

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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OFFICE OF THE D.C. TAXICAB COMMISSION

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FULL COMMISSION MEETING

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WEDNESDAY
APRIL 9, 2014

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The Commission met in the Old
City Council Chambers, 441 4th Street, N.W.,
Washington, D.C., at 10:01 a.m., Ron M.
Linton, Chairperson, presiding.

COMMISSIONERS PRESENT:

RON M. LINTON, Chairperson
RALPH BURNS, Commissioner
PAUL COHN, Commissioner
CYRIL CROCKER, Commissioner
ANTHONY MUHAMMAD, Commissioner
STANLEY TAPSCOTT, Commissioner

STAFF PRESENT:

JUANDA MIXON

JACQUES LERNER, ESQ., General Counsel

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

2 10:01 a.m.

3 CHAIRPERSON LINTON: Good morning
4 and let me call to order D.C. Taxicab
5 Commission for our April meeting here at One
6 Judiciary Square.

7 It's 10:00 a.m. in the morning.
8 And I'm going to start it on time to
9 accommodate two of my commissioners who have
10 other demands on their schedule that is going
11 to cause them to have to leave us. So we want
12 to take care of our business before the quorum
13 goes.

14 But we will start with our normal
15 of silence to honor those who have given their
16 lives on behalf of their country and their
17 community. And if you'll join me in just a
18 moment of silence.

19 Thank you.

20 The secretary will determine the
21 existence of a quorum.

22 MS. MIXON: Commissioner Burns.

1 COMMISSIONER BURNS: Present.
2 MS. MIXON: Commissioner Cohn.
3 COMMISSIONER COHN: Present.
4 MS. MIXON: Commissioner Crocker.
5 COMMISSIONER CROCKER: Present.
6 MS. MIXON: Commissioner Ferguson.
7 (No audible response.)
8 Commissioner Muhammad.
9 (No audible response.)
10 Commissioner Smalls.
11 (No audible response.)
12 Commissioner Tapscott.
13 COMMISSIONER TAPSCOTT: Present.
14 MS. MIXON: Commissioner Linton.
15 CHAIRPERSON LINTON: Present.
16 A quorum being in the -- in order.
17 We will proceed with our agenda.
18 Are there any communications to
19 the Commission, at this time, or remarks that
20 any commissioners which to make?
21 Commissioner Tapscott,
22 Commissioner Crocker.

1 COMMISSIONER COHN: A couple of --

2 CHAIRPERSON LINTON: Yes, go
3 ahead.

4 COMMISSIONER COHN: I just want to
5 apologize for my coming absence. I don't
6 normally have things to do on the commission
7 days, but for those who are going to testify
8 later, please excuse my absence.

9 CHAIRPERSON LINTON: We certainly
10 do, Mr. Cohn. Nobody has devoted more time
11 and more energy to the work of this commission
12 than you have. And we appreciate it greatly,
13 the amount of time you have taken.

14 Commissioner Burns?

15 COMMISSIONER BURNS: No, sir.

16 CHAIRPERSON LINTON: Okay. We'll
17 proceed then to Commission Action Items. We
18 have six votes to cast this morning.

19 Before we get in to them, I do
20 want the record to show that the Commission
21 deeply appreciates the work that its panel on
22 industry did over a period of three or four

1 months, led by Commissioner Cohn, to develop
2 a report to the Commission on an approach to
3 regulating and managing the proposed private
4 sedan service that some people call ride
5 sharing. We prefer to call it private sedan,
6 as ride sharing has a particular federal
7 definition, which they don't meet.

8 At any rate, let the record show
9 that Commissioner Cohn, aided by Commissioner
10 Burns, and joined by, I believe Commissioner
11 Smalls was present at a number of meetings.
12 Did a yeoman's job of meeting with the
13 stakeholders, research study supported by the
14 General Counsel. And I think produced a
15 significant document, which we are following
16 on here today. And one of our votes will be
17 to publish a proposed regulation based upon
18 the recommendations of the panel.

