

## DEPARTMENT OF FOR-HIRE VEHICLES

### NOTICE OF SECOND EMERGENCY RULEMAKING

The Acting Director of the Department of For-Hire Vehicles (“Department” or “DFHV”), pursuant to the authority set forth in Sections 8(c) (1), (2), (3), (7), and (19), 14, and 20j, of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986, as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 (“Vehicle-for-Hire Act”), effective March 10, 2015 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07(c) (2), (7), (19) and (20), 50-301.13, and 50-301.29 (2012 Repl. & 2015 Supp.)), hereby gives notice of adoption, on an emergency basis, amendments to Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This second emergency rulemaking would amend Chapter 18 to immediately modify the requirements: (1) that taxicab companies approved to provide service in CAPS-DC (now known as “Transport DC”) add a wheelchair accessible vehicle for every 3,000 trips completed in the program, allowing the addition of these vehicles at such greater intervals as may be established in an administrative issuance; and (2) for a fixed, flat rate fare of thirty three (\$33) for each Transport DC trip, changing the requirement from a fixed fare to a cap on the fare. This emergency rulemaking is necessary as the Department finds there is an immediate need to preserve and promote the safety and welfare of District residents to make the foregoing changes to ensure the financial viability of the Transport DC program, which serves the ongoing paratransit needs of the community, including by providing wheelchair service.

Notice of emergency and proposed rulemaking was adopted by the Department on June 29, 2016 and has not yet been published in the *D.C. Register*. The emergency rulemaking, which expires on October 27, 2016, took effect immediately. This second emergency rulemaking, which supersedes the emergency rulemaking adopted by the Department on June 29, 2016, was adopted by the Department on October 6, 2016, and took effect immediately. This second emergency rulemaking shall remain in effect for one hundred and twenty (120) days after the date of adoption (expiring February 3, 2017), unless earlier superseded by an amendment or repeal by the Department, or the publication of final rulemaking, whichever occurs first.

**CHAPTER 18, WHEELCHAIR ACCESSIBLE PARATRANIST TAXICAB SERVICE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:**

**Section 1806, TAXICAB COMPANIES AND OPERATORS – OPERATING REQUIREMENTS is amended as follows:**

**Subsection 1806.5 (a), is amended to read as follows:**

1806.5 Each company shall add a vehicle to its fleet which complies with subparagraph (b) each time the company completes three thousand (3,000) CAPS-DC trips, or such greater number of trips as may be established in an administrative issuance.

**Subsection 1806.10 is amended to read as follows:**

- 1806.10 The rates and charges, and acceptable forms of payment, for each CAPS-DC trip shall be in accordance with the following requirements:
- (a) The fare for a CAPS-DC trip shall not exceed a flat rate of thirty three dollars (\$33) as stated in an administrative issuance, plus any gratuity which a passenger chooses to add to the total fare, payable as follows:
    - (1) Not more than five dollars (\$5.00) of the CAPS-DC fare shall be paid by the passenger by any means allowed by Chapter 8, including a payment card or cash; and
    - (2) The remaining fare shall be paid by District.
  - (b) No passenger surcharge shall be collected from a passenger for a CAPS-DC trip.