

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY RULEMAKING

The District of Columbia Taxicab Commission (“Commission” or “DCTC”), pursuant to the authority set forth in Sections 8(c)(2), (3), (10), (19), and (20) and 14, 20, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07(c) (2), (3), (10), (19), and (20), 50-301.13, 50-301.19 and 50-301.29 (2014 Repl. & 2015 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 10 (Public Vehicles for Hire), Chapter 12 (Luxury Class Services – Owners, Operators and Vehicles) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles For Hire) of the D.C. Municipal Regulations (DCMR).

This emergency rulemaking amends Chapters 10 and 12 to authorize the Office of Taxicabs (“Office”) to issue provisional licenses for applicants seeking new DCTC operator’s licenses to operators seeking to provide point-to-point black car and other luxury class service in the District. The Washington Metropolitan Area Transit Authority (“WMATA”) has begun its SafeTrack safety program which accelerates major repairs to the Metrorail system. SafeTrack’s safety surge projects are expected to cause major delays in Metrorail service and attendant transportation disruptions throughout the District and surrounding areas. The Commission finds there is an immediate need to preserve and promote the safety and welfare of District residents by ensuring there are sufficient DCTC-licensed operators available to meet the expected sharp increase in customer demand during SafeTrack, through the adoption, on an emergency basis, of amendments to Chapters 10 and 12 to authorize the Office to issue provisional licenses for applicants seeking new DCTC operator’s licenses, to allow them to conduct luxury class service in the District. This notice adopts on an emergency basis a portion of the proposed rulemaking adopted by the Commission on January 20, 2016 and published in the *D.C. Register* on May 20, 2016 at 63 DCR 004888. The earlier notice also proposed to amend Chapter 10 by requiring applicants for a new or renewal DCTC operator’s license to complete disability sensitivity training; that provision is not part of this notice. A notice of final rulemaking based on the proposed rulemaking was submitted for approval by the Commission on June 23, 2016.

This emergency rulemaking was adopted by the Commission on June 23, 2016 and took effect immediately. The emergency rule will remain in effect for one hundred twenty (120) days after the date of adoption (expiring October 21, 2016) unless earlier superseded by amendment or repeal by the Commission or publication of final rulemaking, whichever occurs first.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 1001, ELIGIBILITY FOR A HACKER’S LICENSE, is amended as follows:

A new Section 1008 is added to read as follows:

1008 PROVISIONAL LUXURY CLASS SERVICE OPERATOR’S LICENSE

1008.1 The Office may issue a provisional DCTC operator’s luxury class service license (provisional LCS operator’s license) consistent with the requirements of § 1209 and pursuant to an administrative issuance.

Chapter 12, LUXURY CLASS SERVICES – OWNERS, OPERATORS AND VEHICLES, is amended as follows:

Section 1209, LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF LICENSES, is amended as follows:

New Subsections 1209.5 and 1209.6 are added to read as follows:

1209.5 The Office may issue a provisional DCTC operator’s luxury class service license (provisional LCS operator’s license) pursuant to an administrative issuance provided that each applicant:

- (a) Meets the requirements of §§ 1205 and 1207;
- (b) Submits an application pursuant to § 1206;
- (c) Completes the training and education requirements of § 1208; and
- (d) Complies with such additional terms and conditions for provisional licensing as may be set forth in the administrative issuance, including requirements related to:
 - (1) Passenger, operator, and public safety;
 - (2) Consumer protection; and
 - (3) Any other purpose within the jurisdiction of the Commission.

1209.6 The total application fees for a provisional LCS operator’s license, including fees for fingerprinting and testing, shall not exceed the total fees for a full (non-provisional) DCTC operator’s license.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 amended to add the following:

“Provisional DCTC luxury class service operator’s license” – a DCTC operator’s license issued to an operator of a luxury class service vehicle which, following its issuance, may be subject to additional requirements or conditions, including the completion of a background check by the Federal Bureau of Investigation, prior to full licensing consistent with the requirements of this title and other applicable laws.

“Provisional LCS operator’s license” – a provisional DCTC luxury class service operator’s license as defined in this section.