14 SECRETARY MIXON: Yes, this is item 7.
15 Commissioner Ferguson?

16 COMMISSIONER FERGUSON: Yes.

17 SECRETARY MIXON: Commissioner Jolly?

18 COMMISSIONER JOLLY: Yes.

19 SECRETARY MIXON: Commissioner
20 Muhammad?

21 COMMISSIONER MUHAMMAD: No.

22 SECRETARY MIXON: Commissioner Smalls?

1 COMMISSIONER SMALLS: Yes.

2 SECRETARY MIXON: Commissioner

3 Tapscott?

4 COMMISSIONER TAPSCOTT: No.

5 SECRETARY MIXON: Commissioner Wade?

6 COMMISSIONER WADE: Yes.

7 SECRETARY MIXON: Commissioner

8 Chrappah?

9 CHAIRMAN CHRAPPAH: Yes.

10 SECRETARY MIXON: The vote is five
11 yes, two no.

12 CHAIRMAN CHRAPPAH: Thank you. The
13 next item covers chapters 8 and 99. It's final
14 rulemaking requiring proper securement of
15 passengers and their mobility devices or assisted
16 devices when they are in a wheelchair-accessible
17 vehicle.

18 This set of rules was adopted back in
19 January. The date here? We have to look at the
20 date. One second. If approved, this rule will
21 be adopted as final on January 20th. And this is
22 the problem it solves: In the past we didn't

1 have any rule that said drivers should secure
2 passengers who are in a wheelchair. And if the
3 passenger refuses to be secured, it wasn't clear
4 what needs to happen in that circumstance. And
5 that was a concern, because now the passenger can
6 be transported in a non-safe manner or drivers
7 will feel the pressure to transport the
8 passenger, so they don't feel that they're going
9 to have the refusal to haul clear.

10 So what this rulemaking does is makes
11 it clear that passengers have to be secured if
12 they are in a wheelchair. And this is a safety
13 requirement. That's all that it does.

14 Comments from fellow Commissioners on
15 this?

16 COMMISSIONER TAPSCOTT: After we vote
17 I have a comment.

18 CHAIRMAN CHRAPPAH: Okay. Absent of
19 any comments on this particular item, do I have a
20 motion to call the item for a vote?

21 COMMISSIONER WADE: So moved.

22 COMMISSIONER SMALLS: Second.

1 CHAIRMAN CHRAPPAH: Madam Secretary?

2 SECRETARY MIXON: Yes, this is item 8.

3 Commissioner Ferguson?

4 COMMISSIONER FERGUSON: Yes.

5 SECRETARY MIXON: Commissioner Jolly?

6 COMMISSIONER JOLLY: Yes.

7 SECRETARY MIXON: Commissioner

8 Muhammad?

9 COMMISSIONER MUHAMMAD: Yes.

10 SECRETARY MIXON: Commissioner Smalls?

11 COMMISSIONER SMALLS: Yes.

12 SECRETARY MIXON: Commissioner

13 Tapscott?

14 COMMISSIONER TAPSCOTT: Yes.

15 SECRETARY MIXON: Commissioner Wade?

16 COMMISSIONER WADE: Yes.

17 SECRETARY MIXON: Commissioner

18 Chrappah?

19 CHAIRMAN CHRAPPAH: Yes.

20 SECRETARY MIXON: The vote is seven

21 yes.

22 CHAIRMAN CHRAPPAH: Thank you.

1 Commissioner Tapscott, you had a comment?

2 COMMISSIONER TAPSCOTT: Yes, sir. I
3 guess this is just a comment, yes. We had a
4 wheelchair, one of the companies had a wheelchair
5 driver, went the 1300 block of Stanton Road. And
6 as the passenger got out he was attempting to be
7 robbed. And the car got away from him or
8 something and there was a big accident, tore up
9 the car quite a bit. And it was reported to the
10 police. It was a robbery in the process.
11 Wheelchair cab.

12 CHAIRMAN CHRAPPAH: Thanks for sharing
13 that. I would like to hear more details about it
14 so that we can reach out to the driver.