19 And I think as all of you are
20 aware, that if the vote is to publish, that
21 starts the regulatory process; it doesn't end
22 it. We go into a 30 day comment period. We

1 have scheduled a public hearing on the matter
2 for, I believe, Ms. Madam Secretary, the 30th
3 of --

4 MS. MIXON: April.

5 CHAIRPERSON LINTON: -- April.

6 And so it's a very important one that I hope
7 everybody will carefully study this matter.

8 Yes.

9 COMMISSIONER COHN: I think the
10 General Counsel had --

11 CHAIRPERSON LINTON: Well, I did
12 mention the General Counsel. Of course,
13 everybody who knows the secretary knows, that
14 without her, this Commission doesn't function.
15 So we thank the secretary for the many hours
16 that she devoted.

17 We have before us Item Number 1,
18 vote to approve publication of final rule
19 making in Chapter 16, dispatch services. Is
20 there a motion to adopt?

21 COMMISSIONER COHN: So moved.

22 CHAIRPERSON LINTON: Support?

1 COMMISSIONER BURNS: Second.

2 CHAIRPERSON LINTON: It's been
3 moved and seconded. The secretary will call
4 the roll.

5 MS. MIXON: Commissioner Burns.

6 COMMISSIONER BURNS: Aye.

7 MS. MIXON: Commissioner Cohn.

8 COMMISSIONER COHN: Yes.

9 MS. MIXON: Commissioner Crocker.

10 COMMISSIONER CROCKER: Yes.

11 MS. MIXON: Commissioner Ferguson.

12 (No audible response.)

13 Commissioner Muhammad.

14 (No audible response.)

15 Commissioner Smalls.

16 (No audible response.)

17 Commissioner Tapscott.

18 COMMISSIONER TAPSCOTT: Yes.

19 MS. MIXON: Commissioner Linton.

20 CHAIRPERSON LINTON: Yes.

21 A majority having voted in the
22 affirmative, the Commission orders that the

1 rule for Chapter 16 be published as final.

2 Second item on the agenda, a vote
3 to approve publication of proposed rule making
4 Chapter 5, Taxicab company parking.

5 This is a response to a request to
6 the neighborhoods up in Ward 5, where they
7 have been a considerable problem over the
8 parking of out-of-service taxicabs overnight.
9 And in some cases, for days on the streets.

10 There was an appeal to us to do
11 something about it. We advised the
12 neighborhood that the responsibility for
13 street parking fell to the Department of
14 Public Works, DDOT, and the police department.
15 But in order to assure that the drivers were
16 not unnecessarily penalized, we've adopted or
17 propose to adopt, it will have to go through
18 rule making, with a comment period, that a
19 requirements on the companies around whom
20 these vehicles are situated, that they are
21 obligated to provide off street parking to
22 out-of-service and unusable vehicles. Rather

1 than leaving them in neighborhood parking
2 spots and subjecting the owners of those
3 vehicles to ticketing from the police
4 department.

5 So we hope that what this rule
6 does is combine with what DDOT and MPD plan to
7 do. That it solves the problem without
8 penalty to anybody.

9 So with that explanation, again,
10 this is the beginning of the rule making on
11 it. There will be a 30 day comment period.

12 Is there a vote to move to
13 publish?

14 COMMISSIONER COHN: So moved.

15 CHAIRPERSON LINTON: Second?

16 COMMISSIONER BURNS: Second.

17 CHAIRPERSON LINTON: It has been
18 moved and seconded where the Commission orders
19 the proposed rule making published. The
20 secretary will call the roll.

