

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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DEPARTMENT OF FOR-HIRE VEHICLES

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FOR-HIRE VEHICLE ADVISORY COUNCIL MEETING

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WEDNESDAY
DECEMBER 12TH, 2018

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The Council met in Suite 2032, 2235
Shannon Place, S.E., Washington, D.C., at 10:00
a.m., Linwood Jolly, Chairperson, presiding.

MEMBERS PRESENT:

DAVID DO, DIRECTOR
LINWOOD JOLLY, Chairperson
JEFFERY SCHAEFFER, Commissioner
DOTTI LOVE WADE, Commissioner
ANTHONY WASH, Commissioner
DAWIT DAGNEW, Commissioner

STAFF PRESENT:

CHAU TRAN, SECRETARY TO THE COUNCIL
DANIELLE GURKIN, ESQ., GENERAL COUNSEL

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

2 10:14 a.m.

3 CHAIRPERSON JOLLY: I'd like to call
4 this meeting to order.

5 Good morning. The time is 10:14 a.m.
6 We're at 2035 Shannon Place, Southeast in the
7 hearing room, Suite 2032.

8 I'd like to welcome everybody here.
9 Thank you all for taking time out to join us
10 today.

11 Let's first start with a moment
12 silence for those who aren't here.

13 (Moment of silence.)

14 CHAIRPERSON JOLLY: Thank you. So
15 this is a very exciting day today. We're going
16 to welcome a few new people.

17 First I'd like to start out by
18 thanking Ms. Nixon for coming and helping us
19 today and assuring some continuity. We miss you
20 already, but we thank you for coming. We
21 appreciate you. I'm sure Director Do appreciates
22 you.

1 Next is our director, our new
2 director --

3 DIRECTOR DO: All right.

4 CHAIRPERSON JOLLY: -- David Do, who
5 has joined us. And I had --

6 (Applause.)

7 DIRECTOR DO: Thank you.

8 CHAIRPERSON JOLLY: -- the privilege
9 of spending some time with him yesterday and
10 talking through a lot of things that we've been
11 working on, and there's a lot of good consensus
12 about a lot of the issues that we've been working
13 on previously. And Director Do has come in with
14 a lot of excitement and enthusiasm and he's
15 anxious to get some things moving forward. And
16 today he's joining us to basically hear what
17 we've been working on, not necessarily to take a
18 position on anything, because as he told me
19 yesterday, he's still in the process of gathering
20 all the facts.

21 So a lot of people who might testify
22 today, we as the Advisory Council will hear,

1 we'll have our discussions as always, but we're
2 just not in a position today to make any
3 decisions. But what we do and what we're
4 mandated to do by law is to take into
5 consideration what we've heard and then at the
6 appropriate time we communicate that to the
7 director as a recommendation from the Council.

8 So without any further ado, I'd like
9 to turn the microphone over to Director Do and
10 let him introduce himself and his new team.

11 DIRECTOR DO: All right. Great.
12 Hello, everyone. Good morning. My name is David
13 Do and I'm the interim director for the
14 Department of For-Hire Vehicles. I'm so excited
15 to be here today.

16 I was previously the director for the
17 Mayor's Office on Asian and Pacific Islander
18 Affairs where I focused on small businesses, on
19 our elderly community and our senior communities.
20 And I also serve on the Transportation Planning
21 Board's Access for All Committee where we were
22 brainstorming ideas on how to make our

1 transportation network more mobile and more
2 accessible. And so I'm very excited to now take
3 on this role as the Department of For-Hire
4 Vehicles interim director.

5 And I'm so excited because -- and I
6 want to start a story about myself, is that my
7 parents were refugees of the Vietnam War. And I
8 told this to my team previously. They came here
9 with very little but they built their own small
10 businesses so that their son could be the first
11 in their family to graduate from college. And
12 similar to our many operators and drivers,
13 they're working so hard to make a small business
14 living so that their family could be towards --
15 could get towards the middle class or have their
16 kid become their first in their family to
17 graduate from college. And so I'm so excited to
18 kind of work and represent and be a part of that
19 community.

20 So as I continue in this role I want
21 to make sure that we continue to be innovative
22 and better serve our community, find out a de-

1 regulatory scheme that promotes the public safety
2 and also build a better relationship with our
3 customers, like making our applications and
4 renewals accessible online, small things like
5 that. And so I'm so excited to be along the --
6 along with you and take this ride with you all.
7 So thank you so much. I appreciate it.

8 CHAIRPERSON JOLLY: Thank you,
9 Director Do.

10 (Applause.)

11 CHAIRPERSON JOLLY: Do you want to
12 introduce some of your team members here?

13 DIRECTOR DO: Yes, yes. So we have a
14 new executive assistant.

15 Chau, could you please stand up?

16 (Applause.)

17 DIRECTOR DO: And then our Interim
18 Chief of Staff Dory Peters. And you can --

19 (Applause.)

20 DIRECTOR DO: And of course you'll
21 recognize many of the other team members. If you
22 can all kind of wave, from my team.

1 (Laughter.)

2 DIRECTOR DO: There you go. All
3 right.

4 CHAIRPERSON JOLLY: All right. So on
5 the -- we don't have a lot of things on the
6 agenda, but there are some people here that are
7 going to testify. We do have a few of our
8 Advisory Council members that will also make some
9 comments that need to be read into the record.
10 So I think what we'll do is we'll start with the
11 public comment first.