15 COMMISSIONER TAPSCOTT: Driver says he
16 will not drive a wheelchair car no more.

17 CHAIRMAN CHRAPPAH: Well, I don't know
18 what to comment on that, but I am more concerned
19 about the welfare of our drivers and passengers,
20 so I would like to get additional information
21 from you so then I can reach out to the driver,
22 or someone from the office can reach out to the

1 driver.

2 COMMISSIONER TAPSCOTT: There's a
3 police report in 7D.

4 CHAIRMAN CHRAPPAH: Okay. Thank you.

5 The next item is to rescind
6 regulations authorizing transferable vehicle
7 licenses. This is what others call medallions,
8 but that was not the intent. And this was a
9 proposed rulemaking that was adopted by the
10 Commission on October 2015. And if voted on
11 today to adopt this rule, it will be final on
12 January 20th, 2016.

13 Are there any comments or questions on
14 this final rule?

15 (No response)

16 CHAIRMAN CHRAPPAH: Do I have a motion
17 to call the item for a vote?

18 COMMISSIONER FERGUSON: So moved.

19 COMMISSIONER JOLLY: Second.

20 CHAIRMAN CHRAPPAH: Madam Secretary?

21 SECRETARY MIXON: Yes, this is item 9.

22 Commissioner Ferguson?

1 COMMISSIONER FERGUSON: Yes.

2 SECRETARY MIXON: Commissioner Jolly?

3 COMMISSIONER JOLLY: Yes.

4 SECRETARY MIXON: Commissioner

5 Muhammad?

6 COMMISSIONER MUHAMMAD: Yes.

7 SECRETARY MIXON: Commissioner Smalls?

8 COMMISSIONER SMALLS: Yes.

9 SECRETARY MIXON: Commissioner

10 Tapscott?

11 COMMISSIONER TAPSCOTT: Yes.

12 SECRETARY MIXON: Commissioner Wade?

13 COMMISSIONER WADE: Yes.

14 SECRETARY MIXON: Commissioner

15 Chrappah?

16 CHAIRMAN CHRAPPAH: Yes.

17 SECRETARY MIXON: The vote is seven

18 yes.

19 CHAIRMAN CHRAPPAH: Thank you. We'll

20 move to the next section of the agenda, and that

21 is Government Communications and Staff Reports.

22 For today's section on Government

1 Communications and Staff Reports we want to share
2 with those people who are here what the online
3 portal looks like for drivers to get free
4 disability sensitivity training, and if they want
5 to also get free wheelchair-accessible training.

6 The intent of this portal is twofold:
7 One, provide opportunities for drivers to get
8 training for free at no cost, and secondly,
9 provide it in a way that is convenient. You
10 don't necessarily have to sit in a classroom for
11 hours. Using your smartphone, or as Commissioner
12 Muhammad would say, go into the library, or using
13 your Internet at home you can log in and get this
14 free training. It has been set up to recognize
15 your face ID. So Pedro Agosto will do a brief
16 demonstration on how you can access this portal.

17 And in our subsequent newsletter this
18 information will be sent out again, which is
19 going to be I believe the second time. It was
20 sent out in prior newsletters, but again the
21 message here is we are providing free training to
22 enhance the passenger and the driver experience

1 around those who participate in the vehicle-for-
2 hire industry.

3 You can proceed, Pedro.

4 ACTING CHIEF INFORMATION OFFICER:

5 Okay. Thank you. And hopefully everyone will be
6 able to hear me without a microphone, but --

7 PARTICIPANT: You can have this one
8 right here.

9 ACTING CHIEF INFORMATION OFFICER:

10 Thank you. So as the Chairman mentioned, this
11 has been out -- the URL will go back out in the
12 subsequent newsletters, but again, it's very easy
13 to access this. It is very easy to register.

14 I'll quickly show you here. It's minimal
15 information to create your user account. You'll
16 put in your Face Card ID. If you have a valid
17 Face Card ID, it'll recognize that and it will
18 allow you to create your account.

