

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  
JUNE 11, 2014

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The Commission met in the Old City Council Chambers, 441 4th Street, N.W., Washington, D.C., at 10:16 a.m., Ron M. Linton, Chairperson, presiding.

COMMISSIONERS PRESENT:

RON M. LINTON, Chairperson  
PAUL COHN, Commissioner  
ELLIOTT FERGUSON II, Commissioner  
ANTHONY MUHAMMAD, Commissioner  
BETTY SMALLS, Commissioner  
STANLEY TAPSCOTT, Commissioner

STAFF PRESENT:

JACQUES LERNER, ESQ., General Counsel  
JUANDA MIXON, Secretary  
JOHN SCOTT, Chief of Operations

	T-A-B-L-E O-F C-O-N-T-E-N-T-S	PAGE
I.	Call to Order. . . . .	3
	Moment of Silence. . . . .	3
	Determination of Quorum. . . . .	4
II.	Commissioner Communication Commissioner Remarks, Comments or Questions . . . . .	4
III.	Commission Action Items Vote to approval of final rulemaking: 1. Chapter 7 - Enforcement . . . . . 2. Chapter 4 - Compliance. . . . . 3. Chapters 4 and 5 - PSP Payments . . .10 4. Chapters 6 and 8 - Taximeter/Dome Lights. . . . .12 5. Chapters 4, 8 and 11 - Fees . . . .14 6. Vote to approve publication . . . .15 of proposed rulemaking: Chapter 18 Wheelchair Accessible & Paratransit Taxicab Services 7. Vote to accept May 11, 2014 petition by D.C. Drivers United for Equal Rights to allow new associations for wheelchair accessible and high fuel efficiency vehicles. . . . .23	
IV.	Government Communications and Presentations. . . . .	24
V.	General Counsel's Report . . . . .	25
VI.	Staff Reports. . . . .	25
VII.	Public Comment Period. . . . .	29
VII.	Adjournment. . . . .	34

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

2 (10:16 a.m.)

3 CHAIRPERSON LINTON: Good morning,  
4 I'm going to call to order the General  
5 Commission Meeting of the D.C. Taxicab  
6 Commission, Old Council Chambers. This is  
7 Wednesday, June 11th and the time is 10:15.

8 We will, as is our custom, take a  
9 moment of silence to remember those who have  
10 given their lives for their community and  
11 their country.

12 (Moment of silence.)

13 CHAIRPERSON LINTON: Thank you.  
14 The Secretary will determine quorum. Call the  
15 roll please.

16 MS. MIXON: Commissioner Burns.  
17 Commissioner Cohn.

18 COMMISSIONER COHN: Present.

19 MS. MIXON: Commissioner Crocker.  
20 Commissioner Ferguson.

21 COMMISSIONER FERGUSON: Present.

22 MS. MIXON: Commissioner Muhammad.

1 COMMISSIONER MUHAMMAD: Here.

2 MS. MIXON: Commissioner Smalls.

3 COMMISSIONER SMALLS: Present.

4 MS. MIXON: Commissioner Tapscott.  
5 Commissioner Linton.

6 CHAIRPERSON LINTON: Present. And  
7 the quorum being present we will proceed with  
8 the agenda that has been posted.

9 The first item on the agenda is  
10 Commission Communications and remarks from the  
11 Commissioners. Secretary have any  
12 communications to the Commission?

13 MS. MIXON: I don't other than a  
14 reminder that on Friday, June 20th here in Old  
15 Council Chambers there will be a public  
16 hearing to undertake a review of the taxicab  
17 grade structure.

18 CHAIRPERSON LINTON: Thank you.  
19 Does any Commissioner have a comment to make  
20 at this time? Mr. Tapscott?

21 COMMISSIONER TAPSCOTT: Yes I do.  
22 I'd like to make a proposal.

1                   CHAIRPERSON LINTON: Wait a  
2 minute. Oh you got it, okay.

3                   COMMISSIONER TAPSCOTT: Yes, I'd  
4 like to make a proposal, and present it to the  
5 Council, of looking at changing the way that  
6 new cabs are put on. From 2001 up to 2018 my  
7 proposal is that any cab that's on the street  
8 that passes D.C. inspection twice a year and  
9 don't have more than, over than 300,000 miles  
10 should be accepted to stay on the street until  
11 2018.

12                  CHAIRPERSON LINTON: Thank you,  
13 Commissioner Tapscott. We have all heard the  
14 submitted proposal. The Chairman will refer  
15 that to members of the Commission for  
16 consideration and discussion as we move ahead.

17                   Is that satisfactory, Mr.  
18 Tapscott?

19                  COMMISSIONER TAPSCOTT: Thank you.

20                  CHAIRPERSON LINTON: Thank you.  
21 Any other comments by Commission Members at  
22 this time?

1                   We will then move into Commission  
2                   Action Items. We have a number of items for  
3                   completion. Item Number 1 is a vote for the  
4                   approved publication of final rulemaking for  
5                   Chapter 7, dealing with enforcement. Does the  
6                   general counsel have comment to make on that  
7                   matter?

