

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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OFFICE OF THE D.C. TAXICAB COMMISSION

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GENERAL COMMISSION MEETING

+ + + + +

WEDNESDAY
FEBRUARY 11, 2015

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The Commission met in the Second Floor Hearing Room, 2235 Shannon Place, S.E., Washington, D.C., at 10:24 a.m., Eric Rogers, Interim Chairman, presiding.

COMMISSIONERS PRESENT:

ERIC ROGERS, Interim Chairman
CYRIL L. CROCKER, Commissioner
ANTHONY MUHAMMAD, Commissioner
BETTY SMALLS, Commissioner

STAFF PRESENT:

JUANDA MIXON

JACQUES P. LERNER, ESQ., General Counsel
MONIQUE BOCOCK, ESQ., Assistant General
Counsel

AGENDA

Call to Order 3

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1. Vote to approve publication of final rule making for Chapters 5 and 12 to clarify the implementation of the minimum percentages of wheelchair accessible vehicles in taxicab and black car fleets34

2. Vote on appeal in the matter of Menasse Gebremariam v. the District of Columbia Taxicab Commission36

Government Communications and Staff Reports.38

Adjourn

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

2 10:24 a.m.

3 CHAIRMAN ROGERS: Let's call this
4 meeting to order. This is a general commission
5 meeting held today in our public hearing room at
6 2235 Shannon Place, S.E. of the D.C. Taxicab
7 Commission. Let's have a moment of silence. One
8 of our commissioners is ill, Mr. Tapscott. So in
9 that moment of silence, let's keep him in our
10 prayers.

11 (Moment of Silence)

12 CHAIRMAN ROGERS: Okay, thank you.
13 Madam Secretary, could you please determine
14 whether or not we have a quorum?

15 MS. MIXON: Yes. Commissioner Cohn?
16 Commissioner Crocker?

17 COMMISSIONER CROCKER: Present.

18 MS. MIXON: Commissioner Ferguson?
19 Commissioner Muhammad?

20 COMMISSIONER MUHAMMAD: Here.

21 MS. MIXON: Commissioner Smalls?

22 COMMISSIONER SMALLS: Here.

1 MS. MIXON: Commissioner Tapscott?
2 Commissioner Rogers?

3 CHAIRMAN ROGERS: Present.

4 MS. MIXON: Commissioner, we do -
5 Chairman, we do have a quorum.

6 CHAIRMAN ROGERS: Wonderful. Now,
7 let's move on in our agenda. I will ask the
8 Commission if we could alter the agenda somewhat
9 and move the public comment period from item
10 four, excuse me, item five to item number three
11 after commission communication. Is there any
12 objection?

13 (No audible response)

14 CHAIRMAN ROGERS: Okay, hearing no
15 objection right now we'll move to item two,
16 commission communication. A few things I just
17 want to alert the general public to that the
18 Commission is working on and will be looking at.

19 It's become quite clear to me over the
20 last month or so that Title 31, our regulatory
21 structure book, needs to be looked at. So one of
22 the things that I'm very interested in is, and as

1 I've been saying at all of our commission
2 meetings, is making sure that our rules are fair
3 and equitable.

4 And with that, I've asked DCTC staff
5 to begin a fairly lengthy process of looking at
6 Title 31 for inconsistencies, for fairness, for
7 outdated rules and the like.

8 So over the next several, several
9 months we'll be engaging in a process of going
10 chapter by chapter, title by title, to ensure
11 that the Title 31 is the most modern regulatory,
12 the most modern municipal regulations is what I'm
13 trying to say, that we have.

14 It'll be a lengthy effort. Eventually
15 we'll probably establish a panel to more formally
16 look at Title 31. But I say all of that to
17 drivers, riders, and the general public that if
18 you would like to submit comments on changes to
19 Title 31, please begin to do so.

20 One of the other things that I would
21 like to have in the comments that come back are
22 the economic impacts of the regulations that we

1 have. One of the things that I'm going to be
2 encouraging our staff to do is do a point by
3 point comparison on the requirements that we have
4 and the actual costs to the industry.

5 So that way we can more adequately
6 look at the costs of being regulated and see
7 where we can make accommodations and changes to
8 Title 31 to ensure that the taxicab industry is
9 as competitive as possible.

10 Other than that, Commissioners, do any
11 of the other commissioners have any general
12 comments that they would like to make?

13 Commissioner Muhammad, nothing?

14 Okay, so let's move onto the agenda.
15 I believe we have two folks who have registered
16 to make some public comments. So, Madam
17 Secretary, if you could call those witnesses?

18 MS. MIXON: Yes, the first person that
19 I have is Mr. Birbo. Is Mr. Birbo present?

20 (No audible response)

21 MS. MIXON: Okay, the second person
22 that I have is Mr. Kushwaha. Okay, I may not be

1 pronouncing it right.

2 MR. KUSHWAHA: Kushwaha.

3 MS. MIXON: You may take the
4 microphone, if you'll make sure you speak into
5 the microphone. Just for the record, spell your
6 name, and if you could also sign in please. And
7 you may have to move the mic closer to you.

8 MR. KUSHWAHA: All right. Yes, good
9 morning. Can you hear me?

10 CHAIRMAN ROGERS: Yes.

11 MR. KUSHWAHA: My name is Inam
12 Kushwaha. I've been driving since 2009 for
13 Lincoln Cab 25. And then what happened was the
14 company was sold to District Cab. In December,
15 the owner did not let us know that he had sold
16 the company.