19 Once you've created your account --
20 I'll log in here.

21 (Pause)

22 ACTING CHIEF INFORMATION OFFICER:

1 Bear with me one second. We just lost our
2 connectivity here.

3 (Pause)

4 ACTING CHIEF INFORMATION OFFICER:

5 Okay. Yes, now once you're logged in, every
6 person will be able to see the course that's
7 assigned to them. In this case here's what the
8 Chairman had mentioned is the -- well, the
9 eLearning, the disability sensitivity training.
10 And I'll actually show you. It's very simple.
11 Once you're in, you can just click go to start
12 the class. You'll see the lesson curriculum
13 here, all the different chapters.

14 The nice thing about it, as the
15 Chairman mentioned, you can start it, as I'll
16 show here. If you see, the status is in
17 progress. That's because I've actually gone in,
18 started the introduction. And again, you'll be
19 able to access this as long as you have Internet
20 access from either a computer or your smartphone.

21 (Audio plays)

22 ACTING CHIEF INFORMATION OFFICER:

1 There is closed-captioning as well if you do need
2 it. There's just an option here to turn it off
3 and on.

4 (Audio plays)

5 Okay. And so you start it up.
6 Something's happened. You have to step away from
7 this. It's easy. It's just closing that window
8 that was open. The data is saved. It will know
9 exactly where you're at. So if you've completed
10 chapters 1 and 2, it'll say it's been completed
11 and you can go right in to the next area. So
12 you're not going to lose your place by going
13 through this. And once you're through the entire
14 lesson, you'll be flagged as having completed the
15 course. You have the option to print a
16 certificate. We also have it on record through
17 the system that you've completed the course.

18 CHAIRMAN CHRAPPAH: Pedro, could you
19 touch on the legal requirements of the course to
20 have a sense of what are some of the legal
21 requirements of the ADA and things that you have
22 to be cognizant of?

1 ACTING CHIEF INFORMATION OFFICER:

2 Sure.

3 CHAIRMAN CHRAPPAH: And you may want
4 to turn up the volume a little bit so we can hear
5 the audio.

6 (Audio plays)

7 CHAIRMAN CHRAPPAH: Can you just pause
8 there for us? This is available for drivers
9 today, so spread the word. But the key message
10 here is that there are seven legal requirements
11 that you cannot get out of it, I cannot get out
12 of it. It is just a requirement under the law.
13 An example being customers with service animals.
14 You must accept them. So the purpose of this
15 course is not only to tell you about the legal
16 requirements, but also to prepare you to perform
17 the service in a way that is exemplary and also
18 for you to know what your rights are as a driver.
19 For example, yes, you can insist on securing the
20 passenger for the safer transportation. In the
21 same way your customer also has rights.

22 So again, this is available to you.

1 Sorry the audio is not that loud here because the
2 laptop is not connected to the PA system, but at
3 least we've done a snippet of this. And you can
4 start today. Take a course of five minutes.

5 Have a coffee break. Come back next week. You
6 have that flexibility of completing the course at
7 your time that you find most convenient. Either
8 on a smartphone or a laptop, a desktop, in a
9 library, wherever there's an Internet connection.

10 Thank you, Pedro.

11 ACTING CHIEF INFORMATION OFFICER: And
12 just to reiterate, as soon as you register you're
13 automatically approved as long as you have a
14 valid Face Card ID. You can start it
15 immediately.

16 COMMISSIONER SMALLS: How long is each
17 chapter?

18 CHAIRMAN CHRAPPAH: The total course
19 I believe is two hours. There are five modules.
20 And you can pause at any time and continue.

21 Do you have the deck for the digital
22 meter?

1 The second thing that we want to touch
2 on to give everybody sitting here is a closer
3 look at what the digital meter is. Slide show
4 mode? Go up. To your right. Yes. From
5 beginning.

6 All right. You all have -- most
7 drivers sitting here today have what we call a
8 legacy taximeter, the Pulsar or Centrodyne
9 sitting in the vehicle that calculates time and
10 distance for the purpose of a taximeter fare.