8                   MR. LERNER: Yes. The proposed  
9                   final rule to create a new Chapter 7, a new  
10                  number of things specified, due process  
11                  procedures for violations of any chapter of  
12                  Title 31, among other things. It's  
13                  streamlining the public complaint processes  
14                  and bring it into compliance with various new  
15                  statutory requirements. And limit public  
16                  complaints to 30 days.

17                  Also it makes clear that mediation  
18                  is an optional process and specifies the  
19                  various types of enforcement actions that can  
20                  be taken by the Commission. More  
21                  specifically, in fact, the Office of Taxicabs,  
22                  the office that provides administrative

1 enforcement services to the Commission.

2 This chapter has actually now  
3 completed three comment periods beginning in  
4 February of 2013. The Commission received  
5 valuable comments in response to the earlier  
6 comment periods requiring substantial changes.

7 This time, however, upon  
8 completion of the third comment period no  
9 substantial changes have been made and the  
10 rules are now ready for consideration as final  
11 by the Commission.

12 CHAIRPERSON LINTON: Is there a  
13 motion to adopt?

14 COMMISSIONER COHN: First.

15 CHAIRPERSON LINTON: So moved.  
16 Support?

17 COMMISSIONER FERGUSON: Second.

18 CHAIRPERSON LINTON: So it's been  
19 moved and supported to adopt. A final vote to  
20 take final the rulemaking for Chapter 7. Any  
21 comments? The Secretary will call the roll.

22 MS. MIXON: Commissioner Burns.

1 Commissioner Cohn.

2 COMMISSIONER COHN: Approve.

3 MS. MIXON: Commissioner Proctor.

4 Commissioner Ferguson.

5 COMMISSIONER FERGUSON: Approve.

6 MS. MIXON: Commissioner Muhammad.

7 COMMISSIONER MUHAMMAD: No.

8 MS. MIXON: Commissioner Smalls.

9 COMMISSIONER SMALLS: Abstain.

10 MS. MIXON: Commissioner Tapscott.

11 COMMISSIONER TAPSCOTT: No.

12 MS. MIXON: Commissioner Linton.

13 CHAIRPERSON LINTON: Approved.

14 The vote being 3 to 2 the publication of final  
15 rulemaking is approved and will be published.

16 Item Number 2 is vote to approve  
17 publication of final rulemaking for Chapter 4.  
18 General Counsel have any comments?

19 MR. LERNER: I don't have, no  
20 comments.

21 CHAIRPERSON LINTON: Question is  
22 on the adoption of the final rulemaking on



1 Chapter 4 dealing with Compliance. Is there  
2 a motion to adopt?

3 COMMISSIONER COHN: So moved.

4 CHAIRPERSON LINTON: Support?

5 COMMISSIONER FERGUSON: Second.

6 CHAIRPERSON LINTON: It has been  
7 moved and supported to adopt, to take the vote  
8 on the final rulemaking on Chapter 4.  
9 Secretary will call the roll.

10 MS. MIXON: Commissioner Burns.  
11 Commissioner Cohn.

12 COMMISSIONER COHN: Approve.

13 MS. MIXON: Commissioner Proctor.  
14 Commissioner Ferguson.

15 COMMISSIONER FERGUSON: Approve.

16 MS. MIXON: Commissioner Muhammad.

17 COMMISSIONER MUHAMMAD: Yea.

18 MS. MIXON: Commissioner Smalls.

19 COMMISSIONER SMALLS: Approved.

20 MS. MIXON: Commissioner Tapscott.

21 COMMISSIONER TAPSCOTT: Yes.

22 MS. MIXON: Commissioner Linton.

1                   CHAIRPERSON LINTON: Yes. The  
2                   vote is in the affirmative so the motion is  
3                   adopted. The rule will be published final.

4                   Third item is approval of  
5                   publication, final rulemaking Chapters 4 and  
6                   5, PSP Payments. Does the Counsel have a  
7                   comment?

8                   MR. LERNER: No. Not on this  
9                   rulemaking.

10                  COMMISSIONER TAPSCOTT: I do. You  
11                  know, I spoke you on another day. And I think  
12                  that some companies that is not complying to  
13                  this. For instance, one company is charging  
14                  \$16 to send the money to bank. Each cab  
15                  driver pays \$16, which I think is unfair. And  
16                  the money is not getting to the drivers within  
17                  24 hours which we agree that every driver  
18                  should be able to receive their money in 24  
19                  hours.

20                  CHAIRPERSON LINTON: Commissioner  
21                  Tapscott, the proposed rulemaking that we're  
22                  going to vote on addresses those issues and

1 sets the higher fines on the PSPs for failure  
2 to meet the requirements of the regulation.  
3 So, if you want to achieve that, a yes vote  
4 would move us towards achieving that.