17 And we had the tags under his name,
18 but you know, the car is under my name. So when
19 we switched, you know, the companies, District
20 Cab is charging us \$50 every week for the fee for
21 the tags, you know. And suddenly, you know, we
22 had no clear answer.

1 He did not give us any notice that he
2 is selling the company. But on top of that, just
3 the business is very slow right now. And, you
4 know, on top of that we have Uber to compare
5 with. And then, you know, I renewed my ID. We
6 were making good money.

7 Suddenly, December came, you know, and
8 now we have UberX in the business and, you know,
9 we're comparing with them. It's very hard to
10 make money, you know. And this \$50, I don't
11 understand why this other company is charging us,
12 you know. I know the tags belong to, you know,
13 the previous owner. He should have let us know
14 something that he's selling the company. He did
15 not give us any letters or anything, you know.

16 So I just renewed my ID, and then we
17 pay all the dues every year for the tags and
18 everything. I'm concerned that, you know, these
19 tags should be at least, you know, my tag or even
20 if it's a company tag, why I'm getting charged
21 the \$50 I want to know. Nobody is telling us.

22 And the District Cab owner, he said if

1 you don't pay the \$50 every week he's going to
2 take the tags off. And he has done that, you
3 know, in the past.

4 And, you know, we're really 50 percent
5 down now, you know, on Fridays. These people
6 have two jobs, the Uber drivers. And they come
7 in, you know, and they're very scary, you know,
8 now because they're new drivers, you know, in the
9 city, and traffic is so bad now on Friday on
10 Saturday.

11 And, you know, my business is chopped
12 in half. You know, I don't know, should I quit
13 this job and go somewhere else? What are you
14 guys going to do to get this problem solved for
15 me, you know?

16 CHAIRMAN ROGERS: Okay, thank you.
17 What I would ask that you do is speak with Mr.
18 John Scott over there. Raise your hand, John.
19 He can help you with your specific issue.

20 MR. KUSHWAHA: All right.

21 CHAIRMAN ROGERS: Okay?

22 MR. KUSHWAHA: Thank you guys.

1 CHAIRMAN ROGERS: Do we have any more
2 witnesses official?

3 MS. MIXON: No more that signed up.

4 CHAIRMAN ROGERS: Okay. Now we'll
5 accept comments from the general public. I see a
6 couple of hands coming up. So the gentleman on
7 my right, come on up. Do you have a handwritten
8 statement or anything or are you just talking?
9 You can proceed when you're ready.

10 MR. HASSAN: Thank you. My name is
11 Abdelwahab Hassan. I've been driving -

12 MS. MIXON: Excuse me, sir. For the
13 record, could you spell your name so that the
14 reporter hears it?

15 MR. HASSAN: Okay, Abdelwahab, A-B-D-
16 E-L-W-A-H-A-B, Hassan, H-A-S-S-A-N.

17 MS. MIXON: Thank you.

18 MR. HASSAN: You're welcome. Okay, I
19 urge the Commission to allow those who surrender
20 their H tag to be able to have them back. Since
21 the law required them to do so if the cars are
22 out of service, and they don't continue - if they

1 don't pay the insurance, they would be fined up
2 to \$2,500.

3 And to my knowledge, taxicab companies
4 have many H tags that has no real cars on the
5 streets, without cars. And some of them rent
6 them, rented the tag. And, you know, why do we
7 have - other people have the right to have tags
8 and can't get their tags, and while you're
9 protecting their business from flooded - being
10 flooded with taxi cars.

11 I'm not sure if somebody knows how
12 many thousands of Uber cars are operating in the
13 city without limitations, and paying the driver,
14 their driver, less than minimum wage, which has
15 devastated the income of the taxicab industry.

16 In Virginia, they had asked them to
17 mark their car that they are Uber. I wonder if
18 we can limit their numbers to a certain number so
19 we don't destroy everybody else, and at least to
20 urge them to have a fair price, not just this.

21 They charge a very low price so they
22 would, you know, kill the taxicab industry and

1 they prosper. And they have a pool of drivers,
2 regular. Any person on the street can come and
3 join Uber.

4 So if we just limit their numbers, how
5 many thousands of cars, and the city would offer
6 them a sticker. If they want to operate in the
7 city, they can have a sticker authorized by you
8 allowing them 1,000, 2,000, whatever number you
9 feel comfortable with, to protect our industry.

10 I'm sure your job is to protect the
11 industry. I'm sure you have been doing a very
12 good job, and thank you. I'm waiting to hear
13 good news about retaining the H tag for people
14 who had it before. Thank you.

15 CHAIRMAN ROGERS: Thank you for your
16 comments, sir. And yeah, please give it to the
17 secretary. Yes, sir, all the way in the back?

18 MR. GEBREMESSIH: My name is Aklile
19 Gebremessih, A-K-L-I-L-E G-E-B-R-E-M-E-S-S-I-H.
20 And I've been driving taxis since 1992. That's
21 almost 23 years now. And because of a medical
22 reason, I had to surrender my tag, and left to

1 Sweden after so many financial debts. So I
2 stayed two years.

3 When I came back, I submitted to
4 return my tag, to get my tag. But the Taxicab
5 Commission, John Scott, I wrote a letter and they
6 told me that I cannot return my tag. If I didn't
7 return my tag, the financial, mental, and
8 physical burden for me will be tremendous.

