

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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OFFICE OF THE DC TAXICAB COMMISSION

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FULL COMMISSION MEETING

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WEDNESDAY,
APRIL 13, 2016

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The Commission met in Suite 2032, 2235
Shannon Place, S.E., Washington, DC, at 10:15
a.m., Ernest Chrappah, Chairman, presiding.

COMMISSIONERS PRESENT:

ERNEST CHRAPPAH, Chairman
LINWOOD C. JOLLY, Commissioner
ANTHONY MUHAMMAD, Commissioner
BETTY SMALLS, Commissioner
STANLEY W. TAPSCOTT, Commissioner
DOTTI WADE, Commissioner
JON ZEITLER, Commissioner

STAFF PRESENT:

JUANDA MIXON, Secretary to the Commission
MONIQUE BOCOCK, ESQ., Assistant General
Counsel
JACQUES P. LERNER, ESQ., General Counsel

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

10:16 a.m.

CHAIRMAN CHRAPPAH: Good morning and welcome to the General Commission meeting. My name is Ernest Chrappah, Chairman of the DC Taxicab Commission. We are located in Public Hearing Room 2032 at 2235 Shannon Place Southeast, Washington, DC. Today is Wednesday, April 13, 2016, and the time is 10:15. We have three Commission Action Items for today. But first, I would like us to observe a moment of silence for those who have departed.

(Moment of silence.)

CHAIRMAN CHRAPPAH: At this time, I'll turn it over to our Secretary, Juanda Mixon, for determination of the quorum.

SECRETARY MIXON: Commissioner Ferguson? Commission Jolly?

COMMISSIONER JOLLY: Here.

SECRETARY MIXON: Commissioner Muhammad?

COMMISSIONER MUHAMMAD: Present.

1 SECRETARY MIXON: Commissioner Smalls?

2 COMMISSIONER SMALLS: Here.

3 SECRETARY MIXON: Commissioner Wade?

4 COMMISSIONER WADE: Present.

5 SECRETARY MIXON: Commissioner Zeitler?

6 COMMISSIONER ZEITLER: Here.

7 SECRETARY MIXON: Commissioner

8 Chrappah?

9 CHAIRMAN CHRAPPAH: Present.

10 SECRETARY MIXON: Chairman, we do have
11 a quorum.

12 CHAIRMAN CHRAPPAH: Thank you. The
13 second section of our agenda will cover a couple
14 of things before we get into the Commission
15 Action Items. First, we would like to introduce
16 Jon Zeitler, our new member of the Commission,
17 and also honor Commissioner Tapscott for moving
18 on to other opportunities. And Commissioner
19 Tapscott, most of you know, has been serving the
20 District, and particularly the Commission, for
21 quite a long time.

22 He's also a driver, and if you've had

1 the chance to personally interact with him, he's
2 not only knowledgeable about the industry, but he
3 deeply cares about the impact of the regulations
4 that we propose and finally get adopted. Over
5 the last few years, I've gotten the chance to
6 personally know him and also work with him in
7 various capacities. And the one thing that
8 stands out to me is his ability to quickly
9 understand complex issues and frame it in a way
10 that forces us as Commissioners to think hard
11 about not only the short term, but also the long
12 term impact of regulations. And for that, I'm
13 very thankful, and I'm sure most of the
14 Commissioners are also very thankful.

15 (Applause.)

16 CHAIRMAN CHRAPPAH: So, at this
17 juncture, I would like to welcome and ask
18 Director Walker, who is from the Mayor's Office
19 of Talent and Appointments to join us up here in
20 presenting a certificate of appreciation to
21 Commissioner Tapscott.

22 COMMISSIONER WADE: We can't see you

1 back there, your hiding behind a post.

2 MR. WALKER: So, I just want to quickly
3 echo the Chairman's words and thank Commissioner
4 Tapscott for serving on this Commission and thank
5 him in advance for serving on a commission that
6 we'll be talking about really soon. We have over
7 1,500 people who have given their time to serve
8 on District of Columbia boards and commissions.
9 And I wish I would have calculated the math, but
10 having served on the Taxicab Commission since
11 1999 is a very long time and I wish I would have
12 calculated the number of hours and minutes that
13 you have committed to this Commission. So,
14 Commissioner Tapscott, I just want to thank you
15 on behalf of the Administration and the rest of
16 the District of Columbia. Thank you.

17 (Applause.)

18 COMMISSIONER TAPSCOTT: I would just
19 like to thank the Commission and the Chairman for
20 being able to serve with them for some time, I
21 have formed a good relationship with all. And
22 I'd like to thank the public who has backed me

1 over many years. I can't say that I have had a
2 bad experience nowhere along the line. The
3 public, the cab drivers, and the owners have been
4 very considerate to me. And you guys, I
5 appreciate you all and I will be seeing you, I
6 ain't gone, I'll be around, but I'll just be out
7 there. I might give you a more harder time --

8 (Laughter.)

9 COMMISSIONER TAPSCOTT: But anyway, I
10 thank you all and it's been a pleasure.

11 CHAIRMAN CHRAPPAH: Thank you very
12 much.

13 (Applause.)

14 CHAIRMAN CHRAPPAH: As the sun sets, we
15 look forward to another day, and we certainly
16 have another day ahead of us. In real terms,
17 what that also means is that over time, you will
18 get to know a little bit more about Commissioner
19 Jon Zeitler. But there are a few things I want
20 to share with you before he actually tells you a
21 little bit about himself as well. Jon Zeitler is
22 a senior business and legal executive with over

1 20 years of experience focused on high growth
2 companies and disruptive products and
3 technologies.

4 Jon is the Executive Vice President at
5 Cricket Media, Inc., a leading education media
6 company providing award winning content and a
7 safe and secure international learning network to
8 teachers and families. He is also responsible
9 for the company's corporate and business
10 development and legal affairs functions. Prior
11 to joining Cricket Media, Jon served as Executive
12 Vice President for Corporate and Business
13 Development at Zipcar, a company that some of you
14 may be familiar with. Jon also worked as a
15 primary advisor to ConsumerSearch in a successful
16 sale of that company to the New York Times
17 Company.

18 Jon also served as Associate General
19 Counsel at AOL, American Online, practiced
20 corporate law in Washington, DC, office of Vinson
21 & Elkins, LLP, and served as a law clerk to the
22 Honorable Deanell Tacha of the Tenth Circuit U.S.

1 Court of Appeals. He holds a BA in public policy
2 and economics from Duke University and a J.D.
3 from Duke Law School. He lives in the District
4 with his wife and three sons. So, Jon, we are
5 honored to have you on the Commission. I'm sure
6 over time, the residents and the drivers and the
7 stakeholders that we put in place, regulations to
8 address their interests, will get to know you
9 better, but if there are a few words you want to
10 share to the audience today, please feel free to
11 do so.

12 COMMISSIONER ZEITLER: Thank you, Mr.
13 Chairman. I won't add very much to -- that was
14 probably enough time for my biography, but I do
15 look forward to serving. I appreciate the
16 welcome you've given me and the welcome I've
17 gotten from the other Commissioners. And thanks
18 also to the staff for helping me to get situated
19 here. And I am really looking forward to
20 serving. I think, obviously, there are some
21 important issues that are before and are coming
22 before the Commission and looking forward to

1 working with all of you and with the public to
2 make the right calls. So, thanks.

3 CHAIRMAN CHRAPPAH: Thank you. Earlier
4 on, I referenced we have three Action Items
5 before us today. The first is about Chapter 4 of
6 Title 31, the second emergency rule establishing
7 the PSP surcharge bond at \$100,000. The
8 background to this is that, while the existing
9 rules have requirements for PSPs, specifically
10 around the surcharge, the amount is not clear in
11 that, so there is an immediate need to preserve
12 and promote the safety and welfare of District
13 residents by ensuring that the bond amount is
14 clearly established in the Commission's rules to
15 omit the possibility of confusion among PSP and
16 PSP applicants. General Counsel Lerner, is there
17 something you'd like to add to this? No? All
18 right. Thank you. Do any of the Commissioners
19 have any questions on this matter?

20 COMMISSIONER WADE: Yes, I do. I
21 noticed that this is the notice of a second
22 emergency rulemaking. Can you kind of explain

1 why we have to do it again?

2 CHAIRMAN CHRAPPAH: Yes. General
3 Counsel Lerner will explain the time lapse and
4 the need to make sure that there is continual
5 coverage so that in the event that something
6 unfortunate happens, drivers are still protected.
7 We want to make sure that there is no lapse in
8 options available to the Commission to make sure
9 that drivers and passengers are protected. But
10 General Counsel Lerner will explain a little bit
11 more.