21 MS. MIXON: Commissioner Burns.

22 COMMISSIONER BURNS: Aye.

1 MS. MIXON: Commissioner Cohn.
2 COMMISSIONER COHN: Yes.
3 MS. MIXON: Commissioner Crocker.
4 COMMISSIONER CROCKER: Yes.
5 MS. MIXON: Commissioner Ferguson.
6 (No audible response.)
7 Commissioner Muhammad.
8 (No audible response.)
9 Commissioner Smalls.
10 (No audible response.)
11 Commissioner Tapscott.
12 COMMISSIONER TAPSCOTT: Yes.
13 MS. MIXON: Commissioner Linton.
14 CHAIRPERSON LINTON: Yes. A
15 majority having approved, the Commission
16 orders that the proposed rule making be
17 published.
18 The remaining proposed rules are
19 all for publishing, to enter in to the
20 regulatory process. They all constitute
21 modifications and variations on existing
22 regulations already in existence. And it

1 would order, unless council tells me
2 differently, to accept the motion to combine
3 all for a single vote.

4 COMMISSIONER COHN: So moved.

5 COMMISSIONER BURNS: I'm in favor.

6 CHAIRPERSON LINTON: Support for
7 that -- all of that, that's a procedure, all
8 in favor of combing these for a single vote as
9 aye.

10 (Chorus of ayes.)

11 Opposed?

12 (No audible response.)

13 The question is on adoption of a
14 rule to order proposed rule making published
15 for Chapter 4, 6, 8, meters, dome lights, and
16 meter data; for the proposed rule making in
17 Chapter 4 and 8, DDS fares for dispatch
18 taxicabs; and the proposed rule making Chapter
19 12, 14, 16, and 17, the private sedan
20 services. This is one that I would urge
21 everybody to look at carefully, as it
22 introduces an approach based upon the panel

1 of, the industry panel's recommendation for
2 regulating private sedan services. And
3 finally, a vote to approve publication
4 proposed rule making Chapter 2 definitions.

5 Are you ready for the vote?

6 (No audible response.)

7 The secretary will call the roll.

8 MS. MIXON: Commissioner Burns.

9 COMMISSIONER BURNS: Aye.

10 MS. MIXON: Commissioner Cohn.

11 COMMISSIONER COHN: Aye.

12 MS. MIXON: Commissioner Crocker.

13 COMMISSIONER CROCKER: Yes.

14 MS. MIXON: Commissioner Ferguson.

15 (No audible response.)

16 Commissioner Muhammad.

17 (No audible response.)

18 Commissioner Smalls.

19 (No audible response.)

20 Commissioner Tapscott.

21 COMMISSIONER TAPSCOTT: Yes.

22 MS. MIXON: Commissioner Linton.

1 CHAIRPERSON LINTON: Yes. A
2 majority having voted in favor of publishing
3 for rule making purposes, the aforementioned
4 chapter amendments is adopted, and ordered
5 published.

6 Commissioner Cohn and Crocker, who
7 have other demanding needs, are excused if
8 they so desire. Thank you very much for your
9 attendance to make a quorum.

10 Commissioner Burns also says that
11 he's got to get street cars running.

12 COMMISSIONER BURNS: Thank you,
13 sir.

14 CHAIRPERSON LINTON: Commissioner
15 Crocker says his schedule has changed, and
16 he's going to stay so that it's not just
17 Commissioner Tapscott and I here absorbing the
18 blows to come. Thank you.

19 The next item 4, is government
20 communications and presentations.

21 Madam Secretary, do we have
22 anything from other agencies?

1 MS. MIXON: No, we do not.

2 CHAIRPERSON LINTON: All right.

3 The next item 5, General Counsel's report.

4 Does General Counsel have a report to make at
5 this time?

6 MR. LERNER: I do not.

7 CHAIRPERSON LINTON: Are there any
8 staff reports to be presented?

9 MS. MIXON: No, there are not.

10 CHAIRPERSON LINTON: Well then
11 move on to our public comment period. And let
12 me get my sign up list. We have four
13 individuals who have asked to speak, who have
14 five minute allotments. After that, if there
15 any individuals who still want to harangue the
16 Commission, they will be allotted two minutes
17 to do so.