9 Every week, insurance paid for two
10 years, parking the car at a garage, how much, and
11 the inspection every six months. From Sweden,
12 come back, and can I afford it? I could not, so
13 that's why I returned my tag.

14 Now I am asking the Taxicab Commission
15 to reconsider this decision, and let me own my
16 tag. Not only that, I'm renting now, extremely
17 expensive, \$2,253. The car that I am renting,
18 it's just ridiculous. Every time I go the car is
19 broke down. Taxi drivers have been driving it,
20 and maybe it's abused. And that's - taxi hack
21 officers give you a ticket for whatever reason.
22 It's not only my obligation.

1 So with all this burden, and all we
2 have seen that the guy mentioned, taxicab owners
3 have so many fees, and they rent. Whatever they
4 charge, you have to pay it to survive. And I'm
5 asking that this decision has to be considered.

6 CHAIRMAN ROGERS: Thank you, sir, for
7 your testimony. I appreciate that.

8 MR. GEBREMESSIH: Thank you. All of
9 these documents I have presented to John A.
10 Scott.

11 CHAIRMAN ROGERS: Okay.

12 MR. GEBREMESSIH: And -

13 CHAIRMAN ROGERS: Okay.

14 MR. GEBREMESSIH: That's all I'm
15 asking.

16 CHAIRMAN ROGERS: Thank you, sir.
17 Yes, sir?

18 MR. BIRBO: Hi, good morning.

19 CHAIRMAN ROGERS: Good morning.

20 MR. BIRBO: Hi, good morning. The
21 subject of my request is a request for an H tag.
22 Good morning, dear respected chairmen,

1 commissioners, and the council. My name is
2 Gashaw Birbo, one of the first rotation new
3 driver trainees of the well-designed 16 hours
4 class in September 2013.

5 The main focus of the training was to
6 achieve excellent customer service for D.C.
7 residents through newly trained drivers. After I
8 got qualified and I received a license, I was
9 told to work for driver association companies.

10 Providing better service to the
11 District residents was the motivation, and was
12 the motivation I had in better comfort cabs. I
13 participated in the previous 2014 Commissioner's
14 meeting and hearings to explain the practical
15 issue going on the ground on taxicab business as
16 follows.

17 The competition of taxicab business in
18 D.C. is getting tough and very challenging
19 leading to very open policies that allowed many
20 companies to operate. Because of this fact, I
21 have to work 16 to 20 hours a day to pay for cab
22 rent and survive my family.

1 Many of the companies, Uber and
2 others, are allowed to let the drivers compete
3 and work for themselves using their own better
4 customer comfort and fuel efficient cars, even
5 though they never pass through any training,
6 operation policies, rules, and the procedures.

7 The Commission qualified me to be a
8 licensed cab driver in the District, but we are
9 instructed to rent cabs from driver associations
10 that never have the capacity or the instructive
11 to provide drivers able cabs for rent.

12 By paying from \$800 to \$1,200 per
13 month for cab rent, from twenty to thirty per
14 week for PSP service, credit card processing fee,
15 and then for rent, also fueling the lowest fuel
16 efficient engine and from 250 to 400,000 mileage
17 driven cabs that have - that has catastrophic
18 environmental impact.

19 But because of this fact, we are
20 really sorry about the Commission's decision not
21 to give us the opportunities as other companies
22 give to their drivers.

1 Why are we made to be used and
2 enslaved by the driver association companies that
3 are struggling on how to survive in the business
4 if associations and their drivers that own H-tags
5 are complaining and protesting every day about
6 the tough survival in the business?

7 What can be understood about us? The
8 number of UberX cars are increasing in total and
9 there is no limit and control, taking away all
10 the business, but we are controlled by
11 opportunist companies and wrong decisions.

12 What was the main purpose of making me
13 to take the training by paying up to \$700 for the
14 whole process? Is that to make me subsidize and
15 devote my free labor to the existing driver
16 associations that fail to win the competition?

17 Why are we abused in the only country
18 where the rules and the regulations treat all
19 humankind equally to use available opportunities?

20 Please, I would like to ask you to
21 reconsider the decision built on the practical
22 facts to give us equal opportunity and also help

1 the District residents to be provided with
2 American standards to the taxicab service. Thank
3 you.

4 CHAIRMAN ROGERS: Thank you, sir. I
5 really appreciate your comments. Further?

6 MR. MEKASHA: Good morning,
7 Commissioner. My name is Samuel Mekasha, S-A-M-
8 U-E-L, last name is M-E-K-A-S-H-A. I have been
9 driving a taxi in Washington for the last 26
10 years. And when I returned my tag, my car was
11 old, so I was trying to replace it with another
12 car.

13 In that process, my father passed
14 away, so I had to go take care of my family
15 business. I'm the oldest son in the family.
16 When I came back, they told me I cannot have a
17 tag. And I have written a letter to Mr. John
18 Scott requesting to get my tag back, but I have
19 no answer to that.

20 I am 62 years old and I have a family.
21 I cannot be able to afford my apartment or have
22 to move into a room because I am renting a cab,

1 and then I have to drive so many hours, and the
2 business has changed.