11 What a digital meter is is basically
12 an app. It's a software that calculates time and
13 distance for taximeter purposes in compliance
14 with national weights and measures and all those
15 other requirements. It essentially replaces the
16 legacy taximeter and allows for opportunities
17 that don't exist today, some of which we touched
18 earlier around shared rides and other things.

19 What you're seeing on the screen shows
20 you the possibilities when a digital meter is
21 paired with the MTS. That's the Modern Taximeter
22 System. So you have the DIM, the Digital

1 Information Module or Monitor, which is basically
2 a tablet on your one hand, and then you have the
3 passenger console or passenger information
4 monitor on the other hand. But what lies in
5 between is the digital meter. So instead of
6 passengers having to stretch their neck to look
7 across to figure out how much fare has been run
8 or time has been run, they will see that same
9 information on the passenger console.

10 Next slide. There are a number of
11 different ways that this digital meter can be
12 packaged. The slide you saw previously was using
13 a different MTS. This is also a different MTS.
14 So the key message here is that it is compatible
15 with evolving technology.

16 And the next slide, Pedro. These are
17 some of the benefits that our research is showing
18 around the digital meter. The first is that it's
19 cheaper than the legacy taximeter and generally
20 free for the calculation of time and distance.
21 It also eliminates the need to visit a meter
22 shop. This is a do-it-yourself software download

1 and installation. There is no expertise
2 required.

3 The third, which is important for
4 public trust, is that it is less susceptible to
5 fraud and abuse. You know what happens sometimes
6 where people over-inflate or under-inflate tire
7 pressures to affect the running of the meter.
8 This is simply a software. So you can not
9 manipulate it by simply changing some conditions
10 that could affect the legacy meter.

11 The fourth is that it is compatible
12 with most smartphones and tablets. But rather
13 than go through all of this, the key message here
14 is that it not only allows taxis to be very
15 competitive, but it opens a world of
16 opportunities that simply doesn't exist today,
17 whether it is shared riding with multiple
18 passengers, multiple locations, or whether it's
19 issuing a special receipt to Transport DC
20 passengers who only get a \$5 receipt, or even
21 night time and safe rides fee. Right now to do
22 any other fee you physically have to take the

1 meter to a shop, have it recalibrated,
2 inconveniencing the driver.

3 So the opportunities that we'll be
4 exploring to increase driver revenues starts by
5 making sure that there is a fundamental system in
6 place that will allow drivers and owners to
7 maximize the opportunities.

8 And the final slide is not intended to
9 be exhaustive, but just a snapshot view of the
10 comparison of a legacy taximeter and the digital
11 meter, whether it is OBD-based or GPS. One is
12 the initial cost. If you want to get a Pulsar or
13 Centrodyne S700, anyone, you have to shell out at
14 least \$150. Retail price is usually around \$300.
15 So that's a cost that drivers will have to bear
16 if they want to get a legacy meter. With a
17 digital meter we don't anticipate them facing the
18 same cost structure.

19 The second is the annual maintenance.
20 Our rules require annual calibration. So each
21 time you go to the shop, that's time that you'll
22 have to be off the road, that's time that you'll

1 have to be pay somebody money as well. So if you
2 look at ways you can reduce the burden of
3 regulation, this is one direct way we can affect
4 that, fake that, because with the digital meter
5 there's no annual recalibration. You don't have
6 to go to the meter shop. The cost is virtually
7 zero.

8 Another thing is the electronic
9 manifest. Some of you have expressed interest in
10 that. We have rules in place for that. A
11 digital meter basically gives you your electronic
12 manifest, which you don't have today based on the
13 legacy taximeter.

14 And the final thing is where we see
15 the industry headed, and that is being responsive
16 to revenue opportunities, which we cannot have
17 today because of the legacy taximeter.

18 So when this exercise is completed,
19 the information will be posted on our website for
20 you guys to produce. But this is just to give
21 you a brief snippet of what we have today.