12 And then, Dawit, you have something
13 you want to -- a few points you want to make.

14 But we'll start with the public
15 comment first and then we'll go from there.

16 So I see we have one person here.

17 PARTICIPANT: Two.

18 CHAIRPERSON JOLLY: Two? Sorry.

19 Okay. So why don't you come up and
20 you can say your name into the microphone for the
21 record and then -- yes, say your name and spell
22 it for the record, please. Thank you.

1 MR. SETEGN: My name is Degfae, D-E-G-
2 F-A-E. Last name S-E-T-E-G-N. I'm the Chairman
3 of United Ventures Consortium, Inc.

4 Thank you and, Mr. Director, welcome,
5 and dear For-Hire Vehicle Advisory Council
6 members. And the subject of my testifying is the
7 vehicle retirement age.

8 In response to the District of
9 Columbia Taxicab Service Improvement Amendment
10 Act of 2012 and subsequent publications of the
11 accompanying regulatory changes in the same, of
12 Title 31, almost all of the companies and owners
13 have upgraded their fleets to newer vehicles. We
14 are happy the industry has undergone through a
15 lot of improvement in the past few years,
16 however, these improvements have been made with a
17 lot of effort and a huge financial cost. Owners,
18 operators and companies complied with the
19 regulations by depleting their assets or
20 borrowing money from the lenders in anticipation
21 of getting their investment returned timely.

22 But you know, now that our industry is

1 suffering a wave of competitions from
2 unrestricted digital apps and other
3 transportation service, the excessive supply
4 created by the sheer number of these competing
5 services has brought the demand of taxicabs
6 significantly down.

7 On the other hand, the taxicab vintage
8 regulations has created an alarm in our part. To
9 mention some of the concerns: The retirement age
10 of our vehicle and the vehicles of our fleet
11 members are approaching before even we make our
12 investment returns.

13 The fall in demand has caused
14 shortages of 40 percent rate for reduction and
15 hence the vehicles do not accumulate mileage to
16 be retired.

17 And third, vehicles formerly used as
18 a taxi obviously have the lowest or zero resale
19 of value.

20 Fourth, all the surrounding
21 jurisdictions, mainly Maryland and Virginia,
22 every for-hire vehicle that do business, those

1 are -- it's going to be the AL rides like Lyft,
2 Uber or others in Washington, D.C. have a 10
3 years age limit. Whereas D.C. taxis are only --
4 the only one limited to eight years, especially
5 at the airport where the Maryland and Virginia
6 drivers are allowed to operate with a 10 years
7 D.C. drivers are unable to operate due to this
8 unfair eight years limit.

9 SECRETARY TRAN: Sir, you have 10 seconds
10 left.

11 MR. SETEGN: Okay. So I will
12 respectfully present the following: Six-oh-nine
13 should be amended maximum ten years and they
14 should have -- six-oh-nine-four should be amended
15 the maximum mileage and it would have five years
16 less retirement. Thank you.

17 CHAIRPERSON JOLLY: Mr. Setegn, just
18 stay there at the microphone and let's start
19 getting some responses. Let's start down on the
20 left with Dawit.

21 Do you have any responses or any
22 questions for Mr. Setegn?

1 MEMBER DAGNEW: No. Just clear, 10
2 years -- I mean, is it reasonable to ask for a
3 response to the question I'm asking? And the
4 issues that I have, the list of issues I gave
5 you, this is one of them.

6 CHAIRPERSON JOLLY: That is one of
7 them. Okay. So we covered that.

8 MEMBER DAGNEW: So Mr. -- the director
9 will see it sometimes in the future, like I said
10 yesterday.

11 CHAIRPERSON JOLLY: Okay.

12 MEMBER DAGNEW: We have a lot of
13 issues among that list, so --

14 CHAIRPERSON JOLLY: Okay.

15 MEMBER DAGNEW: -- let's just leave it
16 there --

17 CHAIRPERSON JOLLY: All right.

18 MEMBER DAGNEW: -- and we'll discuss
19 it --

20 (Simultaneous speaking.)

21 CHAIRPERSON JOLLY: Mr. Wash, any
22 comments?

1 MEMBER WASH: No, other than the 10
2 years stuck out and I understand why we should
3 have an even playing field across the board.
4 That's some of the challenges that we run into in
5 other industries here.

6 CHAIRPERSON JOLLY: Yes.

7 MEMBER WASH: So I do understand that.
8 I'd like to discuss that more particularly with
9 the drivers.

10 CHAIRPERSON JOLLY: Okay. We're going
11 to skip past Director Do and let's go to Mr.
12 Schaeffer. Any comments? Any questions?

13 MEMBER SCHAEFFER: Well, certainly
14 I've been hearing a lot from industry about the
15 10 years and I can understand the individual
16 owner/operator who has to make an investment --
17 has to make a decision. There's 361 vehicles
18 that are still listed in the DFHV/DC portal. And
19 I've listed them by company right here, 361. The
20 majority are owners. And I think the owners
21 should get the ability if their car is under
22 300,000 miles, is -- passed vehicle inspections

1 -- they should be able to come by and get a
2 waiver to drive for another year or two, because
3 if not, that individual has to decide whether
4 he's going to retire or try to invest in another
5 vehicle.