5 COMMISSIONER TAPSCOTT: Okay.

6 CHAIRPERSON LINTON: Are we ready  
7 for the question?

8 COMMISSIONER MUHAMMAD: Yes.

9 CHAIRPERSON LINTON: Secretary,  
10 call the roll.

11 MS. MIXON: Commissioner Burns.  
12 Commissioner Cohn.

13 COMMISSIONER COHN: Yes.

14 MS. MIXON: Commissioner Proctor.  
15 Commissioner Ferguson.

16 COMMISSIONER FERGUSON: Approved.

17 MS. MIXON: Commissioner Muhammad.

18 COMMISSIONER MUHAMMAD: Yes.

19 MS. MIXON: Commissioner Smalls.

20 COMMISSIONER SMALLS: Approve.

21 MS. MIXON: Commissioner Tapscott.

22 COMMISSIONER TAPSCOTT: Yes.

1 MS. MIXON: Commissioner Linton.

2 CHAIRPERSON LINTON: Yes. And the  
3 vote being affirmative the motion is adopted  
4 and the rule will be published final.

5 Number 4 on the agenda is the  
6 final rulemakings for Chapters 6 and 8,  
7 Taximeter/Dome Light. Do we want to remind  
8 what that is?

9 MR. LERNER: This is a proposed  
10 final rulemaking that has completed its  
11 comment period without substantial change.  
12 The rulemaking specifies the operation of the  
13 dome light and the activated use of a driver  
14 activated switch.

15 It also clarifies aspects of TCIS,  
16 which is the backward connection for the MTS  
17 systems and also certain aspects of the  
18 functionality of the dome light. And  
19 establishes fines, an appropriate fine for  
20 failure to properly seal the taxi meter.

21 CHAIRPERSON LINTON: Question is  
22 on the adoption, is there a motion?

1 COMMISSIONER COHN: So moved.

2 CHAIRPERSON LINTON: Support?

3 COMMISSIONER FERGUSON: Second.

4 CHAIRPERSON LINTON: It's been  
5 moved and supported. Question is on the vote,  
6 we ready for the vote?

7 COMMISSIONER MUHAMMAD: Yes.

8 MS. MIXON: Yes.

9 CHAIRPERSON LINTON: Secretary,  
10 call the roll.

11 MS. MIXON: Commissioner Burns.  
12 Commissioner Cohn.

13 COMMISSIONER COHN: Yes.

14 MS. MIXON: Commissioner Proctor.  
15 Commissioner Ferguson.

16 COMMISSIONER FERGUSON: Approved.

17 MS. MIXON: Commissioner Muhammad.

18 COMMISSIONER MUHAMMAD: Yes.

19 MS. MIXON: Commissioner Smalls.

20 COMMISSIONER SMALLS: Approve.

21 MS. MIXON: Commissioner Tapscott.

22 COMMISSIONER TAPSCOTT: Yes.

1 MS. MIXON: Commissioner Linton.

2 CHAIRPERSON LINTON: The vote is  
3 in the affirmative. The motion is adopted.  
4 The rule will be published final.

5 Number 5 on the agenda, vote to  
6 approve publication of final rulemaking for  
7 Chapter 4, 8 and 11 dealing with the  
8 codification of all of the fees and charges.  
9 Is there a motion to adopt?

10 COMMISSIONER COHN: So moved.

11 CHAIRPERSON LINTON: Support.

12 COMMISSIONER FERGUSON: Aye.

13 CHAIRPERSON LINTON: Ferguson  
14 supports, so the Secretary will call the roll.

15 MS. MIXON: Commissioner Burns.  
16 Commissioner Cohn.

17 COMMISSIONER COHN: Approve.

18 MS. MIXON: Commissioner Proctor.  
19 Commissioner Ferguson.

20 COMMISSIONER FERGUSON: Approve.

21 MS. MIXON: Commissioner Muhammad.

22 COMMISSIONER MUHAMMAD: Yes.

1 MS. MIXON: Commissioner Smalls.

2 COMMISSIONER SMALLS: Approve.

3 MS. MIXON: Commissioner Tapscott.

4 COMMISSIONER TAPSCOTT: Yes.

5 MS. MIXON: Commissioner Linton.

6 CHAIRPERSON LINTON: Yes. The  
7 vote is in the affirmative. The motion is  
8 adopted. The rulemaking will be published as  
9 final.

10 Item Number 6 is a vote to approve  
11 publication of a proposed rulemaking. This is  
12 Chapter 18, a new chapter, that deals with  
13 Wheelchair Accessible Paratransit Taxicab  
14 Services.

15 This regulation is an outgrowth of  
16 an agreement that was reached this week  
17 between the Office of Taxicabs and WMATA that  
18 will allow, or result, in WMATA assigning  
19 100,000 trips for dialysis patients now using  
20 the MetroAccess vans to be transported by  
21 taxicab company equipment, that is taxicabs  
22 who qualify under the requirements of this

1 regulation.

2           The effective of this program, if  
3 we can bring it through the regulations and  
4 into fruition, and there are companies that  
5 are willing to enroll in providing the  
6 services, is that it will first of all add  
7 immediately -- That is October 1 when it's  
8 proposed that it would go into effect if  
9 everything works, it will immediately add 33  
10 wheelchair access vehicles to those available  
11 to serve the streets of the District of  
12 Columbia at this time.