12 GENERAL COUNSEL LERNER: Yes. Well,
13 that's actually pretty much it. It's to continue
14 the emergency rule to make sure there's no break
15 in coverage. The original proposed rulemakings,
16 which were approved by the Commissioners, are
17 still pending publication in the D.C. Register
18 until they have cleared comment and then of
19 course if they need to be changed, they'd have to
20 then make any changes. And so, since those are
21 not actually published as final, until that time,
22 in order to prevent a gap, in which case the very

1 problem that we're trying to eliminate would just
2 come right back up, that's the purpose of the
3 emergency.

4 COMMISSIONER WADE: So, when the actual
5 first and final rulemaking that we proposed --
6 first, we did an emergency --

7 GENERAL COUNSEL LERNER: Correct.

8 COMMISSIONER WADE: -- then a final --

9 GENERAL COUNSEL LERNER: No, not the --

10 COMMISSIONER WADE: Well, we haven't
11 done the final.

12 GENERAL COUNSEL LERNER: Correct.

13 COMMISSIONER WADE: So this is the
14 second emergency --

15 GENERAL COUNSEL LERNER: That's right.
16 While the proposed is still pending, prior to any
17 final approval by the Commission, including any
18 comments that might come up.

19 COMMISSIONER WADE: I'm not quite sure.
20 I'm still a little confused.

21 GENERAL COUNSEL LERNER: Sure. Let me
22 -- I'll explain it.

1 COMMISSIONER WADE: Okay. So the --

2 GENERAL COUNSEL LERNER: There are two
3 separate tracks really, in a way. Although at
4 the time, what happened is, both an emergency and
5 a proposed --

6 COMMISSIONER WADE: And a proposed --

7 GENERAL COUNSEL LERNER: -- they went
8 like that.

9 COMMISSIONER WADE: Okay.

10 GENERAL COUNSEL LERNER: And normally
11 it's just proposed. In rare circumstances where
12 it's absolutely necessary to do so, as in this
13 case, an emergency is also done. An emergency
14 goes into effect unless otherwise stated at the
15 time that this Commission approves it, and that's
16 for the emergency purpose because you can't wait
17 until the final rulemaking. That's why you're
18 doing it.

19 So then, the proposed continues on the
20 normal APA track, gets approved legally in
21 policy, and then if it gets published, it goes
22 through notice and comment, there may be changes,

1 there could be another comment, it may be
2 withdrawn, but at the end, whatever is done, that
3 is approved, that will then be voted when it's
4 finished, and that gets approved as final and
5 then published in the Register. That's
6 rulemaking under the normal track. If it's
7 necessary under appropriate legal standards and
8 circumstances, there would also be an emergency.
9 That was necessary in this case. And so, in that
10 case, they only go for 120 days. When it
11 expires, you have to do another one if the
12 emergency continues to exist, which it does in
13 this case.

14 COMMISSIONER WADE: Okay. So, once the
15 proposed rulemaking becomes final, the emergency
16 rulemaking disappears?

17 GENERAL COUNSEL LERNER: Correct.

18 COMMISSIONER WADE: That's what I was
19 trying to get to.

20 GENERAL COUNSEL LERNER: I apologize.

21 I --

22 COMMISSIONER WADE: Thank you.

1 GENERAL COUNSEL LERNER: --
2 misunderstood your question. That's right.

3 CHAIRMAN CHRAPPAH: Any further
4 questions on this item?

5 COMMISSIONER MUHAMMAD: Yes. Is this
6 a rewording also?

7 GENERAL COUNSEL LERNER: From the
8 proposed or --

9 COMMISSIONER MUHAMMAD: Yes.

10 GENERAL COUNSEL LERNER: -- the first
11 emergency?

12 COMMISSIONER MUHAMMAD: Yes.

13 GENERAL COUNSEL LERNER: I don't
14 believe it is. I think it's actually verbatim
15 the same thing. I don't think there have been
16 any changes from the emergency. I think the
17 answer is no. I don't have it in front of me,
18 but I believe the answer is no.

19 COMMISSIONER MUHAMMAD: Okay.

20 COMMISSIONER TAPSCOTT: Will I vote on
21 these items as I'm relieved?

22 CHAIRMAN CHRAPPAH: No, Jon will be

1 voting. But definitely, in sort of like an
2 honorary capacity, you can provide some
3 commentary. So --

4 COMMISSIONER TAPSCOTT: Don't vote?

5 CHAIRMAN CHRAPPAH: No. The votes will
6 be among the active serving Commissioners. Do I
7 have a motion to call Item 1 up for vote?

8 COMMISSIONER WADE: So moved.

9 COMMISSIONER JOLLY: Second.

10 CHAIRMAN CHRAPPAH: Madam Secretary?

11 SECRETARY MIXON: Okay. This is for
12 Chapter 4, second emergency rule establishes a
13 PSP surcharge bond at \$100,000. Commissioner
14 Ferguson? Commissioner Jolly?

15 COMMISSIONER JOLLY: Yes.

16 SECRETARY MIXON: Commissioner
17 Muhammad?

18 COMMISSIONER MUHAMMAD: No.

19 SECRETARY MIXON: Commissioner Smalls?

20 COMMISSIONER SMALLS: I abstain.

21 SECRETARY MIXON: Commissioner Wade?

22 COMMISSIONER WADE: Yes.

1 SECRETARY MIXON: Commissioner Zeitler?

2 COMMISSIONER ZEITLER: Yes.

3 SECRETARY MIXON: Commissioner

4 Chrappah?

5 CHAIRMAN CHRAPPAH: Yes.

6 SECRETARY MIXON: The vote is four yes,
7 one no, one abstain.

8 CHAIRMAN CHRAPPAH: Thank you, Madam
9 Secretary. The second Action Item before the
10 Commission today covers Chapter 12 and is final
11 rulemaking requiring limousine owners to report
12 trip data. One of the things that we've talked
13 about for a while is the need for not only a
14 level playing field, but also parity and, more
15 importantly, the ability for the office and the
16 Commission to make informed decisions based off
17 data.

18 For the last couple of years, taxicabs
19 have been submitting trip data, which has helped
20 identify areas of service need and areas where
21 there are economic opportunities. Through this
22 rulemaking, limousine owners would also be

1 required to submit trip data. That is anonymous,
2 obviously, and doesn't include sensitive customer
3 information. The exact date for the
4 implementation would be determined through
5 Administrative Issuance or begin May 1, 2016.
6 That said, are there any questions from my fellow
7 Commissioners about this item?

8 COMMISSIONER ZEITLER: Mr. Chairman, I
9 certainly understand and I think it's apparent
10 the aim is to gather more data for another part
11 of the industry. I guess, could you speak a
12 little bit to whether we've looked at the burden
13 of the data gathering and how it's going to
14 happen and what we've heard from the industry at
15 all on this?

16 CHAIRMAN CHRAPPAH: Sure. Based on the
17 primary and secondary research, what we've landed
18 on is that the burden is not significant, it's
19 not material, because most of this data evidence
20 exists in dispatch systems already. And what
21 we've also learned is that the technology that we
22 have, specifically application program interface

1 that allows this trip data to be submitted to the
2 office, is robust. And we didn't get any
3 objection also through the public of
4 significance. There was one comment that the
5 General Counsel received with respect to trip
6 data. So, we feel comfortable that this is a
7 requirement that industry can meet and we are
8 looking forward through the various engagements
9 we have with the operators to further define the
10 frequency and the material data elements that
11 will be provided in a way that's sufficiently
12 meaningful and doesn't create undue hardship.

13 GENERAL COUNSEL LERNER: Commissioner
14 Zeitler, there was one comment received from the
15 industry that said exactly what you just said, it
16 was just that it was burdensome and unnecessary
17 and they were concerned about privacy. And so,
18 that was looked at exactly as the Chairman just
19 said. And we also looked at the rules to make
20 sure that it didn't go further than what was
21 already required for the other classes. There is
22 no private information that's gathered, names of

1 passengers, none of that stuff, which is ever
2 gathered by the Commission, is gathered here
3 either.

4 COMMISSIONER ZEITLER: Okay. Yes.
5 Just to be clear, I'm not saying that I think it
6 is unduly burdensome, I just --

7 GENERAL COUNSEL LERNER: No.

8 COMMISSIONER ZEITLER: -- want to make
9 sure we were --

10 GENERAL COUNSEL LERNER: I just wanted
11 to tell you that there was a comment --

12 COMMISSIONER ZEITLER: Yes.

13 GENERAL COUNSEL LERNER: -- related to
14 what you just said.

15 COMMISSIONER ZEITLER: Okay.

16 GENERAL COUNSEL LERNER: I didn't mean
17 to mischaracterize your comment.

18 COMMISSIONER MUHAMMAD: Will this data
19 be turned in every day?

20 CHAIRMAN CHRAPPAH: No. The data
21 that's described here, the frequency and the
22 period will be determined by us in the initial

1 issuance or we can have in place to do via
2 proxies, is that it is every 24 hours for taxis.
3 But with respect to this specific regulation, the
4 data shall be reported no more than once per day
5 or such lower frequency as set in that initial
6 issuance. So there is an opportunity here to
7 reduce the frequency with which the data is
8 reported. And that we will work with the limo
9 operators that we've been in constant touch with
10 to further define that.