6 As far as the companies, this has been
7 in effect for a couple years now with the age
8 limitation and the operating authority has to be
9 turned in on Monday. So I've already cleaned
10 out my 2010s because they can't be on. Just like
11 the wheelchair-accessible vehicles, I've already
12 reached my 20 percent. And now last week an
13 administrative issuance came out saying you don't
14 need it. So you do have a little bit of unfair
15 for the companies that abide by the regulations
16 as opposed to those who procrastinate and don't
17 do it. So that's a concern of mine.

18 But the major concern is the
19 individuals who would be put out of business.
20 Out of those 361 I believe 60 to 70 percent of
21 those are owner/operators, if all those vehicles
22 are in fact active. This list doesn't tell me if

1 they're active or not actually working.

2 CHAIRPERSON JOLLY: So it sounds like
3 there is some -- you have some consensus with the
4 three recommendations, but are you suggesting an
5 amendment or something? Are you --

6 MEMBER SCHAEFFER: Well, I don't think
7 we should get rid of unlimited mileage. I think
8 we did a lot of work on the previous -- I think
9 the miles is 300,000. I don't think a vehicle
10 should be on the street after 300,000 miles. At
11 one point you're saying that you don't have
12 enough time to get to the mileage and another you
13 say you want to leave it on the mileage. So I
14 don't think the 300,000 is going to be an issue.

15 I think the 10 years should be okay
16 for an individual owner/operator --

17 CHAIRPERSON JOLLY: Yes.

18 MEMBER SCHAEFFER; -- but my opinion
19 is for a fleet it should not -- the majority of
20 fleets do not have all their vehicles running
21 anyway. So if you got to take vehicles off, take
22 out the older ones. I mean, you talk about an

1 even playing field; I understand, but we're never
2 going to be even, but we have to stand out --
3 with the FBI fingerprint, background clearance
4 the taxis have to stand out with, you know,
5 newer vehicles. They have to stand out with
6 whatever they can differentiate from to attract
7 business.

8 CHAIRPERSON JOLLY: Mr. Setegn, do you
9 have a response to that?

10 MR. SETEGN: Currently no. It's not
11 -- it shouldn't be only limited to owner --
12 driver owners. You know, the taxicab companies
13 as well, you know, due to this -- overwhelmed by
14 these new app-based businesses, you know, they
15 are losing and they are maintaining their
16 vehicles. And the mileage which these vehicles
17 accumulate within 10 years is not even 300,000.
18 So it should include both owners and companies as
19 well.

20 CHAIRPERSON JOLLY: Okay. And,
21 director, do you have any input?

22 DIRECTOR DO: No, I'm okay.

1 CHAIRPERSON JOLLY: Okay. So --

2 MEMBER WASH: Can I say one thing?

3 CHAIRPERSON JOLLY: Yes, please.

4 MEMBER WASH: I do understand your
5 perspective and I do understand the
6 owner/operator perspective. The one thing that
7 -- the challenge for -- challenges for taxicab
8 drivers, as I was telling the director here,
9 who's been here and watched this city change, a
10 lot of these drivers have put their children
11 through school, owner/operators, and now they're
12 in a city that costs twice as much as it cost
13 when they did that. So purchasing another
14 vehicle or retiring at a certain age isn't
15 necessarily the option, especially when property
16 taxes are going up. So I think we need to weigh
17 that in as well. We need to take in
18 consideration those drivers who've been here and
19 who -- it's not easy owning a business, but to do
20 that and put your children through school and be
21 the breadwinner, I think we -- those are some of
22 the things we need to consider --

1 CHAIRPERSON JOLLY: Okay.

2 MEMBER WASH: -- at least consider.

3 CHAIRPERSON JOLLY: And, Ms. Dotti
4 Love Wade, is there any input on this for you?

5 MEMBER WADE: Well, I weigh in on both
6 sides. Unfortunately I feel very strongly that
7 passengers, especially our national and
8 international passengers who visit this city
9 deserve first class automobile traffic and
10 comfort in vehicles. That is not very
11 representative of our city to have dilapidated
12 old vehicles greeting our national and
13 international guests as well as the people who
14 actually live here and work here and use our
15 system every day.

16 So to that extent I think that we
17 should always put our best foot forward and make
18 sure our vehicles are the most up to date and
19 best maintained in the country. I know we're
20 often compared with other cities of a like size,
21 but there are several factors that make us
22 unique. One, we're not just a state capital. We

1 are the nation's capital and we are the
2 international capital of the world. So my effort
3 is always to make us look as great as we can
4 publicly and to be the face of D.C., because many
5 times you drivers are the first contact with our
6 city. And as a representative, as an ambassador
7 to our city I would think that you would always
8 want to have the best equipment that you could
9 have at your disposal.

10 And believe me, tips are better for
11 better vehicles. If you got a dilapidated
12 vehicle, they're not going to want to ride in
13 you. I tell you, people are very -- and you have
14 the -- second, on the other side of it is you
15 have the for-hire vehicles who are using their
16 personal vehicles who are current, up to date,
17 and super clean.

18 So I understand the cost of replacing
19 your vehicle, but it's also a cost of doing
20 business. So if -- do you want to run a business
21 that is not competitive, that doesn't look as
22 good, that doesn't attract as many customers, or

1 do you want a nice uniform standard, or you want
2 to compare yourself with other jurisdictions that
3 don't have the same distinction of being a
4 Washington, D.C. driver?

5 CHAIRPERSON JOLLY: so, Mr. Setegn,
6 first let me thank you for coming out to testify.
7 This is well-prepared. Appreciate you preparing
8 this. As you know, the revision for Title 31 has
9 been going on for several months now and the goal
10 -- and I spoke with the director about that
11 yesterday -- the goal is to pare Title 31 down to
12 something more realistic that sort of takes some
13 of the over-regulation off of drivers.