13           Those will come from 33 vehicles  
14 that will be acquired, vans that will acquired  
15 from MetroAccess. It will also result in a  
16 improvement of quality of service for the more  
17 than some 3,000 patients that are now taking  
18 the van, first of all because it will only  
19 require one hour reservation notice instead of  
20 the 24 hours now used.

21           It will also mean that a patient  
22 will only have one person, themselves, or



1     whoever is traveling with them in the vehicle,  
2     rather than getting into a van with as many as  
3     five or six others.

4                 So it improves the quality of  
5     service. It improves the number of wheelchair  
6     access vehicles available to not only the  
7     MetroAccess patients but any wheelchair access  
8     person who is needed. And when it's not  
9     needed for those it will be used as a regular  
10    taxicab.

11                It does one other thing, it saves  
12    the District of Columbia \$1.8 million a year  
13    in terms of the difference in the charges  
14    between what MetroAccess is collecting and  
15    what the participating companies would  
16    collect.

17                I'm going to ask the General  
18    Counsel now to touch on several of the  
19    proposed provisions in this regulation that  
20    will become, of course, open for a comment  
21    period before we move on to consider it at a  
22    future meeting.

1                   MR. LERNER: Okay. The proposed  
2 rules for creating a new Chapter 18 for the  
3 CAPS D.C. Program, it first would create an  
4 application process allowing existing taxicab  
5 companies who are in good standing with the  
6 Office of Taxicabs to apply to participate in  
7 this program.

8                   There are a number of  
9 administrative requirements but some of the  
10 central ones are that, and perhaps the most  
11 important one, is they have to satisfy the  
12 office that they'll be able to meet  
13 eligibility requirements that are contained in  
14 the proposed rules.

15                  And among those are the  
16 requirement that every time a company  
17 completes 3,000 trips within the program it's  
18 going to purchase a brand new wheelchair  
19 accessible vehicle with side-door  
20 accessibility and a power ramp propelled  
21 exclusively by compressed natural gas. That  
22 would be every 3,000 trips.

1                   They also have to provide and  
2                   maintain a training program for the drivers  
3                   who are going to be providing wheelchair  
4                   service, which there are various requirements  
5                   for that. The program has to be approved in  
6                   advance by the Office. And they have to show  
7                   that they're going to be able to do that.

8                   The companies have to demonstrate  
9                   to the Office that they're going to comply  
10                  with recordkeeping and data reporting  
11                  requirements that are in addition to those  
12                  that are already in place for the MTS system.

13                 The rates and charges that are  
14                 allowable and required for CAPS D.C. are set  
15                 forth in the regulations and the payment  
16                 methods and so forth are also in here and the  
17                 companies have to strictly comply with those.

18                 The company has to have a central  
19                 dispatch system in place. And wheelchair  
20                 service has to be available 24/7. And there  
21                 are various other requirements and  
22                 prohibitions, those are the central

1 requirements.

2 CHAIRPERSON LINTON: So the  
3 question is whether we vote to publish the  
4 proposed rulemaking in order to begin the  
5 regulatory process and open up the comment  
6 period. Is there a motion to approve?

7 COMMISSIONER MUHAMMAD: Wait a  
8 minute. Chairman, could we only call the  
9 Commissioners who are present and not the ones  
10 that we already know are not --

11 CHAIRPERSON LINTON: No, we have  
12 to for the record. We have to show that they  
13 were called. They don't vote, it's a matter  
14 of record.

15 Is there a motion to --

16 COMMISSIONER MUHAMMAD: Moved.

17 COMMISSIONER FERGUSON: Support.

18 CHAIRPERSON LINTON: And there's  
19 support.

20 COMMISSIONER TAPSCOTT: Question.  
21 Can I ask a question in a motion?

22 CHAIRPERSON LINTON: Yes.

1                   COMMISSIONER TAPSCOTT: This only  
2 includes wheelchairs, because MetroAccess also  
3 has the patients that's not wheelchair that  
4 they deliver.

5                   CHAIRPERSON LINTON: This is for  
6 dialysis services only. They have  
7 approximately 3,000 people who live in the  
8 District of Columbia are enrolled and eligible  
9 to use MetroAccess for a ride to a dialysis  
10 center for dialysis treatment and then a ride  
11 back.

12                  COMMISSIONER TAPSCOTT: But they  
13 aren't all in wheelchairs.

14                  CHAIRPERSON LINTON: Of those, now  
15 listen to me, sir. Of those probably 80  
16 percent are ambulatory. They will be carried  
17 in any available vehicle that the company  
18 participating in the program wants to assign.  
19 The wheelchair vans will be available for  
20 those who have to have wheelchair service.

21                         If they don't have to have  
22 wheelchair service they will have any vehicle

1 assigned to them.

2 COMMISSIONER TAPSCOTT: I just  
3 want to get it through my head. You mean for  
4 instance I got a cab, if there's a person who  
5 wants to go to their dialysis that's able to  
6 walk, just needs transportation, do you have  
7 to be a special cab to take them?