11 COMMISSIONER MUHAMMAD: So it could be
12 turned in every eight hours?

13 CHAIRMAN CHRAPPAH: No, every 24 at
14 most. One way to look at is that, they can turn
15 it in every 24 hours or through that initial
16 issuance, you'll turn it in quarterly or every
17 two months. We'll establish a timeline that will
18 work for most people, I think is what we'll do.

19 COMMISSIONER TAPSCOTT: Do I -- you
20 made a statement, and correct me, that a survey
21 was done. Am I correct on that?

22 CHAIRMAN CHRAPPAH: Yes. We --

1 COMMISSIONER TAPSCOTT: Who did the
2 survey and how much material do we have on the
3 survey to show this?

4 CHAIRMAN CHRAPPAH: We engaged with
5 over, I don't have the numbers, but over 50 limo
6 operators earlier on in the year and we've also
7 done surveys directly with the public. And when
8 it comes to surveying and research, that is
9 something that is an ongoing effort within the
10 Office of Research. So, there are a number of
11 different things that we studied. And we also
12 have focus groups that give us that information.
13 If there is a specific survey result or survey
14 question that you would be interested in, we'd be
15 happy to get into the details.

16 COMMISSIONER TAPSCOTT: Limousines are
17 not required to have wheelchair accessible
18 vehicles, are they?

19 CHAIRMAN CHRAPPAH: Not at this time.

20 COMMISSIONER TAPSCOTT: Is there a
21 reason?

22 CHAIRMAN CHRAPPAH: Is there a reason?

1 COMMISSIONER TAPSCOTT: Yes.

2 (Laughter.)

3 CHAIRMAN CHRAPPAH: That's an
4 interesting question. I mean, our position is
5 that the transportation ecosystem of both private
6 and public vehicles-for-hire must serve all and
7 address transportation equities. What we know
8 today is that taxicabs within the public
9 vehicles-for-hire are the primary channel where
10 people who have a need for wheelchair accessible
11 service can have their needs met. We've been
12 having conversations about how the industry, that
13 segments within the industry that is not
14 legislatively or from a regulatory standpoint
15 required to provide wheelchair accessible service
16 can rise up to the challenge. So, that is our
17 ongoing effort and we are optimistic that there
18 will be results over the next few months.

19 COMMISSIONER TAPSCOTT: I just can't
20 understand the difference there, the limousine
21 are controlled by this Commission and they are a
22 public vehicle-for-hire, why the cab industry is

1 required to have handicapped in their
2 transportation, but limousines are not.

3 CHAIRMAN CHRAPPAH: The mandate came
4 from the City Council and actually very much --
5 the way City Council passes law and then the
6 Commission proposes or enacts regulations to
7 conform. So that's something that perhaps you
8 can take up with the City Council or we can have
9 offline conversations about how to increase our
10 access. One of the things that we've observed is
11 that some of the limousine operators also do bus
12 service and tours. And some of those buses
13 actually have ramps for wheelchair accessible
14 service. So, what we are beginning to see is
15 that, when the need becomes clear, service is
16 provided. But sometimes, there also needs to be
17 some prodding to improve access. And we will
18 continue to do all we can within the confines of
19 the law and our regulatory structure to achieve
20 greater accessibility.

21 COMMISSIONER TAPSCOTT: That's
22 something we need to look into.

1 CHAIRMAN CHRAPPAH: Thank you. Do I
2 have a motion to call Item 2 for a vote?

3 COMMISSIONER SMALLS: So moved.

4 COMMISSIONER WADE: Second.

5 CHAIRMAN CHRAPPAH: Madam Secretary?

6 SECRETARY MIXON: This is for Chapter
7 12, final rule requiring limousine owners to
8 report trip data. Commissioner Ferguson?
9 Commissioner Jolly?

10 COMMISSIONER JOLLY: Yes.

11 SECRETARY MIXON: Commissioner
12 Muhammad?

13 COMMISSIONER MUHAMMAD: Yes.

14 SECRETARY MIXON: Commissioner Smalls?

15 COMMISSIONER SMALLS: Yes.

16 SECRETARY MIXON: Commissioner Wade?

17 COMMISSIONER WADE: Yes.

18 SECRETARY MIXON: Commissioner Zeitler?

19 COMMISSIONER ZEITLER: Yes.

20 SECRETARY MIXON: Commissioner
21 Chrappah?

22 CHAIRMAN CHRAPPAH: Yes.

1 SECRETARY MIXON: The vote is six yes.

2 CHAIRMAN CHRAPPAH: Thank you. The
3 third Commission Action Item is Chapter 21, final
4 rule creating the Office of Hearing Examiners as
5 an independent unit of the Office of Taxicabs to
6 hear and adjudicate appeals of license denials,
7 proposed suspensions, and proposed revocations.
8 I will have General Counsel Lerner speak briefly
9 about some of the elements in the final rule-
10 making to the extent it's helpful for those who
11 have not had a chance to follow the initial one
12 and what is currently on the table.

13 GENERAL COUNSEL LERNER: Thank you.
14 This final rulemaking, which has actually cleared
15 the comment period without any comments and there
16 have been no substantial changes have been made,
17 creates an independent adjudication unit within
18 the Office of Taxicabs. The hearing officers
19 would specialize in the types of cases that would
20 be referred, which are actions against licenses
21 other than immediate suspensions. It would be
22 proposed suspensions and revocations, and also

1 denials of new licenses and renewed licenses.

2 And this is actually one of the last major pieces
3 of the modernization plan that was in the Service
4 Improvement Act in 2012, was to give this agency
5 specific authority in the Establishment Act to
6 have this unit. It's actually in there
7 expressly.

8 And so, it's an important addition to
9 the agency's functions and it would certainly
10 help stakeholders to have specialized and very
11 knowledgeable hearing examiners to move cases
12 along quickly and also understand facts and not
13 be dealing with other kinds of things, like
14 parking tickets and so forth, but rather to
15 understand the industry's concerns and to be
16 experts, essentially, because that's all they do.

17 And so, we're expecting, in my office I know
18 we'll be looking forward to dealing with -- we
19 deal with OAH and they have good judges there,
20 but they do have a lot of other things on their
21 calendar and this would move things along for
22 everybody and make it possible for everybody to

1 receive greater expertise and also efficiencies
2 in the handling of their cases.

3 CHAIRMAN CHRAPPAH: To the extent that
4 it's helpful, a case that could go in front of
5 the Office of Hearing Examiners, let's say a
6 driver applies to get their face ID renewed and
7 they don't meet the requirements, so they get
8 denied. That is a matter that can go in front of
9 the Office of Hearing Examiners, as independent
10 of the official structure we have in the Office
11 of Taxicabs to look at the facts and make a
12 decision. We think this will not only help with
13 strengthening the due process rights of any
14 stakeholder that goes through the denial process,
15 but also provide an expeditious way in resolving
16 disputes.

17 We've also heard from various
18 stakeholders about the need to leverage some
19 mediation opportunities. So if there is a
20 dispute between an individual and a company,
21 provided they both agree to mediation, this could
22 be a channel for resolving disputes. As the

1 industry grows, we'll see different opportunities
2 where this office can be leveraged, but coming
3 out of the gates, the office will principally be
4 looking at decisions to deny new licenses,
5 decisions to deny renewed licenses, notices of
6 proposed suspensions of licenses, and notices of
7 proposed revocations of licenses. Any questions
8 from my fellow commissioners?

9 COMMISSIONER MUHAMMAD: Yes. Will Uber
10 drivers have to go through this process?

11 CHAIRMAN CHRAPPAH: You said --

12 COMMISSIONER MUHAMMAD: Uber drivers
13 have to go through this process.

14 CHAIRMAN CHRAPPAH: We don't license
15 Uber drivers.

16 COMMISSIONER MUHAMMAD: Oh.

17 COMMISSIONER TAPSCOTT: At our meeting,
18 I voiced my opinion, is this a conflict of
19 interest?

20 CHAIRMAN CHRAPPAH: No.

21 COMMISSIONER TAPSCOTT: What we are
22 more or less saying that this Taxicab Commission

1 is not satisfied with what the downtown is doing
2 with tickets and things, they want control of it
3 here. And I'm just wondering if it is going to
4 set up a bad precedent that if I come to the
5 third floor and a decision is made at the third
6 floor, if I go down to say the hearing offices on
7 the third floor, is it going to tell me that it's
8 set up to fail because the persons running on the
9 third floor is going to listen to what the people
10 on the third floor say? I think it's a conflict
11 of interest that we need to study a little bit
12 more.