14 There are points that you presented
15 here today. We as the Advisory Council will
16 refer these as you have them here to the Director
17 in our next executive session. And from that
18 point on you probably will be contacted by the
19 director's office if they want more input or have
20 feedback for you. Is that fair?

21 MR. SETEGN: Yes, but --

22 CHAIRPERSON JOLLY: Thank you.

1 MR. SETEGN: -- shall I say one more
2 thing?

3 CHAIRPERSON JOLLY: Yes, go ahead.

4 MR. SETEGN: Yes, in most cases, you
5 know, since we have this Title 31 the age limits
6 has been changed three or four times.

7 CHAIRPERSON JOLLY: Yes, we were
8 trying to count it up yesterday --

9 MR. SETEGN: Yes.

10 CHAIRPERSON JOLLY: -- how many times
11 it's been changed.

12 MR. SETEGN: Yes, without even, you
13 know -- you know, without having any hearing at
14 all. So my request is, you know, if we can do an
15 administrative issuance because there are a lot
16 of vehicles which are coming out of this and
17 there is plenty of times, you know, we see there
18 is an administrative issuance assurance given to
19 those, you know, the 20 percent which are
20 accessible, which is what -- under the
21 regulation, if it is possible, it is an urgent
22 case and they'll put it under demonstrative

1 assurance not in the 10 years, not leave this
2 year.

3 CHAIRPERSON JOLLY: Yes, so maybe I
4 should have said that a little clearer. Yes, I
5 do get that you would recommend that this be done
6 in an administrative issuance versus the longer
7 process of Title 31. And I got that, yes. Thank
8 you very much.

9 MR. SETEGN: Thank you.

10 CHAIRPERSON JOLLY: All right.

11 Yes, sir? Please say your name and
12 spell it for the record.

13 MR. MOMEN: Good morning. My name is
14 Mohammad Momen from the Silver Cab Company and
15 member of the directory board of the union as
16 well.

17 I have some concern and I do -- I go
18 for the two issue for the Jeff issues and the
19 Madame issue as well. Under one umbrella how
20 come two law? The D.C. -- the taxi industry get
21 eight years, the Uber and Lyft get -- which is
22 under the same umbrella, 10 year. One city. Two

1 law. We should concern about that one. If it is
2 eight year, it should be for everybody, eight
3 year. I don't care. That is issue. Let them go
4 eight years, for Uber, for everything. But let's
5 goes concern always the law is attaching with
6 your neighbor. What is your all around the
7 surrounding neighbor is 10 years? Why D.C. cab
8 driver -- why we are treating -- or why the
9 government is treating us like their second adopt
10 child? Just all the trash, all the --- put for
11 the cab industry? We need you guys' help and we
12 will help you as well.

13 Regarding the Jeff concern, which is
14 -- is concerning of the mileage, let's put them
15 on a -- just on a small calculation. Every cab
16 driver is driving 200 mile per day. Forget about
17 365 days. Make it 300 days. Sixty-five days
18 take it out. Time two it is going to be 60,000
19 mile per year. So you are not going to give me
20 10 years. Jeff or any member of the board, is
21 not going to give us eight year either. It's
22 going to be five year. Sixty thousand five is

1 three hundred thousand. So you are going to tell
2 me, hello, not eight years. Get out from this
3 industry in five year.

4 Regarding the Madame concern, this is
5 the national capital. Did you -- do you have any
6 data of the National Airport how many passenger
7 is coming from National Airport to Washington,
8 D.C.? There is more -- triple more than whatever
9 the cab driver they work in D.C. If the
10 Alexandria, Fairfax, Arlington, PG County, all
11 the -- another five jurisdiction, they concern
12 and they made the law for 10 years. Why not D.C.
13 10 years? Sometime be a reasonable person.

14 No. 2, as far as the 10 years if there
15 is the -- the cab is dirty, the international
16 people is coming, ABCD is coming, what about if
17 they are taken with the Uber? They have 10 year.
18 Do you think that 10 year car has -- if you are
19 going to go by -- for by -- any Ford, Toyota, any
20 vehicle industry, you can name it if that is the
21 concern after 10 years, what is what she's
22 saying, it should be an update out of those 10

1 years Uber, Lyft and ABCD, Alexandria, Arlington.
2 They are not a reasonable car either.

3 But their head of the Department of
4 the Transportation or head officer, or whatever
5 they do, have it. They concern about those poor
6 people. They feed up their kids. They send
7 their kids. They have that much expense. Send
8 their kid to college. Send their kids to school.
9 Pay the rent.

10 SECRETARY TRAN: Sir, you have 10
11 seconds left.

12 MR. MOMEN: Fix their -- your car and
13 pay this and that. And the -- on the top of all
14 of them the fees? Come on. The fees from
15 something -- from \$194 is 300 something dollar
16 for the renewal. Why we are not -- why you are
17 not concerning about the fees that much and you
18 are getting concern about the car dirty?

19 Secondly --

20 SECRETARY TRAN: Sir, you have your
21 time is up.

22 MR. MOMEN: -- I want you guys to go

1 to the Union Station or bus station to see is the
2 cabs are dirty?