8 CHAIRPERSON LINTON: If you are in  
9 the program, if you're in a company that has  
10 been qualified and accepted in the program and  
11 you have agreed to participate, because it's  
12 a fixed fee, it's not a metered fee, it's a  
13 fixed fee, and you've agreed, yes you can.

14 The question is on the vote to  
15 publish. Secretary, call the roll.

16 MS. MIXON: Commissioner Burns.  
17 Commissioner Cohn.

18 COMMISSIONER COHN: Approve.

19 MS. MIXON: Commissioner Proctor.  
20 Commissioner Ferguson.

21 COMMISSIONER FERGUSON: Approved.

22 MS. MIXON: Commissioner Muhammad.

1 COMMISSIONER MUHAMMAD: Yes.

2 MS. MIXON: Commissioner Smalls.

3 COMMISSIONER SMALLS: Approve.

4 MS. MIXON: Commissioner Tapscott.

5 COMMISSIONER TAPSCOTT: Yes.

6 MS. MIXON: Commissioner Linton.

7 CHAIRPERSON LINTON: Yes. A

8 majority having voted in approval the  
9 Commission will order the publication and the  
10 initiation of the regulatory process for this  
11 item.

12 And item Number 7, the Commission  
13 has received a petition from the D.C. Drivers  
14 United for Equal Rights that requests  
15 consideration to allow the formation of new  
16 associations that would comply with the  
17 regulations that agree to wheelchair  
18 accessible and high fuel efficiency vehicles.

19 The question is whether the  
20 commission would vote to accept that petition  
21 for the purpose of reviewing, considering and  
22 studying it to determine what further action

1       it wished to take beyond that.

2                   And is there a motion? This is  
3       procedural, does not require a roll call. Is  
4       there a motion to accept the petition?

5                   COMMISSIONER SMALLS: So moved.

6                   COMMISSIONER FERGUSON: So moved.

7                   CHAIRPERSON LINTON: Been moved.

8       Support, it has been supported. As many as  
9       are in favor of accepting the petition say  
10      aye.

11                   (Chorus of ayes.)

12                   CHAIRPERSON LINTON: Opposed?

13                   COMMISSIONER MUHAMMAD: Opposed.

14                   CHAIRPERSON LINTON: The ayes have  
15      it. So that is adopted.

16                   That completes Number 3. We'll  
17      move on to Government Communications and  
18      Presentations. Do we have any communications  
19      or presentations?

20                   MS. MIXON: No government  
21      communications.

22                   CHAIRPERSON LINTON: All right.



1 Does the General Counsel have a report?

2 MR. LERNER: Nothing in addition.

3 Well, yes I one item and that just to announce  
4 that the rules for the proposed private sedans  
5 will complete their comment period on June  
6 15th. And that will be on the first proposed  
7 rulemaking for that class of vehicles.

8 CHAIRPERSON LINTON: Thank you.

9 Is there a Staff Reports at this time?

10 MS. MIXON: Yes there is.

11 CHAIRPERSON LINTON: Okay. So we  
12 have our Chief of Operations for the Office of  
13 Taxicabs. John, you have a report for the  
14 Commission.

15 MR. SCOTT: Yes I do, Chairman.

16 CHAIRPERSON LINTON: Do we have a  
17 microphone for --

18 MR. SCOTT: Good morning. As you  
19 know I'm John Scott and I am the Chief of  
20 Operations for the DCTC. I'm here to give the  
21 Commission an update on some of the tasks that  
22 we're attacking at this time.

1                   One of those as was mentioned as  
2                   part of the meeting is the PSPs. As you are  
3                   aware they're approximately a year old and we  
4                   are working hard with the drivers, owners, the  
5                   individuals and the companies of the PSPs in  
6                   an effort to improve our ability to report the  
7                   information and work with them in a positive  
8                   way.

9                   On to additional items that we are  
10                  also working on is our TCIS system, that would  
11                  be our tactical mission information system.  
12                  This assists the staff in many ways, including  
13                  with complaints and enforcement cases.

14                 Currently this year, as it relates  
15                 to complaints, we've received 934, 600 of  
16                 which have been actual. We receive  
17                 approximately 25 complaints a day most of  
18                 which is mediated. And then the mediation and  
19                 review of cases can take up to about three  
20                 months.

21                 Also we are working on finalizing  
22                 some agreements with contractors regarding our

1 computer capabilities which will improve our  
2 ability to track, store and use the  
3 information that we compile. And in these  
4 types of efforts we're hoping to be able to  
5 find areas such as the under-serviced areas in  
6 the city.

7 The TCIS also is a needed tool  
8 that will help us in the development of a  
9 driver and passenger safety system, which are  
10 currently working on.

11 We also are gathering information  
12 to improve our capabilities to enhance  
13 enforcement. So it's just a well-needed tool.  
14 We are in the process of signing those  
15 agreements and hope to have something good to  
16 report back to you very soon.

17 As far as driver services, that  
18 also comes under my tenure. We have thus far  
19 this year received I believe it is 34  
20 applications for L-Tag, which is currently  
21 open. Fifteen have been approved, 19 are  
22 pending.