3 It's very difficult for me to make a
4 living. And I'm just asking you to consider to
5 give - return my tag back. Thank you so much.

6 CHAIRMAN ROGERS: Thank you, sir. I
7 appreciate your comments. Final?

8 MR. YEATES: Good morning, Chairman
9 and Commission.

10 CHAIRMAN ROGERS: Good morning.

11 MR. YEATES: Hi, my name is
12 Christopher Yeates. I was a driver. Sorry, I'm
13 not really - I wasn't prepared to speak, but I'll
14 try to do the best I can.

15 MS. MIXON: And would you spell your
16 last name for us, please?

17 MR. YEATES: Y-E-A-T-E-S. Yeah, I had
18 a problem. I lost my tags and I was hoping to
19 get a time span of hopefully when this Commission
20 on Industry might start convening.

21 CHAIRMAN ROGERS: Well, if you give me
22 two seconds, after this I was going to make that

1 announcement.

2 MR. YEATES: Wonderful, wonderful.

3 Okay, also I was hoping that the Commission might
4 take into consideration, like fellow of my
5 drivers, that lost their tags, and if we're given
6 an opportunity to obtain the tags before they
7 open it to newer drivers. I was hoping they
8 might take that into consideration.

9 And I wanted to tell you about how I
10 particularly lost my tags. When it was time to
11 renew my license, I believe I was over the point
12 span. I was - I think I had - they don't want
13 you to have no more than seven. I believe I had
14 nine, and I had two tickets.

15 I got the tickets and they told us
16 that the Office of Administrative Hearings would
17 adjudicate these tickets. So I waited for the
18 Office of Adjudication to adjudicate the tickets.
19 They said it would take some time.

20 They sent - there were two tickets.
21 One was a speeding ticket. They sent that
22 ticket, unknowingly to me, to the Department of

1 Motor Vehicles. They adjudicated the ticket and
2 found me guilty because I failed to appear. The
3 officer didn't appear either, but I failed to
4 appear.

5 Okay, and that's how I wasn't able to
6 renew my license in the time span. Even the
7 Office of Administrative Hearings, the other
8 ticket took them almost a year and a half to
9 adjudicate. The speeding ticket was - DMV did
10 finally open it up for adjudication.

11 It took them close to a year, and I
12 had to beg them too that I would go to traffic
13 school. I had to offer traffic school to them,
14 give them a solution. I would pay the ticket in
15 full, give me the traffic school to take the
16 points back so that I can then renew my license.

17 Now I'm beyond my 60-day period
18 allotted to me by the Taxi Commission. I cannot
19 no longer renew my tags, okay? So that, you
20 know, I'm quite sure, you konw, a bevy of other
21 issues, but I was hoping to find out on the, the
22 Commission on Industry when that would convene.

1 But, you know, as a taxi driver also,
2 there's so many different government agencies,
3 the Office of Administrative Hearings, the DMV,
4 the Taxi Commission. They only gave us 60 days
5 to get our issues resolved.

6 The Office of Administrative Hearings
7 took a year and a half to adjudicate the ticket.
8 DMV, they almost took two years unless I - until
9 I offered them an out. And, you know, even the
10 Taxi Commission, I mean, nothing gets done real
11 quickly with this, you know, with this process.
12 So I was hoping, you know.

13 CHAIRMAN ROGERS: Okay, thank you.

14 MR. YEATES: I do appreciate it.

15 CHAIRMAN ROGERS: I appreciate your
16 comments. Final, come on up, sir. You look
17 familiar. You might have spoken at the last
18 meeting if I remember correctly.

19 MR. CHUBBS: Good morning.

20 CHAIRMAN ROGERS: Good morning, sir.

21 MR. CHUBBS: Good morning, Mr.

22 Chairman and the Commission. My name is E.J.

1 Chubbs, independent cab number 69. Can you all
2 hear me okay?

3 CHAIRMAN ROGERS: Independent cab
4 number 69.

5 MR. CHUBBS: Okay, I have a couple of
6 concerns. One of the concerns is I'm concerned
7 about the older driver as myself. I mean, you
8 all are really putting us out of business. As
9 myself, I have served this city 50 years. And
10 I'm only 79, so I'm not ready to sit in a rocking
11 chair.

12 And I have served it well. I have
13 worked hard. Some people say, "Oh, you're just a
14 taxi driver." That has never been my thing. I
15 am a small businessman, and I have worked hard to
16 utilize clients, clientele. But what I want to
17 say is that, you know, I'm concerned about this
18 age thing on the cards.

19 You may not be aware, but when they
20 started all of this about the age thing, we were
21 supposed to be able to drive our cabs 400,000
22 miles before they would have to be replaced.

1 Then somebody came up with this brainstorm idea
2 about the year thing.

3 And I think it affects me particularly
4 because as long as I've been in the taxi
5 business, you could never get a taxicab financed.
6 You know, because once you say taxi, that was it.
7 I've always bought a new car, and after two or
8 three years it takes - the kind of car I buy, it
9 takes you five years to pay for it.

10 And I would put - take the older car,
11 put the new car in, and buy me a newer car, which
12 I've done. I'm driving an old Ford Lincoln Town
13 Car. But looking ahead as I thought, I bought a
14 new '08 Lincoln Town Car because that was the
15 last year they made it. I mean, brand new, not
16 no used. I have 78,000 miles on it.