3 SECRETARY TRAN: Your time is up, sir.

4 MR. MOMEN: It might be five percent
5 dirty, but not anymore.

6 Thank you, ma'am.

7 CHAIRPERSON JOLLY: So, Mr. Momen,
8 first I want to -- there's a couple things that
9 you've said, but the main thing that you've said
10 is that there is a difference in how we are
11 regulating taxis versus Uber and Lyft, correct?
12 That's what you had implied. And I agree with
13 you. There is a difference. However, currently
14 the Department of For-Hire Vehicles is in the
15 process of increasing their ability to regulate
16 Uber and Lyft.

17 Now where that is, there is a bill
18 that's been signed. It came out of Council.
19 It's in the Mayor's Office. But -- let me
20 finish. Until that bill is signed there are just
21 some limits that we have on the type of
22 regulation and parity that you want to see.

1 MR. MOMEN: Well, and that regulation
2 is advantages in, too? No.

3 CHAIRPERSON JOLLY: Pardon?

4 MR. MOMEN: Is the advantage for Uber
5 and Lyft 10 years or 8 years, too? No.

6 CHAIRPERSON JOLLY: Not -- there's
7 no --

8 MR. MOMEN: Yet you are concerning
9 about --

10 CHAIRPERSON JOLLY: No, no.

11 MR. MOMEN: -- something else.

12 CHAIRPERSON JOLLY: There's no --

13 MR. MOMEN: I don't mind -- I'm not
14 against Uber. I'm not against Lyft or anybody.
15 If you treat somebody, treat them equal across
16 the board.

17 CHAIRPERSON JOLLY: Yes, so what you
18 want to see is what this legislation will allow
19 to happen, but currently it cannot happen.

20 MR. MOMEN: Well, in that case, I
21 request --

22 CHAIRPERSON JOLLY: So --

1 MR. MOMEN: -- I was talking to him
2 before --

3 CHAIRPERSON JOLLY: Yes.

4 MR. MOMEN: -- to come to the podium.
5 I requested if he cannot force the law until we
6 get this side of the aisle and or this side.
7 Eight year or ten year, at least those poor cab
8 driver can work for a while to --

9 (Simultaneous speaking.)

10 CHAIRPERSON JOLLY: So here is what we
11 can do:

12 MR. MOMEN: -- so they can make sure
13 what is going on.

14 CHAIRPERSON JOLLY: And I get what
15 you're saying. Here's what we can do: We can
16 work and try to fix and suggest fixes based on
17 what you're recommending to the director for what
18 we can fix today. Yes?

19 MR. MOMEN: Okay.

20 CHAIRPERSON JOLLY: And that -- your
21 primary concern about what needs to be fixed
22 today is the issue of the aging and the miles on

1 the taxis, correct?

2 MR. MOMEN: This doesn't come
3 overnight.

4 CHAIRPERSON JOLLY: Pardon me?

5 MR. MOMEN: I know that one.

6 CHAIRPERSON JOLLY: Yes, yes.

7 MR. MOMEN: And --

8 (Simultaneous speaking.)

9 CHAIRPERSON JOLLY: But we agree --
10 but let's -- we agree that we can work on that.

11 MR. MOMEN: Okay.

12 CHAIRPERSON JOLLY: Correct? Okay.
13 So let me just get input. Let's start with Mr.
14 Schaeffer.

15 Do you have any questions?

16 MEMBER SCHAEFFER: No, thank you.

17 CHAIRPERSON JOLLY: Dotti?

18 MEMBER WADE: No, he was clear. Thank
19 you.

20 CHAIRPERSON JOLLY: Okay. Well,

21 Mr. --

22 MEMBER DAGNEW: I want to just share

1 -- I want to share more concern that he presented
2 deregulating status. You say that it is pending,
3 there is pending regulation authority stuff we
4 are expecting from the government, but I'm just
5 waiting for that to come. And I just wanted to
6 mention we've been raising this issue for the
7 past -- the business -- for the Uber and Lyft,
8 taxi had never been heard from. The main thing
9 should be the primary concern for us to protect
10 the taxi industry.

11 CHAIRPERSON JOLLY: We all agree on
12 that.

13 MEMBER DAGNEW: Exactly.

14 CHAIRPERSON JOLLY: We all agree.

15 MEMBER DAGNEW: So that is an elephant
16 in the room.

17 CHAIRPERSON JOLLY: Yes.

18 MEMBER DAGNEW: That is a big thing.
19 We need to see taxi drivers are suffering that
20 have not paid their investment because Uber and
21 Lyft are taking the business.

22 Listen, this is an example. I want to

1 put this on the record once more. Union Station,
2 taxi drivers sit 45 minutes to pick up a fare
3 whereas Uber can drop a passenger, pick right
4 there and go back out. Would you call that fair?
5 Would you call that a sharing business? That is
6 one thing that needs to be added to that. And I
7 just want this to be clear on the record.

8 The second thing is the -- I wanted to
9 be updated about the Hitch and Bay Cab status.
10 Hitch -- we were told the previous administration
11 Hitch was important to pay back the money that we
12 lost. Drivers were forced to sign that. The
13 companies that are -- by government. And this
14 government needs to take responsibility, pay back
15 the lost money for the drivers.