13 CHAIRMAN CHRAPPAH: Thank you for your
14 comment, Mr. Tapscott. The idea that this is a
15 conflict of interest, I was hoping by now, based
16 on the enormity of information provided to you
17 about this matter and the fact that attorneys
18 have certain rules they have to follow and the
19 details behind this rulemaking, you would arrive
20 at the logical conclusion that this is an
21 independent function. But if that is not the
22 conclusion you have today, that is fine, I

1 respect that, and we'll move on with this matter.
2 Unless, General Counsel Lerner, you have
3 additional comments on this?

4 GENERAL COUNSEL LERNER: No, I agree
5 with what you just said, Chairman. Members of
6 the bar have to adhere to certain requirements
7 and this was actually modeled on a number of
8 common -- other agencies, many agencies,
9 certainly at the federal level and some within
10 the D.C. government, others within the
11 subordinate authority of the Mayor also have
12 their own hearing examiners or adjudication
13 units, DMV being the best example. And there are
14 rules in place, which are laws, regulations are
15 laws, and they have to be complied with.

16 This unit is completely independent of
17 the office, other than for time and attendance.
18 So except for time and attendance, everything
19 that the agency does is independent. It is
20 required to be independent. And as the ethics
21 officer for the agency, I will be watching,
22 because that's what I do. And there's not going

1 to be any kind of -- I understand the point, but
2 it's something that we look at very carefully,
3 which other agencies look at carefully, and this
4 is a common model and has been for probably 100
5 years in other agencies throughout the country
6 and at the federal level.

7 COMMISSIONER WADE: Mr. Chairman?

8 CHAIRMAN CHRAPPAH: Yes?

9 COMMISSIONER WADE: Yes. The comment
10 seems to impugn the integrity of the staff of the
11 Office of Taxicab Commission, also of the
12 proposed hearing examiners. I have served as a
13 hearing examiner for both the federal government
14 and for the District government and agencies for
15 which I was employed and for agencies where they
16 bring in outside examiners, in those instances
17 where they don't have their own examining
18 officers. I take every assignment that I'm given
19 with an oath to do my best and I feel confident
20 that you, our staff here, and any examiner and
21 their staff would be above reproach and have high
22 integrity.

1 So, that issue didn't enter my mind
2 about a conflict where you would impose the will,
3 because that's clearly illegal, especially based
4 on these rules. So, I'd like to dispense with
5 that notion that there is an opportunity for such
6 a conflict and that we as public servants would
7 not take our responsibility ethically and
8 honestly and responsibly. So, I think this is a
9 great opportunity to eliminate a lot of the
10 bottleneck.

11 I know, for example, that a couple of
12 the cases have been hanging around, we are making
13 decisions on two of them, it's a disservice to
14 the taxi drivers and the public when their
15 concerns, their issues, are delayed three, four,
16 six, nine months while it goes through the
17 adjudication process through other agencies. So,
18 I think that this would help the public. I don't
19 see any downside to it. My concerns were
20 personnel, staffing, budget, to control it to
21 make sure that sufficient staff was dedicated to
22 this process rather than the integrity of the

1 staff that we would hire, which I'm sure would be
2 of the highest.

3 CHAIRMAN CHRAPPAH: Okay. Yes,
4 Commissioner Smalls?

5 COMMISSIONER SMALLS: I would just like
6 to say, I think this is a very positive step and
7 it's long overdue, so let's move on with it.

8 CHAIRMAN CHRAPPAH: Thank you very
9 much.

10 COMMISSIONER ZEITLER: Mr. Chairman, I
11 just have one more -- I understand the purpose of
12 this being to in many ways expedite the process
13 and provide better service in determining these
14 matters more quickly, can you just walk us
15 through, I assume there's an appeal process
16 beyond putting this layer in place, but making
17 sure due process is still there, if it's needed?

18 GENERAL COUNSEL LERNER: Would you like
19 a rough summary?

20 COMMISSIONER ZEITLER: Rough is good,
21 sure.

22 GENERAL COUNSEL LERNER: Okay. Well,

1 in addition to actually creating the office, it
2 allows for hearing examiners -- it sets the basic
3 rules that you would expect in any kind of court,
4 basically, for bringing cases before the office.
5 The four types of matters that can be appealed to
6 the office are provided in the first substantive
7 section. The very next section, I might say, is
8 independence and impartiality of hearing
9 examiners. It's right there up front in Section
10 21.02, and it gets into the details of how these
11 are independent hearing examiners, that's the end
12 of it. And the only thing that they report on is
13 time and attendance. The powers and duties of
14 hearing examiners are discussed in 21 --

15 COMMISSIONER ZEITLER: I don't -- I
16 mean, if people want to --

17 GENERAL COUNSEL LERNER: Sure.

18 COMMISSIONER ZEITLER: -- walk through
19 it, that's fine, I'm asking a more specific
20 question, which is --

21 GENERAL COUNSEL LERNER: Sure.

22 COMMISSIONER ZEITLER: -- is there a

1 right of appeal to OAH or --

2 GENERAL COUNSEL LERNER: Yes. What
3 happens is, at the end, there's either --

4 CHAIRMAN CHRAPPAH: Let's take a use
5 case, where Muhammad Muhammad has been denied,
6 what happens next?

7 GENERAL COUNSEL LERNER: What happens
8 next is, depending on the kind of decision, I
9 believe, it either comes for final approval
10 before the Commission, which would be a quick
11 review on paper, and then it's a final agency
12 decision, or it would be a final agency decision.
13 Either way, it would then leave the agency and it
14 would go either to Superior Court or the D.C.
15 Court of Appeals. And we don't determine that.
16 I believe it would actually go to the D.C. Court
17 of Appeals.

18 CHAIRMAN CHRAPPAH: Thank you. Do I
19 have a motion to call Chapter 21?

20 COMMISSIONER WADE: So moved.

21 COMMISSIONER SMALLS: Second.

22 CHAIRMAN CHRAPPAH: Madam Secretary?

1 SECRETARY MIXON: Okay. This is for
2 Chapter 21, final rule creates the Office of
3 Hearing Examiners as an independent unit of the
4 Office of Taxicabs. Commissioner Ferguson?
5 Commissioner Jolly?

6 COMMISSIONER JOLLY: Yes.

7 SECRETARY MIXON: Commissioner
8 Muhammad?

9 COMMISSIONER MUHAMMAD: No.

10 SECRETARY MIXON: Commissioner Smalls?

11 COMMISSIONER SMALLS: Yes.

12 SECRETARY MIXON: Commissioner Wade?

13 COMMISSIONER WADE: Yes.

14 SECRETARY MIXON: Commissioner Zeitler?

15 COMMISSIONER ZEITLER: Yes.

16 SECRETARY MIXON: Commissioner
17 Chrappah?

18 CHAIRMAN CHRAPPAH: Yes.

19 SECRETARY MIXON: The vote is five yes,
20 one no.

21 CHAIRMAN CHRAPPAH: Thank you very
22 much, Madam Secretary. With the Commission

1 Action Items taken care of, we would move to the
2 fifth section of the agenda, and that pertains to
3 public comment period, since there are no
4 government communications and staff reports
5 today. Madam Secretary, can you call up the
6 speakers in the order that they sign up?

7 SECRETARY MIXON: Yes. I will call
8 you, if you would come forward, give me your ten
9 copies of your statement, and you will have five
10 minutes to speak. I ask that you respect that
11 time limit. Also, when you come forward, please
12 say your name, spell it for the court reporter,
13 sign in, your time will start at that point.
14 First I have Mr. Royale Simms.

15 MR. SIMMS: Good morning. Thank you
16 for the opportunity to testify. There are many
17 proposals that have come from the Commission, but
18 we have not seen adequate implementation of
19 policies that benefit taxi drivers. The DCTC has
20 proposed many good ideas, like electronic proof
21 of insurance, reduced fines, and the amended
22 vehicle age limits. The details in these

1 proposed rules are not perfect. For example, the
2 proposed fine reductions grant unprecedented and
3 arbitrary authority to suspend drivers for minor
4 infractions, but the overall framework of
5 consolidating fines and reducing monetary
6 penalties is a step in the right direction.

7 Unfortunately, we have seen no
8 results. The delay in getting these rules
9 through the publication process has resulted in
10 an increase in fines for drivers under your
11 administration, a disjointed policy around
12 vehicles, and disappointingly slow adoption and
13 utilization of technology. Failed implementation
14 has plagued the DC Taxi App. The DCTC has
15 invested more than a million dollars in app
16 development, yet after two years of public
17 anticipation for a grand rollout, the momentum
18 seems to have fizzled. Drivers are losing
19 excitement about the app because they see the
20 heavy-handed, proscriptive regulations being used
21 to implement these programs.