1                   We also are taking additional  
2                   efforts to advise individuals relating to  
3                   complaints, the complaint form is on the our  
4                   website, which dctaxi.dc.gov. A phone number  
5                   is also listed there.

6                   We have also at driver services we  
7                   have had several, I believe the number is  
8                   we've had 400-some -- 209 individuals trained.  
9                   We've had 2,828 pass. We have issued, I  
10                  believe, 500-and some ID cards for new  
11                  drivers. So all in all we are quite busy.  
12                  We're trying to develop systems to enhance our  
13                  abilities to continue to grow with the  
14                  industry as it grows.

15                  And that concludes my report, if  
16                  you have any questions.

17                  CHAIRPERSON LINTON: Any questions  
18                  for the Chief of Operations? Thank you, John.  
19                  Appreciate that.

20                  COMMISSIONER MUHAMMAD: One quick  
21                  question. Could you get a double license in  
22                  the middle of the process? If you all gave

1       them a license and a year has passed can you  
2       get another license connected with it?

3                   MR. SCOTT:   Yes you may.

4                   COMMISSIONER MUHAMMAD:   Okay.  
5       Thank you.

6                   CHAIRPERSON LINTON:   Thank you,  
7       John.   That concludes Staff Reports.   We are  
8       now ready for the public comment period.   We  
9       have one who has signed up.   Mr. Al Parker.  
10      Is Mr. Parker with us this morning?   There is  
11      no sign of Mr. Parker.   Is there anyone else  
12      that wishes to address the Commission at this  
13      time?

14                   Mr. Frankel?   Would you please  
15      identify yourself and your connections?

16                   MR. FRANKEL:   Yes.   My name is  
17      Larry Frankel.   I am a taxicab driver in the  
18      District of Columbia.   I no longer serve as an  
19      advocate for any organization, haven't for  
20      about a year's time now.

21                   So on the basis of being a driver,  
22      what I'd like to talk about that's real short

1 is Chapter 7. And what I find is Chapter 7  
2 seems to be terribly punitive towards drivers.  
3 You have a administrative, I guess, some sort  
4 of -- I'm not going to speak right. But you  
5 have an administrative, what am I looking for,  
6 the word.

7 Well you go from administrative to  
8 compliance to enforcement. And in each one of  
9 these chapters you have penalties which seem  
10 to be more hard than what could be the  
11 possibility.

12 And it seems that, it looks like  
13 that some of these are pancaked on top of each  
14 other. So if you have a driver that has a  
15 complaint, then you have a compliance  
16 certainly. And then you have an enforcement.

17 CHAIRPERSON LINTON: Okay, I  
18 think, Larry, there's only one fine that's  
19 been added in there and that's disobeying  
20 order of an Office, all the other fines are  
21 the same as they were. The principle changes  
22 in 7 have to deal with the time elements that

1 a driver who has a complaint against him, this  
2 sets for example, no complaint against a  
3 driver has been filed at 30 after occurrence  
4 instead of the way it was where it could be  
5 filed for year afterwards. We tidied that up.

6 MR. FRANKEL: Okay.

7 CHAIRPERSON LINTON: No longer is  
8 it mandatory to show up at mediation, that's  
9 a driver obligation. What we did in Chapter  
10 7 we think, and this is the response we got  
11 from most of the comments that came in there,  
12 is that we improved the due process allowable  
13 to the benefit of the drivers. If there's a  
14 complaint against the driver, the driver has  
15 to be told the nature of the complaint before  
16 he shows up.

17 So all of those changes were  
18 designed to improve the due process on the  
19 driver's side. No fines were changed except  
20 the one that the Counsel just mentioned to me.

21 MR. FRANKEL: Okay. So in each  
22 category we're not going to be adding

1 additional fines is what you're saying, of  
2 these compliances or administrative  
3 compliances.

4 Okay. The other objection I have  
5 is that when a Notice of Infraction is given  
6 to a driver that he must pay in advance of his  
7 hearing. And I find that, that had been  
8 consistent throughout this regulation.

9 And I've always felt that any  
10 payment of an infraction before a hearing, or  
11 within the 30 days of getting that infraction  
12 whether you have a hearing or not, is  
13 punitive.

14 CHAIRPERSON LINTON: Larry, I  
15 don't understand because when a Notice of  
16 Infraction is issued the driver has that  
17 option, he can either go and pay it and within  
18 a certain period of time, I think it is 30  
19 days. Or he can choose to ask for a hearing  
20 before OAH and contest the Notice of  
21 Infraction.

22 MR. FRANKEL: So if he denies the



1       infraction then he's not going to pay until  
2       the --

3                   CHAIRPERSON LINTON:   The hearing.

4                   MR. FRANKEL:   -- hearing?   Okay.

5                   CHAIRPERSON LINTON:   If it's the  
6       finding of the hearing.

7                   MR. FRANKEL:   Okay.   That seemed,  
8       when I read it, to be a little bit confusing.  
9       It seemed just like that you have to pay.   But  
10      I'll take it for that.