16 CHAIRPERSON JOLLY: Okay. So let me
17 pause for a second.

18 MEMBER DAGNEW: Okay.

19 CHAIRPERSON JOLLY: Mr. Momen, I think
20 we've completed your issue, so thank you very
21 much.

22 MEMBER DAGNEW: Okay.

1 MR. MOMEN: Thank you.

2 CHAIRPERSON JOLLY: So now you can
3 continue, because this is -- you're moving into
4 digital taxi meters.

5 MEMBER DAGNEW: Exactly.

6 CHAIRPERSON JOLLY: This is a
7 different topic.

8 MEMBER DAGNEW: Digital -- two things
9 on digital meter system. Taxi drivers were
10 forced to sign up certain companies by
11 government. Now these two companies are -- the
12 four went bankrupt. That's public money,
13 drivers' money. It's so sad to see this. And
14 nobody's saying anything about it. We need to
15 mention these things over and over, find a way
16 how to drivers to be reimbursed who lost money.

17 Second, we have to find a way going
18 forward for drivers to find out -- to use their
19 phones maybe to connect maybe. Just don't want
20 to afford to lose money no more from here. We
21 just cannot afford to lose money --

22 (Simultaneous speaking.)

1 CHAIRPERSON JOLLY: So there have been
2 a few things done. One is that we've been
3 looking into raising the bond because the bond
4 amount for those two companies in that case was
5 extremely low. And two, from an innovation point
6 of view there are some interests in looking at
7 other ways that drivers can collect their money
8 and also maintain the fees that come here.

9 So we -- look, I think we all -- most
10 -- a lot of drivers that came to me, that came to
11 the former director felt as though the District
12 had some liability in that. And the fact is the
13 driver had a contract with that company, so the
14 onus is on that company to make that loss right.
15 And the only legal means that they had was
16 bankruptcy. So drivers unfortunately have to
17 pursue that route.

18 What can the Advisory Council do,
19 because I'm not speaking on behalf of the
20 Department of -- but what we can do is definitely
21 have recommendations around raising the bond
22 amount to better protect drivers so they're not

1 at risk if that process continues where they're
2 under -- I think there's three or four companies
3 now.

4 I did speak to the director about
5 that. He is aware of these issues, so -- and I
6 know at the appropriate time he'll make some
7 comments on that as well. So for the record we
8 had that discussion yesterday. And then in
9 executive session you were on the phone with us
10 and we talked about some technology solutions
11 that may mitigate some of those issues.

12 MEMBER DAGNEW: Thank you, but that's
13 for the -- that list. I'm talking about the lost
14 money, already lost money. The previous
15 administration knowingly -- of course it is
16 pending now. We were told Hitch is in court.
17 The director himself once told us it should be
18 mitigated by the -- in the court. What is the
19 status of that? We didn't stop there.

20 Bay Cab came and is just telling these
21 cab drivers again to take them to court. That
22 just don't sound right.

1 CHAIRPERSON JOLLY: Yes.

2 MEMBER DAGNEW: It just doesn't sound
3 right. We have to find a way to compensate the
4 lost money to those drivers. Government lost
5 money also, I think, on the surcharges. That is
6 a bond problem. Where did it go? If there's a
7 bond, we have to pay drivers who lost money.
8 That's what it says.

9 CHAIRPERSON JOLLY: Okay. Is there
10 any other input on that? Director?

11 DIRECTOR DO: I'll just add that we
12 are working on increasing the surety bond for our
13 drivers and we're going to continue looking into
14 that. Right now it's 150,000 and we're looking
15 at increasing that so that you have a little bit
16 more protection.

17 In terms of the vintage cabs, I'm
18 going to bring all the stakeholders into the room
19 and then we're going to talk about how we can
20 find a good solution for all of our stakeholders.
21 Is that okay?

22 MEMBER SCHAEFFER: Yes, I just

1 commented on that that both of the companies that
2 went under were not companies that were
3 established and running for longevity and had
4 roots tied down. I mean, Hitch just came into
5 town overnight and Bay Cab grew up from a small
6 company to a larger company in a very short
7 period of time. So I don't think the amount of
8 the bond -- I think in addition to that -- you
9 said increasing the bond, but in addition to that
10 I think you have to have notification if that
11 bond lapses.

12 CHAIRPERSON JOLLY: Okay.

13 DIRECTOR DO: There should be some
14 kind of notification where you're -- D.C. is on
15 the bond and there's some correspondence back and
16 forth if something lapses. But both of them were
17 companies that weren't tied to it. And I believe
18 there are six DTSSs at the present time that are
19 all major companies that are up and standing.
20 And if something fell -- I'm not saying it can't
21 happen.

22 CHAIRPERSON JOLLY: I just -- I think

1 drivers really want to see some additional
2 preventative measures there, and what you said is
3 definitely one of them. And they want to better
4 understand the mechanics of how the money is
5 transferred and what other triggers could be in
6 place so that they are notified, hey, the surety
7 bond has lapsed or this company -- they're Dunn &
8 Bradstreet rating is going down, something to
9 indicate -- because drivers have choice of which
10 one of the six they can go to. So --

11 MEMBER SCHAEFFER: Right.

12 CHAIRPERSON JOLLY: -- maybe just
13 better information out there so that they can
14 make a better decision.

15 MEMBER SCHAEFFER: And sometimes
16 you're attracted to a low number.

17 CHAIRPERSON JOLLY: Exactly. Yes.
18 Yes. Yes, sometimes --

19 MEMBER WADE: You get what you pay
20 for.

21 (Laughter.)

22 CHAIRPERSON JOLLY: -- sometimes you

1 get you pay for, yes. Okay.