22 The DCTC should not burden drivers

1 with concerns about fines for refusal to haul,
2 but instead provide a tool that incentivizes
3 acceptance. The Commission's insatiable
4 regulatory appetite is consuming the struggling
5 taxicab industry. Look at the general consensus
6 amongst the industry that drivers who previously
7 held H-tags should be given H-tags. The Chairman
8 testified under oath that it's possible to return
9 the H-tags to these drivers, but rather than
10 returning the tags and righting the wrong, this
11 Commission pursued a rulemaking. This problem
12 was not created by a rulemaking, so why is the
13 Commission creating barriers to resolution?

14 The amount of proscriptive regulations
15 placed on taxicabs is responsible for the
16 prevailing double standards in the vehicle-for-
17 hire industry. When the Commission proposes a
18 service designed to compete with taxicabs called
19 Xclass that has virtually no regulation in one
20 breath, and then in the very next breath
21 introduce fines, panic buttons, and operating
22 constraints for taxicabs, there is an obvious

1 bias.

2 This regulatory bias enables Uber,
3 Lyft, and Split and whoever to conduct more than
4 \$70 million of business in a single quarter of
5 2015. We want the Commission to focus on
6 implementing policies that reduce costs for taxi
7 drivers and put more passengers in taxicab seats.
8 We want to see results. And we deliver policy
9 recommendations at our next meeting with the
10 Chairman on the 28th. Thank you for the
11 opportunity to testify. If you have any
12 questions, I'm here.

13 CHAIRMAN CHRAPPAH: Thank you, Mr.
14 Simms. And we'll call the next speaker.

15 SECRETARY MIXON: Next speaker is Mr.
16 Massoud Medghalchi.

17 MR. MEDGHALCHI: I'd like to thank the
18 Commission for an opportunity to testify today
19 again. Mr. Chrappah has a smile on his face, he
20 knows how my speeches are usually. Actually, the
21 reason why it's blank, because I knew there would
22 be some new thing coming to my attention that I

1 didn't know about, as usual. Things just pop out
2 of nowhere and that's been unfortunately the
3 routine for the past five years, six years,
4 especially in the last four years.

5 Please entertain me, Mr. Counsel, can
6 you tell me what this option C about the H-tags
7 is? And I'm asking that with one caveat, we do
8 support the people that unfairly lost their H-
9 tags, the number was given around 230, 231
10 people. I wish you would settle this so there
11 would not be a new option that I was not aware
12 of. And the way I read, it's conveyed to me
13 right now, is not just ADA compliant or electric
14 vehicle, but a bona fide cab car that could be
15 procured by someone that already had an existing
16 H-tag could be procured by a wide range of
17 drivers now that want H-tags to complete 3,000
18 Transport DC rides. Is my comment familiar?

19 I would like to know what the range,
20 the number of the drivers that would qualify for
21 this is because we're starving for jobs. Our job
22 average has dropped below one job per hour.

1 We're in ICU unit, we need to survive. Can you
2 please explain that to me, what kind of number
3 you're looking at, how many people are going to
4 qualify for this? Because, let's say a driver
5 picks up ambulatory people in a regular cab,
6 okay, which is not really satisfying what D.C.
7 government had in mind, which was handicapped
8 people to be transported at will in a timely
9 basis. I can see how you were trying to fulfill
10 that agenda and it was very acceptable to us and
11 desirable. But is it going to open the
12 floodgates to a whole bunch of new drivers
13 besides the 230 people that were going to be
14 qualifying to get their H-tags back?

15 CHAIRMAN CHRAPPAH: Massoud --

16 MR. MEDGHALCHI: Yes, sir?

17 CHAIRMAN CHRAPPAH: -- you very much
18 know the process. This is not a question and
19 answer, so --

20 MR. MEDGHALCHI: I understand.

21 CHAIRMAN CHRAPPAH: -- at the end of
22 your testimony, if there are any questions, you

1 can have a conversation with General Counsel
2 afterwards or you can also look at the industry
3 FAQs on our website that explains the pathways.
4 But I do empathize with the notion that trips
5 into taxicabs have to increase. And as we look
6 at regulation of this vehicle-for-hire ecosystem,
7 we have to weigh that delicate balance of
8 ensuring that people have access to taxicabs, but
9 not necessarily come across as an agency that is
10 propping up taxis against private vehicles-for-
11 hire.

12 MR. MEDGHALCHI: We're not asking for
13 that. Unfortunately, our industry has been
14 stifled while the legislators have been opening
15 the floodgates for people to be in the role of
16 passenger pickup, whether it was limos or
17 whatever. And I brought this to your attention
18 over and over again. You have no mechanism to
19 stop these cars from stealing our jobs on the
20 street. It is happening regularly. That's what
21 I'm afraid of. And now you're going to add more
22 H-tags.

1 Like I said, again, we are a proponent
2 of these 230 people that unfairly lost their H-
3 tags to get them back, but we don't want it
4 opened up, to open it up to new people, because
5 we are literally starving for jobs right now.
6 There are days when you have five, six, seven
7 jobs. And going back to what I just said, you
8 need a new regime to stop the illegal pickups of
9 hails.

10 Whenever I turn down five people
11 because of insurance rules, a black car picks up
12 right in front of me. They're not obeying any
13 laws. The only way you can stop that is one
14 thing, to have sting operations and if they are
15 caught for violating that rule, to lose their
16 license. There are actually rules in other
17 cities pertaining to that. You should seriously
18 consider that. But since my topic was changed
19 and I'm off the point, I was going to talk TaxiX,
20 please don't think about it.

21 CHAIRMAN CHRAPPAH: Thank you, Massoud.

22 MR. MEDGHALCHI: Thank you.

1 CHAIRMAN CHRAPPAH: Madam Secretary,
2 the next speaker?

3 SECRETARY MIXON: Mr. Lawrence Frankel.

4 MR. FRANKEL: My name is Larry Frankel.
5 I'm presently still a licensed D.C. taxicab
6 driver and I now view myself as a international
7 troublemaker in our industry, trying to save it
8 worldwide from the issues that we commonly hear
9 right here in our own DCTC. I would like to
10 start off though by saying to Commissioner
11 Tapscott, thank you. You're one of my industry
12 heroes and will always be.

13 COMMISSIONER TAPSCOTT: Thank you.

14 MR. FRANKEL: To the new Commissioner,
15 we're not allowed to ask questions, but I'm
16 always interested in finding out why important
17 men, at least your resume suggests that you are,
18 would spend and waste your time with this
19 Commission. But I won't let you answer it right
20 now. The fact of the matter is, I also will
21 thank the Chairman, because I asked for ten years
22 for this agency to have a facade of democracy.

1 It now kind of does, it has Commissioners, they
2 somewhat interact, even so they're not correct.
3 Maybe more of you will be citizens of the
4 District of Columbia and America first before you
5 come in here and dictate to us and ruin my
6 business, which you did. I can't drive because
7 you have ruined, this agency has ruined this
8 business. I can't blame all of you. It has been
9 from the existence of this agency, that it's
10 structure was good, but that it was always
11 rotting at the core.

12 The creation of Chapter 21, the Office
13 of Hearing Examiners within the DCTC, should not
14 proceed. The history of this agency's
15 adjudication of taxicab drivers and companies is
16 one that needs to be investigated for its
17 criminal activity. It has intimidated cab
18 drivers constantly and it has asked for bribes,
19 corruption, paybacks, in every situation. It now
20 is closing a little bit of that chapter under our
21 new Chairman, but it still exists and needs to be
22 rooted out. And you people are responsible and

1 need to be held responsible. So, please take
2 your responsibilities very clearly.

3 The ride-share company Uber is no
4 longer a ride-share company. It is a legal
5 operating taxicab company. It has a brokerage
6 license in Toronto, Canada, which it acquired on
7 January 22, 2016. This agency is responsible for
8 regulating taxicab companies and I demand that it
9 issues the demand of Uber to be the cab company
10 in all respects, and I intend to legally follow
11 this and pursue against Uber until it is looked
12 upon in this country as a taxicab company that
13 must obey the regulations of the taxicab industry
14 in full.

15 I will continue to go on to say that
16 I am sort of making it official, I am no longer
17 going to drive. I drove for 20 years here. I
18 never got a ticket, I have never had an accident,
19 I have never refused a customer, I have never
20 hurt a citizen while operating a vehicle in the
21 District of Columbia. And yet, all the years
22 that I have represented cab drivers and come

1 here, I have been totally disrespected and so has
2 the entire industry. Understand that the pain
3 that we express here is one that has come way
4 before you got here, but you have continued it
5 and we're making you responsible for it. So,
6 please, please before it can go one second more
7 ridiculous than it has become, bring some reality
8 and rationality to the taxicab drivers.