18 May I call then on Ms. Ferline
19 Buie. Are you here? Yes, there you are. We
20 welcome you this morning.

21 MS. BUIE: Good morning. Good
22 morning, Commissioners.

1 My name is Ferline Buie, and I'm
2 the president of Teamsters Local 922, in the
3 Washington, D.C. area.

4 I would like to thank you once
5 again for allowing me to speak again this
6 month.

7 We represent the D.C. taxicabs who
8 belong to more than 2000 members strong,
9 association that is affiliated with Teamsters
10 Local 922.

11 On March the 12th, the Commission
12 had voted to accept a petition from our
13 association to increase passenger fees and add
14 luggage and trunk fees. The move gets -- the
15 process towards to winning these long sort of
16 fees that will help D.C. taxi drivers all set
17 the amount and expenses.

18 We applaud the Commission's
19 action. And we look forward to working with
20 the Commissioner on this issue so that our
21 members will get a much needed increase.

22 Now today, you voted to approve

1 publication of proposed rule making for
2 private sedans. This is another first step in
3 what our association has demanded. The
4 leveling of the playing fields is between taxi
5 drivers and the operators who drive for the
6 Uber X, Side Cars, Lyft, and other private
7 sedan services. These private sedan services
8 have been taking our member's work without
9 having a bid by any -- abide by any
10 regulations. This continues to happen every
11 hour of the day, putting thousands of drivers
12 and their families in economic peril.

13 The vote regarding the fees and
14 today's vote regarding regulations for the
15 private sedan service are both steps in the
16 right direction.

17 We will be evaluating today's
18 proposals as we learn more. And we look
19 forward to working with the Commissioner on
20 behalf of our members.

21 Our fight for fairness and justice
22 for the D.C. taxi drivers is ongoing. And we

1 have a lot of work to do. By working
2 together, this will help insure that thousands
3 of D.C. taxicab drivers and their families
4 have the economic security they need and
5 deserve. We will not rest until we win
6 fairness for the hardworking men and women who
7 drive D.C. taxis, and who pay fees and taxes
8 to the city.

9 We look forward to working with
10 the Commissioner for the betterment of the
11 industry. Thank you.

12 CHAIRPERSON LINTON: Thank you,
13 Mrs. Buie. And I might say that I anticipate
14 that very quickly the panel on industry will
15 begin its meetings with stakeholders on the
16 matters raised in your petition, of your
17 organization. And we will move ahead on
18 evaluating that. And hopefully, within a
19 matter of a couple of months, be able to come
20 with what might be, if the Commission is in
21 agreement, a proposed regulation.

22 Addis Gebrellassie. Is Mr.

1 Gebrelassie here?

2 (No audible response.)

3 Jesse Black. Is Jesse Black here
4 with us?

5 (No audible response.)

6 Ziena Abraha.

7 (No audible response.)

8 We have three sign ups who are not
9 here.

10 Is there any other individuals who
11 would like to address the Commission at this
12 time?

13 Yes, ma'am. Would you please
14 approach the podium and give us your name and
15 affiliation, and proceed with what you have to
16 say to the Commission.

17 MS. WARD: Yes. I am Martha Ward.
18 I live in Ward 5, and we live in the community
19 of Woodridge South, which is very effected by
20 the taxicabs. We also have a taxicab garage
21 coming, and that's where I'm going to ask for
22 some points. I have three points to make.

1 Our community is pleased that
2 you're going to have long-term parking, that's
3 it's going to be prohibited. Please better
4 define what long-term parking is so that no
5 wiggle room is allowed.

6 Also, please define short-term
7 parking for the same reason.

8 Woodridge South's concern is that
9 the cabbies can use parking spaces in our
10 community from two to ten hours or more, even
11 with short-term parking.

12 So we think that a better
13 definition should be included in your ruling.

14 And the third is, are taxicabs
15 shops, repair shops, included in your
16 definition for short-term and long-term -- the
17 short-term and the long-term prohibition? The
18 new repair shop that's coming only has four
19 parking spaces. And I know how it is when I
20 take my car in as well as you take your cars
21 in for repair; there's many more than four
22 cars. So we see this as a potential problem.

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We thank you for considering these things. Woodridge South looks forward to continuing to work with you.