22 Thank you, Pedro.

1 At this juncture we will move to the
2 public comment period. Madam Secretary, do we
3 have any registered speakers?

4 SECRETARY MIXON: We do not have any
5 registered speakers.

6 CHAIRMAN CHRAPPAH: Okay. So what
7 we'll do is take a handful of folks who want to
8 provide comments or testimony. We'll take five.
9 I see one, two, three, four hands. Five. Dawit.

10 So, Madam Secretary, just call in
11 order the gentlemen who raised their hands, and
12 then Dawit.

13 SECRETARY MIXON: Okay. I want to be
14 clear. I have glasses here, jacket. Is this one
15 of
16 the --

17 CHAIRMAN CHRAPPAH: Yes.

18 SECRETARY MIXON: Okay. So one, two,
19 three on this side. Sir, I see you in the pink
20 shirt.

21 CHAIRMAN CHRAPPAH: And then Dawit.

22 SECRETARY MIXON: And who else?

1 CHAIRMAN CHRAPPAH: Dawit.

2 SECRETARY MIXON: Okay. Mr. Dawit.

3 CHAIRMAN CHRAPPAH: Yes.

4 SECRETARY MIXON: So those are --

5 CHAIRMAN CHRAPPAH: That makes it the
6 five.

7 SECRETARY MIXON: Okay. Those are
8 five.

9 CHAIRMAN CHRAPPAH: Please keep your
10 comments to two minutes so we'll be respectful of
11 everyone's time.

12 SECRETARY MIXON: Okay. Sir, in the
13 glasses. Mr. Massoud Medghalchi.

14 MR. MEDGHALCHI: Thank you.

15 SECRETARY MIXON: And again, if you
16 would sign in, please.

17 MR. MEDGHALCHI: Sure.

18 SECRETARY MIXON: Spell your name in
19 full. Spell your name for the court reporter.
20 Speak into the microphone. Once you start
21 speaking, I will time you. And per Chairman,
22 we're going to do a strict two minutes. Strict

1 two minutes.

2 MR. MEDGHALCHI: Massoud Medghalchi,
3 board member of Dominion of DCPTDA. Also
4 affiliated with Local 922 Teamsters.

5 SECRETARY MIXON: Okay. Spell your
6 name.

7 MR. MEDGHALCHI: M-A-S-S-O-U-D, M-E-D-
8 G-H-A-L-C-H-I.

9 SECRETARY MIXON: Okay. Start.

10 MR. MEDGHALCHI: Commissioners, thank
11 you for opportunity to testify today. I'm going
12 to move on to say something that you need to be
13 really reminded of clearly. There is an 800-
14 pound gorilla in the room and no one wants to
15 recognize it usually because it makes people
16 uncomfortable to talk about it and at times it's
17 politically incorrect.

18 When Commissioner Wade referred to
19 revenue streams, I assure you, sir, there is no
20 revenue stream left for us. Zero. The jobs in
21 December were dwindling down to five, six a day,
22 seven a day. You have the records, Mr. Chairman.

1 You should look at it, because you testified
2 before Ms. Cheh, who did this to the drivers.
3 You need to be more honest to her about what is
4 happening to the industry. You're not. You are
5 giving her the stellar job of what we're doing
6 here, which I don't blame you, because your hands
7 are tied behind your back. But at least you
8 should tell her that.

9 When you're trying to fix things for
10 this body, by this body, for the drivers, that's
11 not possible. When you have any unregulated
12 system going against the regulated system with
13 hands tied behind their backs on the same
14 platform, it doesn't work. The whole world knows
15 that.

16 I have a question for you. I know you
17 don't have to answer it. Does Uber pay the fines
18 of its drivers, the company? And is it a
19 contract basis with D.C. Government? Or do the
20 drivers pay their own individual fines? Does the
21 company make the payment for them?

22 (No response)

1 MR. MEDGHALCHI: You're not going to
2 answer it? Okay. We ask for a FOIA request on
3 that.

4 Like I said --

5 (Alarm sounds)

6 MR. MEDGHALCHI: Well --

7 SECRETARY MIXON: Okay.

8 MR. MEDGHALCHI: -- it's got to be
9 strict. Thank you.

10 SECRETARY MIXON: That is your two
11 minutes. Thank you.

12 Okay. Sir? Right next to him. So,
13 yes. State your name, spell it. Then when you
14 start speaking, your two minutes will start.