9 SECRETARY MIXON: Okay, it's time.

10 MR. FRANKEL: Thank you.

11 CHAIRMAN CHRAPPAH: Thank you, Larry,
12 for your service. Next speaker?

13 SECRETARY MIXON: Yes, Mr. Abebe, first
14 name M-A-N-G-I-S-T-U.

15 MR. ABEBE: Good morning, Mr. Chairman,
16 Commissioners. My name is Abebe Mangistu.

17 SECRETARY MIXON: Excuse me, sir. If
18 you could bring the mic closer, please --

19 MR. ABEBE: Okay.

20 SECRETARY MIXON: -- speak into it.

21 MR. ABEBE: Okay. My name is Abebe
22 Mangistu. I would like to testify here today

1 because the last ten years especially here, the
2 D.C. Taxicab Commission have been a nightmare to
3 me and to other drivers out there. As you know,
4 a lot of drivers now are suffering from what
5 happened the last ten years. Over the past ten
6 years, changes that have been imposed on taxi
7 drivers have caused economic damage to the
8 drivers. We have gone from the zone system to a
9 minute system, causing taxi drivers to upgrade
10 their fare collection system. There followed
11 rate card, which again cost the drivers to
12 install equipment plus a payment of 3.9 percent
13 on every credit card transaction.

14 Mr. Chairman, I used to pay only \$140
15 a month for my insurance and now, \$60 added to
16 the credit card fee, for the equipment, I pay
17 \$200 plus they take 3.9 percent of every credit
18 card transaction that I make. That's a lot of
19 costs. For all public transportation operators,
20 the tools of our trade is the vehicle we drive.
21 However, it's only the taxi industry that has
22 been certain regulations imposed about them,

1 which are very costly. For example, the dome
2 light, the color of the light, not only
3 inspections, age of vehicle limited to five
4 years, with an added two years following a costly
5 inspection. An inspection that was outside the
6 DMV. That's a nightmare.

7 Mr. Chairman, that must be stopped.
8 We should only go to the DMV inspection. I'd
9 rather go every six months, even we go in now,
10 it's amended to one year, but we still pay \$70.
11 And we're coming here with One Stop card from
12 insurance company to inspection station, from
13 inspection station to Taxicab Commission, and we
14 have to pay \$50. They're bleeding us. It is too
15 costly. I cannot take it anymore. I cannot take
16 my hard earning money for myself, for my family.
17 This has been going on for so long.

18 For the last ten years, every
19 regulations and rules that has been made here at
20 the DCTC have been rushed, without consulting,
21 advising, informing the driver at all. This
22 Taxicab Commission, the DCTC has never wrote a

1 letter or informed a driver what changes are
2 going to take place, what is adopted, what's
3 going to happen, nothing at all. What is
4 important for drivers is that currently it is too
5 costly and needs to be amended.

6 Inspections should be handled by the
7 DMV and not private entities, which are very
8 costly. We should only go to the DMV operated
9 inspection station. Stop the One-Stop fee of \$50
10 since we are already paying the inspection fee.
11 Mr. Chairman, we are regulated by the DCTC. We
12 are regulated by the government. We should not
13 even pay inspection fee at all. We will not pay.
14 That should be changing too. A public
15 transportation study should be done.

16 At one time, there was an over-
17 saturation of taxi drivers. Now, public
18 transportation has erupted with a number of
19 private services like Uber, Lyft, UberX, share-
20 riding, limousines, and sedan services. If
21 Xclass is added to the public transportation
22 operators, it will further hurt taxicab drivers

1 like me and could cause many of them to leave the
2 industry. Small business owners and operators
3 will go out of business. The city should put a
4 temporary hold on the Xclass and do a study to
5 determine the number of public transportation
6 options needed. The DCTC should review, revise,
7 and update all regulations making them applicable
8 to all public transportation operators and not
9 just the taxicab industry.

10 SECRETARY MIXON: Okay.

11 MR. ABEBE: Mr. Chairman --

12 SECRETARY MIXON: Sir --

13 MR. ABEBE: -- thank you.

14 CHAIRMAN CHRAPPAH: Abebe, thank you
15 for taking the time to provide your testimony. I
16 would like to think that you have updated
17 information at the DCTC Client Services with
18 respect to physical address, email, phone number.
19 So if that's the case, then I'll be very
20 surprised if you've not been receiving the
21 monthly newsletter that not only talks about
22 things that are being contemplated, but also

1 things that happened in the past.

2 So, if you've not had a chance to
3 provide that information, I'll encourage you to
4 stop on the second floor to make sure you see
5 that Client Services representative, because
6 there's a change happening in the industry and
7 some of your colleagues are very aware of it and
8 that is staying connected to know what is
9 happening rather than expecting somebody to
10 spoon-feed. I'm not saying that is the case with
11 you, but I'll, again, strongly encourage you to
12 stop by the Client Services Department to make
13 sure your information is updated so you can
14 receive this information that they send out.

15 You may also be aware that we have a
16 fact check session. So for all the speakers
17 today and those who are contemplating speaking,
18 we will respond appropriately to some of the
19 questions and the erroneous facts that are
20 contained in several of the statements. Madam
21 Secretary, who do we have for the next speaker?

22 SECRETARY MIXON: Mr. Nathan Price.

1 MR. PRICE: My name is Nathan Price.
2 I'm sorry, I didn't come with a prepared
3 statement, I was just notified within 24 hours
4 that my name was added to the list. So,
5 therefore, I came to at least give a comment.
6 And my comment is that I've been active driving a
7 cab for 44 years. Been active in the industry
8 for more than 25. This industry right now has
9 gone straight to hell, there's no other way to
10 say it.

11 If you go back and you look at the
12 original Taxicab Act of 1985, this agency was put
13 together in 1987, there was one caveat that was
14 there, and the Chairman with his economical
15 background, so he says, should understand this.
16 Taxicab drivers are supposed to have a reasonable
17 return on investment. In the past 15 years, that
18 return has dwindled and dwindled and disappeared.
19 In June of 1990, D.C. Office of Economic
20 Development put out a study saying we had 11
21 times per capita the number of taxicabs as any
22 other city in the United States. Instead, we

1 have added more shared riding and everything
2 else.

3 In the beginning, not only taxicabs
4 were under the Taxicab Commission, limousines,
5 funeral cars, there were tow-truck drivers. The
6 only for-hire vehicles that were exempt was D.C.
7 Transit. So perhaps this is my last year after
8 44 years because I can't see a way of really
9 sustaining a living. But I urge the people on
10 this panel, look very carefully, go back and look
11 at the original Act of 1985 and look at the
12 changes and look at what this agency has become.

13 This was supposed to become a one-stop
14 center, instead of going to all these other
15 agencies, the DCTC was it. Instead, it has
16 evolved and still a cobweb of multiple agencies
17 and the drivers are hurting and eventually there
18 won't be a taxicab industry. And who do they
19 look to? They may look at the D.C. City Council
20 and Mary Cheh, but ultimately, I realize the
21 power of the Commission has been taken out of
22 your hands, these share-riding systems are in and

1 at that we have eradicated.

2 And the taxicab industry in Washington
3 is an institution greater than anything in
4 Washington except for the government itself and
5 maybe the church, because it was a stepping stone
6 for freed slaves, immigrants from foreign
7 countries to get their bootstraps, to at least
8 put a pair of boots on their feet and buy the
9 laces later on. However, we have destroyed that.
10 So, thank you very much and I'm sorry I didn't
11 bring a written testimony, but you all have a
12 good evening.

13 CHAIRMAN CHRAPPAH: Thank you, Mr.
14 Price. Next speaker, Madam Secretary?

15 SECRETARY MIXON: Mr. Chris Mills? Mr.
16 Chris Mills? Next, Mr. Pete Harmon? Mr. Pete
17 Harmon? Next, Mr. Cyrus A-R-I-A-V-A-N-D?

18 MR. ARIAVAND: Hi. My name is C-Y-R-U-
19 S, Cyrus, Ariavand, A-R-I-A-V-A-N-D.

20 SECRETARY MIXON: Thank you.

21 MR. ARIAVAND: I heard about you want
22 to fight the UberX by having TaxiX. I heard

1 that, I don't know how serious that is. I would
2 suggest leave this fighting to some other
3 politician, like say, Bernie Sanders, somebody
4 come. Don't let some guy come in the telephone
5 in his hand, in couple of years become
6 billionaire, then he doesn't have enough money,
7 he wants billions and billions and billions and
8 everybody bow to him and five million cab driver,
9 limo driver threw him out like \$300 become \$100.
10 Now you want to fight him, he's too heavyweight.
11 Just leave the fighting to us.

12 You don't need UberX as TaxiX. Let
13 pass another 20 years, something like that,
14 people like that, they're trying to do whatever
15 they want and every politician bow to them. We
16 already really suffering, we not making money. I
17 move from one bedroom apartment to a room in a
18 basement. Most cab driver is same thing. So,
19 this kind of system it is here. Thirty years
20 ago, 35 years ago, I told a guy, in due time
21 you're going to have a black person and they
22 laughed at me. In 35 years from now, I guarantee

1 this country going to be something like Germany,
2 going to be a form of socialism.