17 Now they tell me I've got to take my
18 '04 off, but I can't put my '08 in. Now, I've
19 invested \$40,000 in that car, and if that's not
20 putting me out of business, I'm now on Social
21 Security. Back in the day, we older guys, we
22 didn't have retirement plans and all of that, so

1 most of us are living on Social Security.

2 Now at the time that I need my taxi to
3 subsidize my Social Security, you all are putting
4 me out of business with all of these rules and
5 regulations, because I don't work that way. I
6 work enough to take care of my - help my Social
7 Security along.

8 So I - and again, I can't afford to go
9 out and buy no car, so that's the way you're
10 putting me out of business. I can't afford to go
11 out and pay \$250 a week to rent a car, so that's
12 another way of putting me out of business.

13 Then the other question I have, this
14 waiver thing, and I talked about it at the last
15 hearing, is that how you all are just making us
16 spend money and we're getting no return on our
17 dollar.

18 Okay, this waiver thing, why should I
19 have to go out somewhere, pay \$150 to get a
20 waiver, then go back to the hack office and get
21 another inspection and pay another \$50 where we
22 pay for inspection, and we have an inspection

1 station, plus we go through inspection twice a
2 year?

3 So, and as a senior citizen, if I got
4 to take my car over there for him to go over it
5 or look over it, why should I have to go pay
6 another \$150 and bring it back for the same
7 thing? I mean, you know, and I'm a senior
8 citizen. That \$200 is just like \$2,000 to
9 somebody else.

10 CHAIRMAN ROGERS: I understand.

11 MR. CHUBBS: So with the senior
12 citizen, I feel that it would have to be some
13 extension or exception - I can't get my words
14 straight.

15 CHAIRMAN ROGERS: You're all right.

16 MR. CHUBBS: But I think there should
17 be some kind of thing when people have served the
18 city. The ones that are serving the city now, we
19 made the rules and regulations, and we have
20 worked to build this industry up. And now we are
21 just being kicked to the side because we're
22 really not getting no return on our dollar, and

1 we can't afford to do what all of these
2 regulations are telling us to do.

3 And one other thing is that, like you
4 said, the 31c, that is way outdated. We worked
5 on that for - with Mr. Cohn, and Yellow Cab, and
6 I, and all. We went over all these regulations.
7 It took us six weeks of our own time, because Mr.
8 Cohn gave us dinners and things, and we went all
9 over that 31c.

10 And all of these outdated regulations
11 were supposed to be inactive or at least looked
12 into. Do you know what happened to them? They
13 threw them in the trash. So that 31c really
14 needs to be looked at.

15 CHAIRMAN ROGERS: Okay.

16 MR. CHUBBS: Because so many of these
17 regulations are sorely outdated. Thank you for
18 your time.

19 CHAIRMAN ROGERS: Thank you. And I do
20 invite you to speak with Mr. Scott about your
21 particular issue with the way -

22 MR. CHUBBS: Well, again, Mr. Scott

1 when he was here, I talked to him and he told me,
2 he says, "Call me." Okay, I did call him. And
3 the first thing he told me, "Have you been to get
4 your 150 check? I can't do nothing for you. I
5 can't talk to you until you do that." Okay, so I
6 don't see where that's any help.

7 CHAIRMAN ROGERS: Well -

8 MR. CHUBBS: Thank you.

9 CHAIRMAN ROGERS: Talk to him again
10 and we'll see what we can do. Any further
11 comments, further comments, further comments?
12 All right, last comment.

13 MR. DEMISSE: Good morning, Chairman
14 Rogers -

15 CHAIRMAN ROGERS: Good morning.

16 MR. DEMISSE: - members of the
17 Commission. My name is Abraham, last name
18 Demisse, D-E-M-I-S-S-E. I am the member and the
19 representative of the group that is seeking a
20 replacement H tag. I just want to summarize what
21 the people previous to me was asking about.

22 Most of us returned our tag to the DMV

1 while our cab was out of service. This has been
2 the practice in D.C. for decades and it is also
3 required by regulations. Title 31, Chapter 5,
4 Section 506.2 says you must return your tag
5 immediately to the DMV if your car is out of
6 service.

7 Those who have returned their tag to
8 DMV before, they always got another, but not this
9 time because of the 2010 policy where they meant
10 to stop the influx of new or additional cabs.
11 But I just want to say our cabs do not represent
12 new or additional because we were operating
13 before the policy was adopted.

14 So today you will receive our report
15 in detail where we explain in detail, which
16 hopefully will help in the decision making
17 process.

18 CHAIRMAN ROGERS: Okay.

19 MR. DEMISSE: And this is what I want
20 to say. Thank you so much.

21 CHAIRMAN ROGERS: Thank you. I
22 appreciate that. Well, as the audience can hear,

1 there are a lot of concerns in the issues dealing
2 with H tags and what's happened with tag
3 surrendering and the like. So as I mentioned in
4 the January meeting, I was planning on creating
5 or - in paneling, the Panel on Industry.

6 And today I'm going to announce that
7 the Panel on Industry is hereby created with
8 Commissioner Smalls, Commission Crocker and
9 Commission Tapscott to - will be the commission
10 members who will serve on that panel. The panel
11 will have a series of public meetings in March.

