

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) (2), (3), and (19), and 14 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97), as amended by the Transportation Reorganization Act of 2016, effective June 22, 2016 (D.C. Law 21-0124); D.C. Official Code §§ 50-301.07(c) (2) (3), and (19), and 50-301.13 (2014 Repl. & 2015 Supp.)) hereby gives notice of the adoption, on an emergency basis, amendments to Chapters 8 (Operating Rules for Public Vehicles for Hire) and 99 (Definition) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This second emergency rulemaking amends Chapter 8 to immediately establish a more competitive pricing structure for taxicab shared rides in vehicles equipped with legacy (non-digital) taximeters. The rulemaking allows the reprogramming of these taximeters for a new “special shared ride distance rate” of one dollar and twenty cents (\$1.20) per mile (or fifteen cents (\$0.15) per one-eighth (1/8) of a mile) while all other taxicab rides using the street hail rates in § 801 would continue to use the existing “general distance rate” of two dollars and sixteen cents (\$2.16) per mile (or twenty seven cents (\$0.27) per one-eighth (1/8) of a mile) for all other rides. In addition, the one dollar (\$1.00) additional passenger fee would not apply to any segment of a shared ride where the special shared ride distance rate applies. The rulemaking also clarifies the language throughout § 801.7 (c) (the Department does not intend to make any substantive change in § 801.7 (c) as a result of these language clarifications), and adds appropriate definitions to Chapter 99.

The Washington Metropolitan Area Transit Authority (“WMATA”) has begun its SafeTrack safety program, to accelerate major repairs to the Metrorail system. SafeTrack safety surge projects are expected to cause major delays in Metrorail service and attendant transportation disruptions throughout the District and surrounding areas. To address the need for increased for-hire demand during these periods, the Department has issued an administrative issuance which, among other things, expands customer choice by allowing passengers to use shared riding arranged by operators, in addition to allowing them to choose single-passenger trips. The Department finds there is an immediate need to preserve and promote the safety and welfare of District residents to ensure a supply of for-hire service adequate to meet the expected sharp increase in customer demand during SafeTrack, by encouraging the use of shared riding through a more competitive rate structure for vehicles with legacy (non-digital) taximeters.

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 took effect immediately, expires on October 27, 2016. 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 will remain in effect for one hundred and twenty (120) days after the date of adoption (expiring on February 3, 2017) unless earlier superseded by an amendment or repeal by the Department or the publication of final rulemaking, whichever occurs first.

Chapter 8, OPERATING RULES FOR PUBLIC VEHICLES FOR HIRE, of Title 31

DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended as follows:

Subsection 801.7 (c) is amended to read as follows:

- (1) The time and distance charges that shall be generated automatically by the taximeter for a taxicab trip booked by street hail, by telephone dispatch, or by digital dispatch through a DDS that does not process digital payments, are established as follows:
 - (A) Minimum fare (flag drop rate): three dollars and twenty five cents (\$3.25) plus the first one eighth (1/8) of a mile.
 - (B) Distance (after the first one eighth (1/8) of a mile):
 - (i) General distance rate: two dollars and sixteen cents (\$2.16) per mile (or twenty seven cents (\$0.27) per one-eighth (1/8) of a mile); or
 - (ii) Special shared ride distance rate: one dollar and twenty cents (\$1.20) per mile (or fifteen cents (\$0.15) per one-eighth (1/8) of a mile).
 - (C) Time (wait time):
 - (i) Thirty five dollars (\$35) per hour, to be calculated in sixty (60) second increments;
 - (ii) Time shall be charged when the vehicle is stopped, and when the vehicle is slowed to a speed of less than ten (10) miles per hour for longer than sixty (60) seconds;
 - (iii) Time shall be charged for delays and stopovers en route at the direction of the passenger;
 - (iv) Time shall not be charged during periods lost due to vehicle or operator inefficiency; and
 - (v) If the vehicle is responding to a dispatch, time shall be charged beginning five (5) minutes after the time pickup was requested by the customer. There shall be no additional charge for early arrival.
- (2) The authorized additional charges which shall be generated automatically by the taximeter for a taxicab trip booked by street hail, by telephone dispatch, or by digital dispatch through a DDS that does

not process digital payments, are established as follows:

- (A) A fee for telephone dispatch, if any, which shall be two dollars (\$2);
- (B) A taxicab passenger surcharge, which shall be twenty five cents (\$0.25) (per trip or per segment of a shared ride, and not per passenger);
- (C) A charge for delivery service where there is no passenger present shall be determined by an applicable administrative issuance or other document approved by the Department;
- (D) The amount of any airport surcharge or toll paid by the taxicab operator;
- (E) An additional passenger fee for each segment of a group or shared ride where more than one (1) passenger is present in the vehicle, which shall be one dollar (\$1.00) regardless of the number of additional passengers (the total additional passenger fee shall never exceed one dollar (\$1.00)), provided however, that no additional passenger fee shall be charged when the special shared ride distance rate applies; and
- (F) A snow emergency fare when authorized under § 804.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended to add the following definition:

“General distance rate” – the taximeter distance rate for all rides other than a shared ride in a vehicle with a legacy (non-digital) taximeter which has been reprogrammed for the special shared ride distance rate, as defined in this chapter.

“Special shared ride distance rate” – the taximeter distance rate for a shared ride in a vehicle with a legacy (non-digital) taximeter which has been reprogrammed for this rate.