3 So the things like that cannot just
4 come out, own the whole country, you have money,
5 you can be president, you don't have money, get
6 out. So, leave those fighting to us, please
7 don't bring this XTaxi, whatever it is. We
8 already don't have place to sit, we stand. We
9 have to fight these hacker, you call them.
10 Ticket is \$100 for that, \$1,000 for your
11 insurance, it's not updated. You want to do
12 something, do that. Leave this UberX, TaxiX,
13 stop on that. We have enough taxi out there.
14 Thank you, sir.

15 CHAIRMAN CHRAPPAH: Thank you, Mr.
16 Cyrus. Next speaker?

17 SECRETARY MIXON: Mr. Menasse
18 Gebremariam.

19 MR. GEBREMARIAM: Good afternoon. My
20 name is Menasse Gebremariam. And thank you for
21 the opportunity to say something today. I had a
22 hearing of appealing my H-tag. After a year and

1 half later, I was able to get opportunity to come
2 and say something, the process called appealing
3 my case. And it was heard on two month ago. And
4 I had -- some kind of process was done here and
5 Commission voted on the issue.

6 Two members of the Commission voted
7 yes on my case to reverse the case and three of
8 them decided to have more time on my particular
9 issue to study it and whatever, I don't know what
10 that was. So they needed more time. That was
11 two month ago. And DCTC hasn't decide anything
12 so far and my case is shut off, no due process.
13 I have ignored, there is a big silence here. Due
14 process is my right and I go through it, but that
15 basic right is denied again and again and again.

16 Where do I go from here? You all tell
17 me. I have grievances. I'm paying \$800 every
18 month. I'm a family man, I have three children,
19 I'm supporting myself for the last 30 years by
20 driving a cab. Unfairly, unjustly, my right is
21 taken away from me and my right of having a
22 process of formal hearing is denied by DCTC again

1 and again. Now, since the last so-called
2 hearing, I paid \$1,600 so far for the last two
3 month. It will continue, financially punished by
4 DCTC.

5 I have documentation, I returned my
6 tag, I got my receipt from DMV. According to
7 that, I paid, before I returned it, I renew my
8 tag for 2013 fully, fully. Emergency came in, my
9 father got sick. That renewed tag was returned
10 back to DMV and I had to fly back home. Going
11 back home is not a crime. We have a right to go
12 anywhere we want. DCTC cannot control where we
13 are going. We are a free people. We are
14 entrepreneurs. My right is abused back and
15 forth. And please, I need a decision on my case,
16 expedite decision. Remaining silent in the face
17 of injustice is the same as supporting it. Let's
18 do our job. Thank you very much.

19 CHAIRMAN CHRAPPAH: Thank you, Mr.
20 Menasse for sharing your testimony or comments.
21 Madam Secretary, do we have any more registered
22 speakers or any individuals who --

1 SECRETARY MIXON: We have one more --
2 I'm sorry. We have one more speaker registered,
3 Mr. Jeffery Schaeffer.

4 MR. SCHAEFFER: Thank you very much.
5 And I apologize, I don't have a written testimony
6 at this time. You will receive it in the next
7 few days. I am here today on behalf of the
8 District of Columbia Transportation Operators
9 Association, a newly formed association of fleet
10 owners. We represent the majority of the
11 District's 6,800 taxis on the streets of
12 Washington, D.C. and the majority of the fleet
13 rental vehicles that are available for rent to
14 licensed taxi drivers in the District. And all
15 of the members of the DCTOA presently have
16 vehicles that are not being rented that are
17 available for rent, some as many as 30 percent.

18 I am here to talk about the H-tag
19 issue. There is no longer a moratorium on H-tags
20 and since there are avenues a licensed driver can
21 take to obtain a tag, since January 15 the
22 ability to receive an H-tag has been available if

1 you purchase a WAV or electric vehicle. And
2 there are grants available to receive both WAVs
3 and electric vehicles. I was at a grant meeting
4 yesterday for an electric vehicle, they have
5 given them \$10,000 plus a tag to put on an
6 electric vehicle. The meeting was not full and
7 many people who were awarded were complaining
8 that it wasn't enough, they wanted more.

9 I assure you that there will be --
10 that the funds will not be exhausted for WAVs or
11 electric vehicles. That in itself shows me the
12 real demand for an H-tag, how valuable is it? If
13 the H-tag was that valuable, all of that grant
14 money would be exhausted immediately. It is not.
15 My concern is with the current proposed
16 regulation, the rulemaking which gives a third
17 option to obtain an H-tag. It goes on and allows
18 for a driver to provide proof that they submitted
19 tags to DMV and could not get new tags when they
20 returned.

21 We have a misconception about tags.
22 They were never, like, you hold them. The tags

1 are surrendered and then, if it's still open when
2 you come back, you receive them. But it wasn't
3 open. It's just like rent control, if you move
4 away and come back, just because you paid a lower
5 rent, you no longer get that rent. So, I don't
6 have a problem with this 231 number, but the
7 problem is, in this option it does not define a
8 number. And I've seen many people go through
9 Driver Services and what is supposed to be or
10 what is written, does not end up being. And the
11 231 could end up being 231,000.

12 So, it actually allows for any vehicle
13 which is five years and less than 100,000 miles
14 to be used as long as they sign up with Transport
15 DC and at the completion of 3,000 trips, they
16 purchase a new WAV. Well, this 3,000 number was
17 pulled from the current requirement that
18 providers of Transport DC service had, which I'm
19 one of the providers, I complete 3,000 trips in
20 less than ten days, that's why I'm always putting
21 a wheelchair accessible vehicle in service.
22 Presently, we have 34 in my fleet. For an

1 individual, this 3,000 is not logical. I have
2 some drivers that take one or two trips of
3 Transport DC per week. It would take them 30
4 years to fulfill that 3,000 number.

5 The third option should be eliminated
6 from the proposed rulemaking. It is important to
7 protect the companies with valid operating
8 authority as we are the ones who provide
9 wheelchair service, we are the ones who provide
10 service in all areas of this city, not only to
11 ones who have credit cards or smartphones. If H-
12 tags become open without any skin in the game,
13 then my company and others will have more and
14 more vehicles piled up on the back lot with
15 unobtained revenue.

16 Now, I'm fortunate I only have 15
17 percent of my rentals sitting, but that equates
18 to 40 vehicles, which is over \$8,000 per week,
19 which is over \$450,000 per year, of unobtained
20 revenue, with the exact same existing expenses.
21 So, it is important that we get rid of this
22 option C in the proposed rulemaking. There is a

1 pathway to get H-tags and there's no longer a
2 moratorium. Thank you.

3 CHAIRMAN CHRAPPAH: Thank you, Mr.
4 Schaeffer. What I would ask is, when you're
5 providing a copy of your testimony to the office,
6 if you can expand upon the statistics you
7 referenced with respect to the lost revenue or
8 the opportunity cost or having 40 vehicles
9 sitting. That would be helpful for the
10 Commission as we discuss this issue.

11 MR. SCHAEFFER: Absolutely.

12 CHAIRMAN CHRAPPAH: Thank you.

13 MR. SCHAEFFER: Thank you, sir.

14 CHAIRMAN CHRAPPAH: Madam Secretary,
15 any other registered speakers?

16 SECRETARY MIXON: No other registered
17 speakers.

18 CHAIRMAN CHRAPPAH: Okay. At this
19 point, I'll ask my fellow Commissioners if there
20 is an announcement or there is any comments that
21 you would like to share before we move further
22 down on our agenda?

1 COMMISSIONER WADE: I would like to
2 share my monthly mantra, which is to advise all
3 of our citizens and co-laborers in the
4 transportation industry that this Commission's
5 responsibility is to promulgate rules based on
6 laws enacted by the City Council. We don't write
7 laws, we don't propose laws, we don't enact them.
8 What we do is make the rules that make the law
9 applicable, based on what they tell us to do, and
10 we have to tell you what to do.

11 So, when you take your -- I understand
12 your frustrations and we're your first line of
13 frustration, but many of the things that we're
14 being admonished for are like people get mad with
15 you because you're not Uber. Well, you're not
16 Uber. We're not the Council. What we do is very
17 important to what you do. So, I would just ask
18 you to be as vocal with your Council and your
19 Mayor as you are with us because that is the
20 point where change can actually happen.

21 The gentleman spoke about the original
22 act that established the Taxicab Commission, but

1 since that time, there have been several
2 amendments to that Act. Each time it's amended,
3 we have to respond and make our rules according
4 to what we've been told to do as a Commission.
5 So, we just want to do the best job we can, but
6 we just want to keep impressing upon you that we
7 are the regulators, not the legislators. It's a
8 very important distinction. And I still
9 appreciate you coming out here every month to let
10 us know what you're thinking.