15 MR. ARIAVAND: Cyrus Ariavand, C-Y-R-
16 U-S, A-R-I-A-V-A-N-D. I was going to ask, Mr.
17 Chairman, if we get rid of these restarting,
18 because we totally -- a whole night we don't have
19 more than seven, six, eight trip total. And if
20 in case once a night we get two people going to
21 different places, this restarting, I don't do it
22 anymore. It just -- it happened during Mayor

1 Fenty when you put that \$19 gap and we pick up
2 four people, take them different places and you
3 still got 19. What we did is try to fix the mess
4 he made, so okay, restart the meter.

5 I've worked from '81 to '90 in
6 Virginia. We never restart meter. You pick up
7 four people, drop them off one, two, three, four.
8 You don't put \$3 or restart the meter, all those
9 things. Please try to restart -- take that off.
10 I don't charge them unless they tell me. I
11 really think this is unnecessary.

12 Second thing I was going to ask you
13 about the loitering thing. When we sit some
14 place as business is so bad we have to loiter, we
15 have to sit like Georgetown Harbor. We get \$50
16 ticket, 100 -- I haven't got them. I'm very,
17 very smart, try to keep driving and all that. So
18 business is already bad. We don't need these \$50
19 loitering. If in case city complain that we
20 loiter, tell them, well, you gave the job to
21 Uber. Since they don't have a job, they have to
22 sit and loiter. Thank you very much.

1 SECRETARY MIXON: Thank you.

2 CHAIRMAN CHRAPPAH: Thank you for
3 comments. What I will ask is that if you can
4 just send in your thoughts on how you think the
5 shared riding should be implemented. I think
6 that's --

7 (Simultaneous speaking)

8 MR. ARIAVAND: We can share riding
9 totally.

10 CHAIRMAN CHRAPPAH: Okay. So whatever
11 the position is, it's important to submit the
12 comments so that we evaluate that in the context
13 of the broader rulemaking process. Thank you.

14 Next speaker?

15 SECRETARY MIXON: Okay, yes. And
16 then, sir, you just spoke, if you make sure I
17 have your name at the end, please?

18 MR. ARIAVAND: Yes, ma'am.

19 SECRETARY MIXON: Okay.

20 MR. MILLER: Spell my name?

21 SECRETARY MIXON: Yes, say and spell
22 your name, then I'll start.

1 MR. MILLER: My name is David Miller,
2 D-A-V-I-D, M-I-L-L-E-R.

3 Okay. My name is David Miller. I'm
4 CEO and co-founder of Hitch. Hitch is the
5 largest D.C.-based -- actually the only D.C.-
6 based PSP. We serve over 3,000 drivers.

7 First, I wanted to applaud the
8 Chairman for his leadership on attempts to
9 modernize the industry.

10 Second, I want to applaud the
11 Commission for the debate that was held today.
12 I've been coming to these hearings for about
13 three or four years. I've never seen so much
14 debate and questions and interaction that we saw
15 today. So I want to applaud the Commission on
16 those things.

17 The next one I wanted to say was I
18 would like to encourage the Commission to seek
19 input from the PSP community, as well as the
20 driver community before the rules get to the
21 proposed status. Once a rule reaches proposed
22 status, it's kind of like 70 to 90 percent baked

1 and it's got 30 days before it goes to become
2 final. I would encourage the Commission to seek
3 input from the PSP and driver community prior to
4 publishing proposed rules. I think we can work
5 to maximize the efficiency of the rules as well
6 as minimize cost to the drivers.

7 And I wanted to finish with just two
8 questions that may or may not be answered.

9 Number one, I see a lot of new rules for the
10 taxicab drivers here. I was wondering if there's
11 any new rules for any of the TNCs, Uber or Lyft.

12 And then finally as a D.C. resident
13 myself I'm an active user of the app and I have
14 seen a decrease in the number of cars on the app.
15 And I was wondering if there was any update in
16 terms of the app and the adoption. Thank you
17 very much.