Thank you.

CHAIRPERSON LINTON: Thank you very much. And I would comment, just a couple of things for you.

First of all, what we did, as you know, we will publish this rule. We have a 30 day comment period. So it will be very important for you and your organization to submit your written comments to us on how you think those definitions should be written in there. How you think the provisions are. It's open to you now to make the suggested changes you think are necessary to achieve what you want for your neighborhood.

I would only ask you to keep in mind that there's a limit to the extent of our authority. You have to work with DDOT and MPD, in terms of the signage and what is

1 allowed on the streets. We don't have any
2 authority over the parking period time, who
3 can park where. That's -- what we have done,
4 in our proposal, is to say to the companies
5 that have facilities, you have to have
6 arrangements that will keep the drivers from
7 having to violate the signs that are out
8 there. So that if you get DDOT to give you
9 short-term parking signs that you want, and
10 there's other place for them and they still do
11 it, rather than the driver's continuing to get
12 tickets for that, because it's no fault of
13 theirs, we'll go and get the companies to find
14 places that they have to put those vehicles.

15 MS. WARD: Well, we thank you. It
16 sounds like it can be a win-win situation.
17 And we have been working with transportation
18 and as well as the Metropolitan Police
19 Department. And we had, you, Mr. Linton, come
20 to our community meeting a few months ago.

21 CHAIRPERSON LINTON: Yes.

22 MS. WARD: So I think everybody

1 has a good heart. It's just getting the dust
2 settled.

3 CHAIRPERSON LINTON: Well, we will
4 do it.

5 MS. WARD: Thank you very much.

6 CHAIRPERSON LINTON: Thank you for
7 appearing.

8 Is Mr. Gebrelassie, or Mr. Black,
9 or Ziena Abraha, have any of them come in?
10 Well, wait a minute. One at a time.

11 Okay. Mr. Gebrelassie. I hope I
12 got that right.

13 MR. GEBRELASSIE: Yes, you did.

14 CHAIRPERSON LINTON: I've been
15 working on it for three years.

16 MR. GEBRELASSIE: Yes, actually
17 you can call be Addis from now on.

18 CHAIRPERSON LINTON: Okay. That's
19 a -- you may proceed, sir.

20 MR. GEBRELASSIE: All right. My
21 name is Addis. I am a cab driver. I have
22 been driving for the last 12 years. I drive

1 for Silver. And so just myself.

2 I want you to understand that the
3 reason why I'm here now is on my written
4 statement; you can see it.

5 There are eight or more PSP
6 providers, which is all members are using.
7 Out of that choice, I believe there are about
8 eight now. About half of the PSP are provided
9 by taxi companies.

10 This means is that if the drivers
11 was a certain companies that has a PSP
12 providers, he or she must use that company
13 only. Because they are using their logo. I
14 don't even know how that happened, because, as
15 you know that you just give us eight options.
16 But this drivers are only limited to use only
17 one.

18 If their company not give them a
19 good service, they don't have any rooms to
20 choose whatsoever.

21 So some of the drivers stop which
22 the service they don't want. Some of them,

1 they have tag issues, which is really hard for
2 them to transfer their tag to another company.

3 I believe, as you are aware of it,
4 there are several choices if the driver needs
5 to. But now, when I see some of our members
6 are complaining, because they didn't get good
7 service from their own companies or
8 whatsoever.

9 So we need a clear justification
10 about this drivers because they are stuck with
11 out of their choice.

12 The other issue that I am trying
13 to mention is I hope you would answer me this
14 question because it need a very important
15 issue, because most of the drivers are stuck
16 with one company.

17 The other issue is now, just like
18 drivers are complaining about, is some of
19 them, they just go in to the taxicab
20 commission to renew their faces. And
21 unfortunately, they are asked to pay \$50 for
22 a stamp, a limited stamp which is like -- I

1 believe it is a one stop card. We don't even
2 aware of it. I don't think that fee is voted
3 by any of you, which is not ever passed by.
4 But unfortunately, driver are -- get still
5 charged \$50 for one stop card, to stamp on
6 that.