11 COMMISSIONER MUHAMMAD: I would like to
12 differ with Ms. Wade. Rules and regulations are
13 made by this Commission. And they don't come
14 from laws made by the City Council, they come
15 from rules and regulations that we sent that's
16 published in the D.C. Register that are
17 implemented by this Commission. So, I would most
18 definitely differ. And I also would be right
19 there with you, Mr. Frankel, that by the end of
20 this year, I will not be driving because the
21 rules and the regulation is against me to drive
22 out here on the street when I'm being mostly

1 harassed when I do drive. So, I won't be
2 driving, I will be like the Donald Trump to the
3 GOP on this Taxicab Commission.

4 (Applause.)

5 COMMISSIONER JOLLY: Mr. Chairman, can
6 I just make a comment here? So, I've taken
7 several notes on a lot of what I've heard here
8 today and I guess my first comment is that I
9 think that communication is something that I know
10 that you all are working on, the staff are
11 working on. And when I hear some of the comments
12 being made, I realize there's a lack of
13 communication in terms of the facts of what's
14 going on. So, I'll take a moment and speak to
15 Xclass, because I've heard it mentioned several
16 times.

17 And I will say that I sat on a working
18 committee for the last month with a few of you
19 who are here that represent the industry and no
20 decisions have been made yet. We simply, from
21 two months ago, proposed an idea, we got together
22 with members of the industry, and we discussed

1 that idea. Yesterday, we briefed the Chairman on
2 what we thought were a consensus. But the point
3 of X is not to take away business from taxis,
4 that's absolutely wrong.

5 X is business in addition to being a
6 taxi. Well, now, I'm not -- let me finish my
7 statement. It's something in addition to it.
8 And as we get communication back out to you, you
9 will see that. But during this period right now,
10 we just finished our working group, we briefed
11 the Chairman, and that communication will come
12 forward shortly. And I hope that when it does,
13 you all will help us in disseminating that
14 throughout the industry so that we all are on the
15 same page. Thank you, Mr. Chairman.

16 CHAIRMAN CHRAPPAH: Thank you very
17 much.

18 MR. MEDGHALCHI: May I make a comment,
19 please?

20 CHAIRMAN CHRAPPAH: There have to be
21 some rules laid down. And one of the things I
22 wanted to mention here is, Commissioners don't

1 interrupt people when they are speaking. So I
2 will ask that same courtesy. It is simply not
3 appropriate for anybody sitting here to interrupt
4 a Commissioner who is speaking, because we
5 exercise that same courtesy when a member of the
6 public or industry is speaking. General Counsel
7 Lerner, do you have something you want to say?
8 All right. Commissioner Tapscott, you have
9 something to share?

10 COMMISSIONER TAPSCOTT: Yes, I do. I
11 hadn't planned on saying anything, but I hear one
12 of my fellow Commissioners speaking on the X car.
13 From experience, not what I think, but of 50 plus
14 years of experience, how can we sit here and say
15 that the X car is not going to hurt us? Every
16 time the X car picks up a job, he's picking up a
17 job that could go to me as a cab driver. I pay
18 all the regulations to be a cab driver and
19 they're going to be out here on the street paying
20 nothing. How can we say that's fair? How can we
21 even think about saying and submitting things to
22 this Commission that's going to hurt a cab

1 driver?

2 We cab drivers are almost out of
3 business. Now, I'm going to predict in the next
4 year or at the most two years, most cab drivers
5 that's on the street today will not be on the
6 street, including myself. I don't see myself
7 going past December. With the regulations and
8 everything, I don't think I can meet. And I have
9 seen so many of my fellow cab drivers back on
10 living off of just the wages that they get from
11 their Social Security. A lot of them are
12 suffering. And how can we state that we putting
13 more cabs on the street is not going to hurt the
14 cab drivers? It's just not sensible in my
15 opinion. Thank you, Mr. Chairman.

16 CHAIRMAN CHRAPPAH: Thank you, Mr.
17 Tapscott. We have a few minutes and I want to
18 provide opportunity to two unregistered speakers,
19 if we have that many. Is there anybody who wants
20 to speak for a minute? Mr. --

21 MR. CHUBBS: Chubbs.

22 CHAIRMAN CHRAPPAH: -- Chubbs, please

1 would you proceed to the microphone? And then
2 you will go next and that will conclude our round
3 of unregistered speakers. In the interest of
4 time, please keep it brief to under a minute, we
5 would certainly appreciate it.

6 MR. CHUBBS: Thank you.

7 SECRETARY MIXON: Okay. And before we
8 start, sir, just say and spell your name for the
9 court reporter.

10 MR. CHUBBS: My name is Edward Chubbs,
11 C-H-U-B-B-S, Independent Cab Number 69. I just
12 would like to make a quick statement. I've been
13 with this Taxi Commission ever since it begin.
14 In fact, I was one of the ones to institute a
15 start in this Taxi Commission. And as long as
16 I've been working with this Taxi Commission, when
17 we made rules and regulations, we made it for the
18 benefit of the general riding public and for the
19 taxicab. But in the last four years, I find that
20 everything is made against the taxi driver. It
21 makes it very hard to stay in business.

22 And I've been driving for over 50

1 years and I'm speaking on generally the senior
2 citizen, it has to be some kind of rules or you
3 all not considering any rules that would help the
4 senior citizen. Everyday or every week I see one
5 of my co-workers, they say, I don't drive no
6 more, I can't afford it. And just like this car
7 issue, taxis have been, the law says you must be
8 clean, safe, and sanitary, and pass the
9 inspection. We do that. But to put this thing
10 on us that we got to buy new car or we got to
11 update our car, and generally independent driver
12 takes care of their equipment.

13 I'm still preaching on this same
14 thing. I invested \$40,000 on a new car, okay, it
15 has 85,000 miles on it. Now, in order to for me
16 to stay in business, I've got to go out and buy
17 another new car, when I bought this car specially
18 for my business, looking into the future. And
19 all of a sudden, you all pass a rules and
20 regulation with no consideration for us and say,
21 you either do this or you get cited. And this
22 just like going for a job, you a senior citizen,

1 they don't want you. And that's what you all are
2 doing to us, kicking us out in the street. Thank
3 you.

4 CHAIRMAN CHRAPPAH: Thank you, Mr.
5 Chubbs. Gentleman, if you could proceed to the
6 microphone and state your name?

7 MR. HAILESELALSI: My name is Shifferaw
8 Haileselalsi, S-H-I-F-F-E-R-A-W, last name H-A-I-
9 L-E-S-E-L-A-L-S-I. Thank you for the
10 opportunity. My question is, I'm a co-titled
11 driver, I'm from Virginia, and I used to work for
12 Ward, Inc. Approximately 17 months ago, District
13 Cab told us they bought the company, and we were
14 just told it's an insurance thing, and we went
15 there. After three weeks, they told us we have
16 to pay \$50 every week, and it become very, very
17 hard for me to really keep on this job.

18 Plus, it looks like being a Virginia
19 resident looks like a crime because I'm paying
20 \$50 extra for no reason. I pay my own car, I pay
21 my insurance, everything. And this looks like a
22 very, very double standard. Some people in the

1 same company don't pay nothing, we paying \$50
2 extra every week because I'm co-titling the car,
3 because I'm a resident of Virginia.

4 So, I really want all you guys to
5 know, this industry become more corrupt and
6 unfair. We all go out -- I have two kids, I have
7 to feed them. Fifty dollar, when you calculate
8 it in a year is \$2,600 every year I'm paying for
9 the District. This is not a fair practice. And
10 being, talking to the Chairman, this is the third
11 time I came. What I've been told is, it's a deal
12 between your company and yourself. This is a
13 very unfair business you have to think about.

14 CHAIRMAN CHRAPPAH: Thank you for your
15 comments. And to reiterate the office's
16 position, anybody who gets into a funny business
17 arrangement with some company, has to accept the
18 responsibility. This comes as no surprise, you
19 guys know the history of any type of co-titling.
20 While the Commission has proposed rules to allow
21 residents of Virginia and Maryland to have a
22 pathway to ownership, it is not final, and we

1 cannot make an administrative decision at the
2 office based on rules that are not final.

3 What I expect is that people will
4 actually be thankful for those opportunities, but
5 again, anybody who gets into a funny relationship
6 with some company or did in the past, cannot come
7 to the Commission and expect the Commission to
8 overwrite that, we don't interfere at that level,
9 and it's not appropriate. On that note, I thank
10 you all for attending today's session, those who
11 provided comments, those who have ideas, we are
12 always open to hearing them. And I thank my
13 fellow Commissioners for what has been a very
14 successful meeting. And until the next
15 Commission meeting on May 11, 2016, at 10:00
16 a.m., I say goodbye and be safe. Today's meeting
17 is adjourned.

18 (Whereupon, the above-entitled matter
19 went off the record at 11:49 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Full Commission Meeting

Before: D.C. Office of the DC Taxicab Commission

Date: 04-13-16

Place: Washington, DC

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