11                   And the other thing, we'll switch  
12      over to the handicap legislation, or  
13      regulation.   I'm doing the math on 3,000 trips  
14      to bring in a brand new vehicle as a  
15      handicapped vehicle.   And if I do the math  
16      right then every 3,000 trips, approximately 50  
17      percent of the fare is going to be turned back  
18      into a new vehicle.

19                   If a company does that what is the  
20      company going to be paying to the driver?

21                   CHAIRPERSON LINTON:   Well that  
22      would be what we're going to expect to hear as

1 the comment period opens up and as we get  
2 these kind of comments and questions, that's  
3 what we deal with during the regulatory  
4 process. Which is why we have a regulatory  
5 process.

6 MR. FRANKEL: Yes, sir. I'd like  
7 to just bring that up and say it could just  
8 bankrupt the companies.

9 CHAIRPERSON LINTON: All right,  
10 thank you, Mr. Frankel, for appearance. Is  
11 there anyone else who cares to address the  
12 Commission at this time?

13 PARTICIPANT: Motion to adjourn.

14 CHAIRPERSON LINTON: If not, we'll  
15 stand in adjournment until our meeting in  
16 July. July 9th will be the next Commission  
17 meeting but just do remember that there will  
18 be a public hearing on, was it June 20th?  
19 June 19th. Thank you all very much. And I'll  
20 be adjourned.

21 (Whereupon, the above-entitled  
22 matter was concluded at 10:46 a.m.)