12 I'm giving them 60 days. First I was
13 going to give a little bit longer, but 60 days.
14 I mean, the issues are fairly cut and dry. So
15 the panel will have 60 days from February 15, not
16 from today, to render a report back to the full
17 commission for consideration on the H tag issue.

18 It's my anticipation that this panel
19 will solve the issue. It's my anticipation that
20 once the panel submits their report to us and we
21 vote on it, I'm going to consider the matter
22 settled.

1 So what I encourage everyone to do,
2 either through participation in the public
3 hearing process, or letter, reports, individual
4 stories, to submit to the commission and we will
5 distribute it to the panel.

6 Show up to the hearings that are
7 there. Tell all of your friends, co-drivers, and
8 colleagues to show up and get your voices heard
9 on the record. You'll have 60 days from February
10 15.

11 After February - after April 15, I'm
12 going to consider the matter closed with whatever
13 recommendations that we have. And, I'm sorry,
14 and Commissioner Muhammad - I apologize for that,
15 Commissioner Muhammad - is also going to be on
16 the panel.

17 So again, this is the opportunity.
18 Let me hear. Let the Commission hear. Because
19 after April 15, there will be no more discussion
20 about previous issues with H tags. Now, with
21 that being said, I again invite everyone, as
22 you've heard through some of the comments today,

1 to review this, Title 31.

2 Look it over, a lot of good comments,
3 a lot of good ideas and suggestions. I need to
4 hear from you. What do you like? What do you
5 not like? Because it's time to engage this.
6 It's time to change this. It's time to modernize
7 it.

8 Again, I'm a firm believer in
9 stability, and stability of the rules. So once
10 we go through this exercise, which will take some
11 time, you know, I want to be done with rule
12 changes except for where we have to to meet any
13 statutory mandates or any further changes in the
14 industry.

15 But I want to create for you, the
16 drivers, and the cab companies, a level playing
17 field. Again, the public policy decisions as it
18 relates to Uber and other private vehicles for
19 hire, for the moment, it's been settled.

20 The city council passed the Innovation
21 Act in October. It will take effect March 10 I
22 believe, thereabout, because it's on a

1 Congressional layover so you have to count
2 legislative days.

3 So I do understand, and I do feel and
4 appreciate the concerns about the competition
5 that's happening in the industry. But for the
6 moment, the political structure has made their
7 decision. So it's time now for us to readjust to
8 the political decision and get the industry
9 thriving again.

10 So with that, the panel industry is
11 impaneled. Please look at our website and other
12 communications from us about when the public
13 hearings are. Perhaps we'll put - create an
14 email address if folks want to send us - send
15 through emails for the Panel on Industry to send,
16 to communicate with us electronically. So with
17 that being said, the Panel on Industry is
18 created. There we go.

19 So let's move on with the agenda. We
20 have two items to vote on. The first item is
21 vote to approve publication of final rule making
22 of Chapter 5 and 12 to clarify the implementation

1 of the minimum percentages of wheelchair
2 accessible vehicles in the taxicab and black car
3 fleets, also a vote on an appeal in the matter of
4 Menasse Gebremariam v. the District of Columbia
5 Taxicab Commission.

6 On Item number one, would you like to
7 - or I want the general counsel to give a little
8 bit more information about that.

9 MR. LERNER: Thank you. This is a
10 proposed notice of final rulemaking, proposed in
11 the sense it's proposed to be voted as final.
12 This would amend Chapters 5 and 12, the
13 provisions which implement the statutory
14 provisions for percentages of the fleets of
15 taxicab companies to require certain percentages
16 of those fleets to be wheelchair accessible
17 vehicles.

18 I would emphasize that these are
19 actually in the D.C. code. They're established
20 by council and they're implemented also through
21 rules.

22 The provisions would allow the Office

1 of Taxicabs to give extensions of time to comply
2 with those requirements where it has been clearly
3 demonstrated to the satisfaction of the Office
4 that the company needs additional time to fully
5 comply and actually purchase those additional
6 vehicles. And it has - the provisions for
7 Chapters 5 and 12 are essentially the same.

8 CHAIRMAN ROGERS: Okay, Commission
9 members, you have the matter before you. Any
10 questions, questions, questions? Do I have a
11 motion to approve the final rulemaking?

12 COMMISSIONER CROCKER: So moved.

13 COMMISSIONER SMALLS: Second.

14 CHAIRMAN ROGERS: There's a motion on
15 the floor that's been properly seconded. Madam
16 Secretary, could you please call the vote?

17 MS. MIXON: Yes, Commissioner Cohn?

18 (No audible response)

19 MS. MIXON: Commissioner Crocker?

20 COMMISSIONER CROCKER: Yes.

21 MS. MIXON: Commissioner Ferguson?

22 (No audible response)

1 MS. MIXON: Commissioner Muhammad?

2 COMMISSIONER MUHAMMAD: Yes.

3 MS. MIXON: Commissioner Smalls?

4 COMMISSIONER SMALLS: Yes.

5 MS. MIXON: Commissioner Tapscott?

6 (No audible response)

7 MS. MIXON: Commissioner Rogers?

8 CHAIRMAN ROGERS: Yes. Okay, the
9 matter has been properly voted and approved. The
10 second item again is the vote on appeal in the
11 matter of Menasse Gebremariam v. the District of
12 Columbia. Mr. General Counsel?