18 CHAIRMAN CHRAPPAH: Thank you, Mr.
19 Miller.

20 Next speaker?

21 SECRETARY MIXON: Okay. In the pink
22 shirt, please.

1 MR. ABDULLE: My name is Mohamed
2 Abdulle and I was --

3 (Simultaneous speaking)

4 SECRETARY MIXON: Okay, sir. Just
5 before you start if you could sign in, but then
6 also spell so we have the spelling of your name.

7 MR. ABDULLE: M-O-H-A-M-E-D. Abdulle,
8 A-B-D-U-L-L-E. A, apple, B, boy, D, David, U, U-
9 turn, L-L, let, E, echo.

10 SECRETARY MIXON: Thank you.

11 MR. ABDULLE: I've been a cab driver
12 since 1983 in this great city and I see a lot of
13 change, a lot of mayors, a lot of commissioners.
14 And one thing I'm proud of I never had no
15 suspension, no problem. But today I see the
16 industry going down. I don't know what the
17 problem is, but one problem I can see is Uber and
18 too many regulation.

19 So my question is -- that's all I
20 have, one question. The question is what's the
21 different between Uber and a limousines? Cab
22 driver, we understand we got what they call

1 names, we got what they call -- and we are
2 taxicab drivers. We are mobile. But what is the
3 different Uber and a limo drivers? Why you don't
4 regulate like limo drivers like Uber? Why they
5 got a free ride? Why I pay all these fines, all
6 this, all this, all insurance and they just come
7 to the city, cross 14th Street on Memorial
8 Bridge, or come to the Maryland side then picked
9 up passengers without regulation? I think the
10 Commission need to do something. This is bad.
11 This is really bad. Thank you.

12 CHAIRMAN CHRAPPAH: Thank you, Mr.
13 Mohamed. I hope I got the name right.

14 We'll call the next speaker, Dawit
15 Dagneu.

16 MR. DAGNEW: Good afternoon. It's not
17 good morning anymore. So my name is Dawit
18 Dagneu, D-A-W-I-T, D-A-G-N-E-W.

19 SECRETARY MIXON: Thank you.

20 MR. DAGNEW: I wanted to start with
21 thanking Andy -- I think his name is Andy, at the
22 Taxicab Commission, for his wonderful job when I

1 put forward a complaint about Hitch. In fact I
2 just saw David here, who I had a complaint and
3 Andy took care of me, I mean, like I've never had
4 experienced before. So fast, resolve my issue
5 within couple of days. And I thank you, Andy.
6 If I didn't see him here, please pass my thanks
7 for him, who works for him.

8 Here is what happened: Hitch took \$76
9 out of my -- I promised this to Andy, that I will
10 bring to attention of this Commission -- \$76 and
11 some change from my account. And I tried to call
12 Hitch seeking explanation. No one was answering
13 the phone. Left a message. Emailed them. No
14 response.

15 Then I put a complaint Taxicab
16 Commission. In no time I got the response from
17 David and second guy from Hitch. Finally, to
18 make it short, I was compensated. The money was
19 back to my account in two, three days. But never
20 explain to us to why they took it in the first
21 place, why did they take it, why did they put it
22 back? And I'm going to protest this in coming

1 days. It's not only me. It's a lot of drivers
2 who have such issues with the PSP.

3 Listen, where is their office?

4 Fifteen Street. Eleven-thirty-three they call
5 it. That is a 10-story building. What is the
6 suite number? Nobody will tell you. Phone
7 number, they have a phone number. No response
8 whatsoever, and the callback number is what you
9 get and the block numbers. Blocked. How is this
10 doing business --

11 (Alarm sounds)

12 MR. DAGNEW: -- in district? I mean,
13 I have a lot of issues. This is one.

14 Second, if you give me one more
15 minute, which is very important that I have to
16 stress about this Hitch -- about Uber. Everyone,
17 especially --

