

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(1), (2), (3), (4), (5), (7), (10), (12), (13), (17), (18), (19); 14, 20, 20a and 20f 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 §§ 50-307(c)(1), (2), (3), (4), (5), (7), (10), (12), (13), (17), (18), (19), 50-313, 50-319, 50-320 and 50-325 (2012 Repl. & 2013 Supp.)) hereby gives notice of its intent to amend Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules would implement two minor changes to the Coordinated Alternative to Paratransit Services – DC (“CAPS-DC”) Pilot Program between the D.C. Government and the Washington Metropolitan Area Transit Authority (WMATA), established by Title 31 DCMR Chapter 18. First, the rules implement disposal requirements for WMATA vans following use in the CAPS-DC program, and second, the rules clarify the priority order of service and applicable fares for CAPS-DC passengers, wheelchair accessible passengers, and other passengers.

The Commission voted to adopt these rules as proposed on August 6, 2014. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

The Commission amends WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, as follows:

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

Paragraphs 1806.5 (c) and (d) are amended as follows:

- (c) A WMATA van shall not be replaced until on or after October 1, 2015, after which time it shall be replaced as required by paragraph (a), and consistent with any additional terms and conditions imposed by the Commission based on total participation in the pilot program during Fiscal Year 2014, District-wide demand for wheelchair service, the need for wheelchair accessible vehicles in future programs targeted to serve underserved areas of the District, and other lawful and appropriate considerations under the Act. A WMATA van eligible for transfer from a company to a third party shall be transferred only in compliance with all terms and conditions of the grant provided by the Office for its acquisition, and shall not be transferred for more than nominal consideration.

- (d) A company that fails to comply with the requirements of paragraphs (a)-(c) shall be subject to suspension or revocation of its CAPS-DC approval, and may be required to refund to the Office any grant provided to the company for the acquisition of WMATA vans.

Subsection 1806.13 is amended to read as follows:

1806.13 Each company shall provide service using its WMATA vans in accordance with the following requirements:

- (a) WMATA vans shall be used to provide service in the following descending order of priority to the extent permitted by all applicable laws:
 - (1) A CAPS-DC passenger, for which the fare shall be consistent with § 1806.10;
 - (2) Any passenger requesting a wheelchair accessible vehicle, for which the fare shall be consistent with the provisions of Chapter 8; and
 - (3) Any other passenger, for which the fare shall be consistent with the provisions of Chapter 8.
- (b) When a WMATA van is used to provide a group ride which meets the requirements of § 801.8 from a hotel located in the District to an airport, an additional charge of one dollar (\$1.00) per ride (not per passenger) shall be added to the total fare.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.