13 MR. LERNER: Yes, this is a matter
14 that I think the Commission is probably not -
15 this kind of matter has not been considered in a
16 number of years. This is actually a judicial -
17 quasi-judicial matter. It's an appeal from an
18 action of the Office of Taxicabs on a decision to
19 deny a request for an H tag.

20 The matter is a contested matter and
21 is - would be heard today essentially on an
22 appeal from the Office of Taxicabs with each

1 commissioner having the authority to vote to
2 affirm or reverse the decision.

3 There has been a request by the
4 Commission for legal advice relevant to the
5 matter. My office will prepare an appropriate
6 opinion for consideration by the Commission in
7 order for it to vote. We would need additional
8 time to do that, to research the questions
9 properly and provide appropriate advice.

10 We therefore recommend that the
11 Commission continue the matter to its next
12 meeting, and that it not issue any decision today
13 on the merits of the appeal. That's Counsel's
14 recommendation.

15 CHAIRMAN ROGERS: Based on the opinion
16 of the General Counsel, I move to continue the
17 matter. Is there a second?

18 COMMISSIONER CROCKER: Second.

19 CHAIRMAN ROGERS: The matter has been
20 properly seconded. So we'll vote on the move to
21 continue. Madam Secretary, call the vote.

22 MS. MIXON: Commissioner Cohn?

1 (No audible response)

2 MS. MIXON: Commissioner Crocker?

3 COMMISSIONER CROCKER: Yes.

4 MS. MIXON: Commissioner Ferguson?

5 (No audible response)

6 MS. MIXON: Commissioner Muhammad?

7 COMMISSIONER MUHAMMAD: Yes.

8 MS. MIXON: Commissioner Smalls?

9 COMMISSIONER SMALLS: Yes.

10 MS. MIXON: Commissioner Tapscott?

11 (No audible response)

12 MS. MIXON: Commissioner Rogers?

13 CHAIRMAN ROGERS: Yes. Okay, the item

14 has been properly voted on, so it will be

15 continued until the March 10 - March 11, I'm

16 sorry - Commission meeting. It looks - do we

17 have any government? No, we don't. Do we have

18 any staff? No, we don't. So we have no

19 government communications and staff reports.

20 I think at the next Commission

21 meeting, I will ask some of my colleagues in the

22 executive branch, probably the Director of Small

1 and Local Business Development, to come and make
2 a presentation on her office and some of the
3 services they can provide to drivers. So this
4 may be a slightly longer meeting just in case
5 there are questions.

6 So any other business before the
7 Commission that needs to be heard, anything,
8 anything? Okay, with that, we are adjourned.
9 Oh.

10 COMMISSIONER MUHAMMAD: I'm wondering
11 if you could issue a cease and desist order to
12 all taxicab companies that's charging \$50 for
13 tags of drivers who own their taxicabs?

14 CHAIRMAN ROGERS: We could talk to
15 them. We could look into it. I mean, we'll talk
16 to the General Counsel to see what legal
17 authority we have to do as the Commission
18 requests it.

19 COMMISSIONER MUHAMMAD: You've got to
20 do something because they're running rampant.

21 CHAIRMAN ROGERS: Commissioner Smalls?

22 COMMISSIONER SMALLS: Are we going to

1 take a motion on that?

2 CHAIRMAN ROGERS: Sure. There's a
3 motion by Commissioner Muhammad to refer to the
4 General Counsel's Office the practices of cab
5 companies and the rates and fees that they charge
6 drivers for the use of vehicles. Is there a
7 second?

8 COMMISSIONER SMALLS: Second.

9 CHAIRMAN ROGERS: It's seconded. All
10 in favor?

11 (Simultaneous speaking)

12 CHAIRMAN ROGERS: All right, the matter
13 has been properly seconded and voted, so we will
14 ask the General Counsel to render an opinion for
15 the Commission at its April meeting on the
16 efficacy of that activity of cab companies.

17 Okay, any other further business
18 coming before the Commission? Commissioner
19 Muhammad, anything else?

20 COMMISSIONER MUHAMMAD: No.

21 CHAIRMAN ROGERS: Commissioner Smalls?
22 Commissioner Crocker?

1 (No audible response)

2 CHAIRMAN ROGERS: Okay, thank you all,
3 and we are adjourned.

4 (Whereupon, the above-entitled matter
5 went off the record at 11:09 a.m.)