2 MEMBER WADE: And keep in mind that
3 the increased bond coverage means an increased
4 bond fee and it just --

5 CHAIRPERSON JOLLY: And that's passed
6 onto drivers.

7 MEMBER WADE: -- balloons. Yes, it
8 just doesn't get higher and you don't pay for
9 higher.

10 MEMBER SCHAEFFER: And sometimes it's
11 not achievable.

12 CHAIRPERSON JOLLY: Yes.

13 MEMBER WADE: Yes.

14 CHAIRPERSON JOLLY: Okay. Let me just
15 ask, is there anybody that wanted to testify that
16 I didn't call on? I know that we had two today.

17

18 (No audible response.)

19 CHAIRPERSON JOLLY: We don't? Okay.
20 In the interest of time, because I want to close
21 out at 11:00 because there is some work that's
22 going to go on in here, I'll do one more question

1 from you, Mr. Setegn.

2 MR. SETEGN: Yes, my comment is on the
3 DTS surety bond increasement. I think first of
4 all, you know, the way how the DTSSs were selected
5 in my opinion was not right. It is not the bond
6 amount. And instead of raising the bond amount I
7 would rather recommend a different way where
8 drivers swipe their credit -- the riders swipe
9 credit card, let that money goes to the driver's
10 account instead of going to the company's.

11 You know, in our case we don't take --
12 we don't involve in driver's account where the
13 largest data is. We directly put it on drivers'
14 account. We let driver sign for us to withdraw
15 our weekly fee from their bank. That's it. And
16 this way you don't take, you know, that much
17 money from the drivers and who's -- significant
18 price. So this option would be better than, you
19 know, having to raise it. You know, it is very
20 costly for companies, you know, to purchase, you
21 know the bond itself.

22 For some responsible companies who did

1 wrong, who are not going to -- who shouldn't be
2 punished for that, but we have to have an
3 alternate route. Thank you.

4 CHAIRPERSON JOLLY: Thank you. Thank
5 you very much.

6 Mr. Momen, I saw your hand, so to be
7 fair you can have the last comment.

8 MR. MOMEN: Well, my comment was I was
9 asking Mr. Harness several time because I was
10 with Hitch and I was with Bay Cab. The minute I
11 find out what happen, I called and I left a
12 message. I did all my -- where is that bond?
13 What does that bond mean? A hundred fifty
14 thousand dollars on the bond and a thousand
15 people money gone. At least if that 150,000
16 divided by 1,000, 150 -- at least something is
17 better than nothing. The driver will get it.

18 And the same with the Bay Cab. The
19 same. They do have \$150,000 bond. Where is that
20 bond? We company -- the first thing, even if we
21 bring the copy of the bond, the Department does
22 not accept it. They want original. Where is the

1 original copy of the -- and Bay Cab bond? And
2 where is that money? Who took it? My concern
3 was that and I was asking. And today I'm going
4 to ask the same -- the new administration, Mr. --
5 the new chair if he can look into where is that
6 money? At least those poor cab driver, a
7 Christmas gift, \$150 is a good one. Thank you.

8 CHAIRPERSON JOLLY: Thank you very
9 much.

10 So in closing I will say -- and are
11 there any other comments here?

12 MEMBER SCHAEFFER: I wanted to comment
13 to -- Ms. Setegn had mentioned that his
14 preference is for the money to go directly to the
15 driver's account and in return the drivers sign a
16 waiver to give you access to his account. And
17 I'm in disagreement with that because my biggest
18 thing is I have drivers coming all the time, are
19 you taking money out of my account? No, I can't
20 touch your account, nor do I ever want to touch
21 your account.

22 CHAIRPERSON JOLLY: Okay.

1 MEMBER SCHAEFFER: I'm collecting the
2 credit card. My name's on your contract, money
3 or whatever it is that you're earning and what
4 you agreed to weekly comes out and all the rest
5 goes straight to you as opposed to me going to
6 your account, because then you might have a joint
7 account, his wife's account. You're taking
8 money. He agreed to this. He's sick. You're
9 still taking it out. I don't want access to the
10 driver's account.

11 So currently the way we operate, we
12 collect the funds, take whatever their weekly
13 fees are and give them the rest. So I'm not
14 touching their account. I'm touching the money
15 that's coming in off of what they've run through
16 the credit card machine.

17 CHAIRPERSON JOLLY: Good.

18 MEMBER DAGNEW: Chairman Jolly?

19 CHAIRPERSON JOLLY: Yes?

20 MEMBER DAGNEW: I have to weigh in
21 here.

22 CHAIRPERSON JOLLY: Okay. You got a

1 minute.

2 MEMBER DAGNEW: The thing that I was
3 suggesting is let the drivers take the driver's
4 seat. There is no collecting their money. Why
5 do we have to pay third party to collect money,
6 my money? Why don't I collect my own money
7 directly with my bank? Can I deal with my bank
8 directly? Yes, I can do that.

9 CHAIRPERSON JOLLY: Yes.

10 MEMBER DAGNEW: Can I ask my banks to
11 give me equipment? They probably will give me.
12 Only thing is collecting the surcharge. That's
13 why we are hitting a third party.

14 Well, let me tell you this: If there
15 is somebody who have to pay for third party, it
16 has to be the government who's benefitting for a
17 surcharge. The government have to pay --

18 CHAIRPERSON JOLLY: I mean --

19 MEMBER DAGNEW: -- the fees to collect
20 the surcharge --

21 (Simultaneous speaking.)