18 CHAIRMAN CHRAPPAH: Thank you very
19 much for the information.

20 MR. DAGNEW: Yes, I'm going to follow
21 up on this.

22 CHAIRMAN CHRAPPAH: I want to be fair

1 to everyone and also maintain my promise. So we
2 really want to hear the next thing you want to
3 talk about, but I will ask that you kindly put it
4 in writing or at the conclusion of this meeting
5 you can meet with any of my staff members here or
6 myself or members of the Commission so we can
7 hear the details. This is --

8 MR. DAGNEW: I appreciate that --

9 CHAIRMAN CHRAPPAH: Thank you.

10 MR. DAGNEW: -- and I will look
11 forward to it.

12 CHAIRMAN CHRAPPAH: All right.

13 MR. DAGNEW: As soon as we're finished
14 I'll look for -- I have a document from my file
15 including these exchanges and so forth.

16 But the second and very important
17 thing is --

18 CHAIRMAN CHRAPPAH: Dawit, what I
19 meant was the --

20 MR. DAGNEW: For this issue and the
21 next issue?

22 CHAIRMAN CHRAPPAH: Yes. Yes.

1 MR. DAGNEW: Okay.

2 CHAIRMAN CHRAPPAH: Thank you.

3 MR. DAGNEW: All right. Thank you.

4 CHAIRMAN CHRAPPAH: And since we're
5 all here, I want to point out a couple of things
6 that are very important. One is that the
7 complaint process is not limited to just
8 passenger complaints. If you are a driver, a
9 company, a meter shop, anybody that falls within
10 the regulatory reach of the Commission. If you
11 have an issue, we want to hear about it, because
12 that's the only way we can do better. And to
13 hear after the fact that there was a concern with
14 a PSP that got resolved in a timely manner is
15 encouraging and also attests to some of the
16 changes that we've put in place.

17 But that's not going to be the end of
18 it, because it's always going to be a due process
19 and also communicating along the way. So I want
20 to encourage anybody who has an issue, whatever
21 it is, to feel comfortable talking to somebody at
22 our office so that we can now follow through.

1 On that note, there have been a number
2 of questions that the speakers have raised. We
3 will address them in writing and also during the
4 next Commission session. Because as you know,
5 this is not sort of like no talk-back live forum,
6 like no questions and answers. If we do that,
7 we're supposed to just have a different type of
8 meeting. So I want to assure you the questions
9 that you've asked will be addressed. Every
10 single one of you. It's just that the venue and
11 the time now is not the most appropriate place to
12 do that.

13 On that note, is there any other
14 comments that my fellow Commissioners want to
15 make before we close out?

16 COMMISSIONER JOLLY: I just want to
17 make a brief one. And it's not -- it's sort of a
18 response, but it's just a general statement. And
19 I heard what everybody said. But there is an
20 800-pound elephant in the room, but 400 pounds of
21 that elephant can be attributed to technology.
22 Those guys that created Uber, they were sitting

1 in a room as big as a bathroom with computers.
2 So this industry, we can move forward and at
3 least level the playing field with technology.

4 There are a lot of complaints in the
5 regulatory side and I think that will be dealt
6 with in the future. But I hope that everybody
7 can see the concerted effort here to look at how
8 do we equalize the industry, making more
9 opportunities available for taxi drivers in an
10 environment where passengers have more options
11 than just hailing a cab. And to do that we have
12 to use technology because it's at that point
13 those other opportunities become available. We
14 can get into all of that later on, but I just
15 wanted to make that point.

16 And by the way I'm Jolly, not Wade.

17 (Laughter)

18 COMMISSIONER JOLLY: That's okay.
19 We'll talk later.

20 COMMISSIONER WADE: I'm Wade.

21 CHAIRMAN CHRAPPAH: Thank you all.

22 The next meeting is February 10th at 10:00 a.m.,

1 same venue, 2235 Shannon Place. This meeting is
2 adjourned. Have a good day.

3 (Whereupon, the above-entitled matter
4 went off the record at 12:09 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Commission Meeting

Before: DC Taxicab Commission

Date: 01-20-16

Place: Washington, DC

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Court Reporter

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