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<p style="text-align: center;">A</p> <p>\$1,200 16:12 \$150 25:19 26:6 \$2,000 26:8 \$2,253 13:17 \$2,500 11:2 \$200 26:8 \$250 25:11 \$40,000 24:19 \$50 7:20 8:10,21 9:1 25:21 39:12 \$700 17:13 \$800 16:12 A-B-D 10:15 A-K-L-I-L-E 12:19 a.m 1:10 3:2 41:5 Abdelwahab 10:11,15 able 10:20 16:11 18:21 21:5 23:21 above-entitled 41:4 Abraham 28:17 abused 13:20 17:17 accept 10:5 accessible 2:11 34:2,16 accommodations 6:7 achieve 15:6 Act 32:21 action 2:6 36:18 activity 40:16 actual 6:4 additional 29:10,12 35:4,5 37:7 address 33:14 adequately 6:5 Adjourn 2:21 adjourned 39:8 41:3 adjudicate 20:17,18 21:9 22:7 adjudicated 21:1 adjudication 20:18 21:10 Administrative 20:16 21:7 22:3,6 adopted 29:13 advice 37:4,9 affirm 37:2 afford 13:12 18:21 25:8 25:10 27:1 age 23:18,20 agencies 22:2 agenda 2:1 4:7,8 6:14 33:19 ahead 24:13 Aklile 12:18 alert 4:17 allotted 21:18 allow 10:19 34:22 allowed 15:19 16:2</p>	<p>allowing 12:8 alter 4:8 amend 34:12 American 18:2 announce 30:6 announcement 20:1 answer 7:22 18:19 ANTHONY 1:14 anticipation 30:18,19 apartment 18:21 apologize 31:14 appeal 2:14 34:3 36:10 36:17,22 37:13 appear 21:2,3,4 appreciate 14:7 18:5 19:7 22:14,15 29:22 33:4 appropriate 37:5,9 approve 2:8 33:21 35:11 approved 36:9 April 31:11,19 40:15 asked 5:4 11:16 asking 13:14 14:5,15 19:4 28:21 Assistant 1:18 association 15:9 17:2 associations 16:9 17:4 17:16 audible 4:13 6:20 35:18 35:22 36:6 38:1,5,11 41:1 audience 29:22 authority 37:1 39:17 authorized 12:7 available 17:19 aware 23:19</p> <hr/> <p style="text-align: center;">B</p> <p>back 5:21 10:20 12:17 13:3,12 18:16,18 19:5 21:16 24:21 25:20 26:6 30:16 bad 9:9 Based 37:15 beg 21:12 believe 6:15 20:11,13 32:22 believer 32:8 belong 8:12 best 19:14 better 15:10,12 16:3 BETTY 1:14 bevy 21:20 beyond 21:17 Birbo 6:19,19 14:18,20 15:2 bit 30:13 34:8</p>	<p>black 2:12 34:2 BOCOCK 1:18 book 4:21 bought 24:7,13 brainstorm 24:1 branch 38:22 brand 24:15 bring 26:6 broke 13:19 build 26:20 built 17:21 burden 13:8 14:1 business 8:3,8 9:11 11:9 15:15,17 17:3,6 17:10 18:15 19:2 23:8 24:5,20 25:4,10,12 39:1,6 40:17 businessman 23:15 buy 24:8,11 25:9</p> <hr/> <p style="text-align: center;">C</p> <p>cab 7:13,14,20 8:22 15:21 16:8,13 18:22 23:1,3 27:5 29:1 32:16 40:4,16 cabs 15:12 16:9,11,17 23:21 29:10,11 call 2:2 3:3 6:17 28:2,2 35:16 37:21 capacity 16:10 car 2:12 7:18 11:17 13:10,17,18 18:10,12 24:7,8,10,11,11,13,14 24:19 25:9,11 26:4 29:5 34:2 card 16:14 cards 23:18 care 18:14 25:6 cars 10:21 11:4,5,10,12 12:5 16:4 17:8 case 39:4 catastrophic 16:17 cease 39:11 certain 11:18 34:15 chair 23:11 Chairman 1:11,13 3:3 3:12 4:3,5,6,14 7:10 9:16,21 10:1,4 12:15 14:6,11,13,16,19 18:4 19:6,8,10,21 22:13,15 22:20,22 23:3 26:10 26:15 27:15,19 28:7,9 28:13,15 29:18,21 35:8,14 36:8 37:15,19 38:13 39:14,21 40:2,9 40:12,21 41:2 chairmen 14:22 challenging 15:18</p>	<p>change 32:6 changed 19:2 changes 5:18 6:7 32:12 32:13 chapter 5:10,10 29:3 33:22 Chapters 2:9 34:12 35:7 charge 11:21 14:4 40:5 charged 8:20 charging 7:20 8:11 39:12 check 28:4 chopped 9:11 Christopher 19:12 Chubbs 22:19,21 23:1 23:5 26:11,16 27:16 27:22 28:8 citizen 26:3,8,12 city 9:9 11:13 12:5,7 23:9 26:18,18 32:20 clarify 2:9 33:22 class 15:4 clear 4:19 7:22 clearly 35:2 clientele 23:16 clients 23:16 close 21:11 closed 31:12 closer 7:7 co-drivers 31:7 code 34:19 Cohn 3:15 27:5,8 35:17 37:22 colleagues 31:8 38:21 Columbia 1:1 2:15 34:4 36:12 come 5:21 9:6 10:7 12:2 13:12 22:16 39:1 comfort 15:12 16:4 comfortable 12:9 coming 10:6 40:18 comment 2:4 4:9 28:12 comments 5:18,21 6:12 6:16 10:5 12:16 18:5 19:7 22:16 28:11,11 28:11 31:22 32:2 commission 1:3,5,9 2:3 2:6,16 3:4,7 4:8,11,16 4:18 5:1 10:19 13:5 13:14 16:7 19:9,19 20:3 21:18,22 22:4,10 22:22 28:17 30:8,9,9 30:17 31:4,18 34:5 35:8 36:14 37:4,6,11 38:16,20 39:7,17 40:15,18 Commission's 16:20</p>
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This is to certify that the foregoing transcript

In the matter of: General Commission Meeting

Before: DC Taxicab Commission

Date: 02-11-15

Place: Washington, DC

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