7 CHAIRPERSON LINTON: On both of
8 those, Addis, I would invite you to make an
9 appointment with Mr. Scott to get more detail
10 and a better understanding of the PSP
11 relationship and issues, and what steps we
12 might consider for that.

13 On the one stop, yes, all the fees
14 have been approved. They were several months
15 ago. But we'll take another look at it.

16 MR. GEBRELASSIE: Okay. That's
17 all for now.

18 CHAIRPERSON LINTON: Okay.

19 MR. GEBRELASSIE: I hope we do
20 have a communication with you.

21 CHAIRPERSON LINTON: Thank you
22 very much.

1 MR. GEBRELASSIE: In the future.

2 CHAIRPERSON LINTON: Did Jesse
3 Black come in? Jesse Black?

4 (No audible response.)

5 Ziena Abraha.

6 MR. ABRAHA: Good morning, Mr.
7 Chairman and the members of the Commission, my
8 fellow drivers in Washington, D.C., taxicab
9 drivers.

10 My name is Ziena Abraha. And I am
11 a D.C. taxi driver. Also, I live in the
12 capital city of Washington, D.C.

13 I also serve on one, the
14 leadership council of the Washington, D.C.
15 Taxicab Operator Associate.

16 One, the private sedan services
17 such as UberX, Lyft and Sidecar are operating
18 legally in our nation capitol.

19 Second, there are being allowed to
20 operate right now. Also, the city council,
21 especially the two people, they know what they
22 are doing.

1 Third, the Taxicab Commission,
2 hack inspector, the police, the city council
3 all should enforce the law. The companies
4 should not be allowed to operate illegally and
5 take away our business. No more took money,
6 right now we are talking about power.

7 Thank you so much.

8 CHAIRPERSON LINTON: Thank you.
9 And let me advise all of you that the existing
10 law does not allow the Commission to take
11 action against the companies who enter into
12 contracts with the drivers operating
13 illegally. It does, however, allow us to
14 enforce on those drivers who are operating
15 illegally, enforcement. And that the hack
16 inspectors, plus our partners from the MPD,
17 the Capitol Police, Park Police, and the
18 Uniformed Division of Secret Service, all have
19 been advised and counseled, and all effort is
20 being made to enforce to the degree we're
21 capable of enforcing the removal of illegal
22 operations of taxicabs in the city. So we are

1 pursuing that.

2 Is there anyone else in the
3 audience who at this time would like to
4 address the Commission?

5 (No audible response.)

6 If not, let me close by saying to
7 all of you -- were all aware of course, that
8 the city council, in the last several days,
9 has introduced two pieces of legislation; a
10 reorganization plan that would essentially
11 terminate the existence of this Commission as
12 you know it, and place its activities in a new
13 authority; and a second piece of legislation
14 which borrows from the regulation that we're
15 going to publish this week for deregulating
16 meter cabs to meet the competition of private
17 sedans; it also contains a number of other
18 provisions. I urge all of you to review those
19 provisions in both, and make your judgments
20 and decisions what is effective, what is good
21 for you, what is not good for you, and carry
22 those thoughts, not here to the Commission but

1 to the council. As we have no ability to --
2 and do not intend to lobby the council, only
3 to give our technical opinion and advise as
4 asked for.

5 In the interim, as the council
6 proceeds to work on their legislation, we will
7 continue the work that we set out, our work
8 plan and our activities, until we're advised
9 by either the mayor or by law to stop doing
10 it. And so, we intend to continue to work on
11 those programs and activities that we are
12 currently working on.

13 So with that, we will hope that
14 you all will be here for the public hearing on
15 the end of this month, on the proposed special
16 -- for the private sedans, and for our meeting
17 in June when we will take up other matters.

18 So with that, we'll stand in
19 adjournment. Thank you very much.

20 (Whereupon, the above-entitled
21 matter was concluded at 10:29
22 a.m.)

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