22 CHAIRPERSON JOLLY: I get what you're

1 saying. There are just a few steps in there that
2 need to be sorted out for that idea to even be
3 worthwhile looking into.

4 MEMBER DAGNEW: Yes.

5 CHAIRPERSON JOLLY: I mean, I get --
6 we all get the point that there probably is
7 technology that allows drivers to do that. It's
8 available today. We know that. However -- but
9 you're right, the surcharge, that's got to be
10 something that -- and that's not the Advisory
11 Council. That's Department of For-Hire Vehicles.
12 But in -- and the director is here, he's
13 listening to this, right? But in us making a
14 recommendation to the Department we probably at
15 best can recommend that we look at other ways of
16 doing it that might enhance -- and in my opinion;
17 this is just me speaking, provide more protection
18 for drivers and at the same time look at maybe
19 bringing the cost down. But these are things
20 that we should recommend. And the Department has
21 to --

22 MEMBER DAGNEW: Okay.

1 CHAIRPERSON JOLLY: I mean, today
2 we're not -- we're just not in a position to
3 really get deep into it. And mind you also with
4 Bay Cab and with Hitch, those are legal issues
5 that we can't even really publicly comment on,
6 you know? So we know what's going on, but
7 they're legal matters and for --

8 MEMBER DAGNEW: Well, I'm afraid --

9 CHAIRPERSON JOLLY: yes.

10 MEMBER DAGNEW: -- there's another
11 legal issue because drivers only forced -- the
12 drivers are forced to sign up with a third party.
13 Drivers are forced to sign up.

14 CHAIRPERSON JOLLY: They're forced to
15 use one of the approved vendors.

16 MEMBER DAGNEW: Yes.

17 CHAIRPERSON JOLLY: Yes.

18 MEMBER DAGNEW: So they could have had
19 their choice. They could have done it
20 differently.

21 CHAIRPERSON JOLLY: Yes. Yes. Yes.

22 Okay. So --

1 MEMBER WADE: The downside is always
2 great, but I don't believe that when we made
3 those decisions that they were made in a punitive
4 manner, that we were striving to get the best
5 rate and the best coverage for as many drivers
6 based on what you guys said you wanted. So to
7 try to then turn around and somehow make us
8 liable for choices that you had options to make,
9 I mean, we don't sit up here and at any time
10 strive to do anything that will hinder the
11 success of the industry. To the contrary.

12 We do everything we can to try to
13 benefit and improve and enhance this industry.
14 We're public servants who serve and give our time
15 to try to help. So I take a little offense when
16 it appears that we're not considerate of the
17 decisions that we make and that we willfully or
18 willy-nilly force drivers to do anything in a
19 business situation.

20 You have options. You could opt out
21 or you can take responsibility for options that
22 you do choose. Sometimes they're good options;

1 sometimes they're bad options. And business
2 guarantees are non-existent. There are no
3 guarantees in business. There's no guarantees in
4 non-profits. There are just no guarantees.

5 So when you make an informed decision
6 based on information that we give you, which is
7 based on information that's provided to us, then
8 we are acting in the best interest of all
9 concerned, we're acting in the best interest of
10 the government whose job it is to regulate, we're
11 acting in the best interest of our citizens who
12 are using the services and we're trying to act in
13 the best interest of our drivers who are
14 providing the service. It's a tight rope to walk
15 trying to appease all three. We're trying to do
16 that.

17 So I would just ask you to temper the
18 comments as if we were in some way negligent or
19 responsible for anything that may have occurred.
20 A legal issue is just that. We have no legal
21 authority to even comment on an issue that's
22 before a legal body. We can't do that.

1 And as an advisor you need to temper
2 that. I'm sorry to have to tell you that, but as
3 an advisor you are representing now the District.
4 You're wearing two hats; I'm wearing two hats.
5 You represent the taxi industry, but you also
6 represent the city. I represent the riding
7 public, but I also represent the city. So it's
8 important that we let our public know, both those
9 sitting here and those listening, that this is
10 very important and very serious business and
11 we're about the business of helping everyone in
12 this room.

13 We have nothing personal to gain.
14 We're not paid, so we clearly don't have anything
15 to personally gain. So we want to help. We
16 solicit your recommendations. We listen to them.
17 We discuss them. We make recommendations based
18 on them. And as a team we need the dissention,
19 but just not up here.

20 CHAIRPERSON JOLLY: Thank you.

21 MEMBER DAGNEW: And --

22 (Simultaneous speaking.)

1 CHAIRPERSON JOLLY: Okay. We're going
2 to have to cut -- we're at the 11:00 hour and I
3 promised we would end at 11:00. We'll continue
4 this.

5 MEMBER DAGNEW: Okay. Okay.

6 CHAIRPERSON JOLLY: So for MR. Setegn
7 and Mr. Momen, what I can do for you is promise
8 that at our next hearing I will get you an update
9 on both of the issues, at least where they stand,
10 aging of vehicles and we'll get an update on the
11 digital taxi meter situation. Is that fair?

12 (No audible response.)

13 MR. SETEGN: Yes.

14 CHAIRPERSON JOLLY: At the next
15 meeting we'll get an update. Once again let me
16 thank everybody for coming. It is 11:01 and
17 we're adjourned.

18 (Whereupon, the above-entitled matter
19 went off the record at 11:01 a.m.)
20
21
22

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This is to certify that the foregoing transcript

In the matter of: Council Meeting

Before: DC DFHV

Date: 12-12-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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