<p><b>A</b></p> <p><b>\$1.8</b> 17:12</p> <p><b>\$16</b> 10:14,15</p> <p><b>a.m</b> 1:10 3:2 34:22</p> <p><b>abilities</b> 28:13</p> <p><b>ability</b> 26:6 27:2</p> <p><b>able</b> 10:18 18:12 19:7 22:5 27:4</p> <p><b>above-entitled</b> 34:21</p> <p><b>Abstain</b> 8:9</p> <p><b>accept</b> 2:12 23:20 24:4</p> <p><b>accepted</b> 5:10 22:10</p> <p><b>accepting</b> 24:9</p> <p><b>access</b> 16:10 17:6,7</p> <p><b>accessibility</b> 18:20</p> <p><b>accessible</b> 2:11,14 15:13 18:19 23:18</p> <p><b>achieve</b> 11:3</p> <p><b>achieving</b> 11:4</p> <p><b>acquired</b> 16:14,14</p> <p><b>action</b> 2:6 6:2 23:22</p> <p><b>actions</b> 6:19</p> <p><b>activated</b> 12:13,14</p> <p><b>actual</b> 26:16</p> <p><b>add</b> 16:6,9</p> <p><b>added</b> 30:19</p> <p><b>adding</b> 31:22</p> <p><b>addition</b> 19:11 25:2</p> <p><b>additional</b> 26:9 28:1 32:1</p> <p><b>address</b> 29:12 34:11</p> <p><b>addresses</b> 10:22</p> <p><b>adjourn</b> 34:13</p> <p><b>adjourned</b> 34:20</p> <p><b>adjournment</b> 2:20 34:15</p> <p><b>administrative</b> 6:22 18:9 30:3,5,7 32:2</p> <p><b>adopt</b> 7:13,19 9:2,7 14:9</p> <p><b>adopted</b> 10:3 12:3</p>	<p>14:3 15:8 24:15</p> <p><b>adoption</b> 8:22 12:22</p> <p><b>advance</b> 19:6 32:6</p> <p><b>advise</b> 28:2</p> <p><b>advocate</b> 29:19</p> <p><b>affirmative</b> 10:2 12:3 14:3 15:7</p> <p><b>agenda</b> 4:8,9 12:5 14:5</p> <p><b>agree</b> 10:17 23:17</p> <p><b>agreed</b> 22:11,13</p> <p><b>agreement</b> 15:16</p> <p><b>agreements</b> 26:22 27:15</p> <p><b>ahead</b> 5:16</p> <p><b>Al</b> 29:9</p> <p><b>allow</b> 2:13 15:18 23:15</p> <p><b>allowable</b> 19:14 31:12</p> <p><b>allowing</b> 18:4</p> <p><b>ambulatory</b> 21:16</p> <p><b>announce</b> 25:3</p> <p><b>ANTHONY</b> 1:14</p> <p><b>appearance</b> 34:10</p> <p><b>application</b> 18:4</p> <p><b>applications</b> 27:20</p> <p><b>apply</b> 18:6</p> <p><b>Appreciate</b> 28:19</p> <p><b>appropriate</b> 12:19</p> <p><b>approval</b> 2:6 10:4 23:8</p> <p><b>approve</b> 2:10 8:2,5 8:16 9:12,15 11:20 13:20 14:6 14:17,20 15:2,10 20:6 22:18 23:3</p> <p><b>approved</b> 6:4 8:13 8:15 9:19 11:16 13:16 19:5 22:21 27:21</p> <p><b>approximately</b> 21:7 26:3,17 33:16</p> <p><b>areas</b> 27:5,5</p> <p><b>aspects</b> 12:15,17</p>	<p><b>assign</b> 21:18</p> <p><b>assigned</b> 22:1</p> <p><b>assigning</b> 15:18</p> <p><b>assists</b> 26:12</p> <p><b>associations</b> 2:13 23:16</p> <p><b>attacking</b> 25:22</p> <p><b>available</b> 16:10 17:6 19:20 21:17 21:19</p> <p><b>aware</b> 26:3</p> <p><b>aye</b> 14:12 24:10</p> <p><b>ayes</b> 24:11,14</p> <p><b>B</b></p> <p><b>back</b> 21:11 27:16 33:17</p> <p><b>backward</b> 12:16</p> <p><b>bank</b> 10:14</p> <p><b>bankrupt</b> 34:8</p> <p><b>basis</b> 29:21</p> <p><b>beginning</b> 7:3</p> <p><b>believe</b> 27:19 28:7 28:10</p> <p><b>benefit</b> 31:13</p> <p><b>BETTY</b> 1:15</p> <p><b>beyond</b> 24:1</p> <p><b>bit</b> 33:8</p> <p><b>brand</b> 18:18 33:14</p> <p><b>bring</b> 6:14 16:3 33:14 34:7</p> <p><b>Burns</b> 3:16 7:22 9:10 11:11 13:11 14:15 22:16</p> <p><b>busy</b> 28:11</p> <p><b>C</b></p> <p><b>C-O-N-T-E-N-T-S</b> 2:1</p> <p><b>cab</b> 5:7 10:14 22:4 22:7</p> <p><b>cabs</b> 5:6</p> <p><b>call</b> 2:2 3:4,14 7:21 9:9 11:10 13:10 14:14 20:8 22:15 24:3</p> <p><b>called</b> 20:13</p> <p><b>capabilities</b> 27:1,12</p>	<p><b>CAPS</b> 18:3 19:14</p> <p><b>cards</b> 28:10</p> <p><b>cares</b> 34:11</p> <p><b>carried</b> 21:16</p> <p><b>cases</b> 26:13,19</p> <p><b>category</b> 31:22</p> <p><b>center</b> 21:10</p> <p><b>central</b> 18:10 19:18 19:22</p> <p><b>certain</b> 12:17 32:18</p> <p><b>certainly</b> 30:16</p> <p><b>Chairman</b> 5:14 20:8 25:15</p> <p><b>Chairperson</b> 1:11 1:13 3:3,13 4:6,18 5:1,12,20 7:12,15 7:18 8:13,21 9:4,6 10:1,20 11:6,9 12:2,21 13:2,4,9 14:2,11,13 15:6 20:2,11,18,22 21:5,14 22:8 23:7 24:7,12,14,22 25:8,11,16 28:17 29:6 30:17 31:7 32:14 33:3,5,21 34:9,14</p> <p><b>Chambers</b> 1:10 3:6 4:15</p> <p><b>change</b> 12:11</p> <p><b>changed</b> 31:19</p> <p><b>changes</b> 7:6,9 30:21 31:17</p> <p><b>changing</b> 5:5</p> <p><b>chapter</b> 2:7,7,10 6:5,9,11 7:2,20 8:17 9:1,8 14:7 15:12,12 18:2 30:1,1 31:9</p> <p><b>chapters</b> 2:8,8,9 10:5 12:6 30:9</p> <p><b>charges</b> 14:8 17:13 19:13</p> <p><b>charging</b> 10:13</p> <p><b>Chief</b> 1:18 25:12,19 28:18</p> <p><b>choose</b> 32:19</p>	<p><b>Chorus</b> 24:11</p> <p><b>city</b> 1:9 27:6</p> <p><b>clarifies</b> 12:15</p> <p><b>class</b> 25:7</p> <p><b>clear</b> 6:17</p> <p><b>codification</b> 14:8</p> <p><b>Cohn</b> 1:13 3:17,18 7:14 8:1,2 9:3,11 9:12 11:12,13 13:1,12,13 14:10 14:16,17 22:17,18</p> <p><b>collect</b> 17:16</p> <p><b>collecting</b> 17:14</p> <p><b>Columbia</b> 1:1 16:12 17:12 21:8 29:18</p> <p><b>come</b> 16:13</p> <p><b>comes</b> 27:18</p> <p><b>comment</b> 2:19 4:19 6:6 7:3,6,8 10:7 12:11 17:20 20:5 25:5 29:8 34:1</p> <p><b>comments</b> 2:4 5:21 7:5,21 8:18,20 31:11 34:2</p> <p><b>commission</b> 1:3,5,9 2:6 3:5,6 4:10,12 5:15,21 6:1,20 7:1 7:4,11 23:9,12,20 25:14,21 29:12 34:12,16</p> <p><b>Commissioner</b> 1:13,14,14,15,15 2:4,4 3:16,17,18 3:19,20,21,22 4:1 4:2,3,4,5,19,21 5:3,13,19 7:14,17 7:22 8:1,2,3,4,5,6 8:7,8,9,10,11,12 9:3,5,10,11,12,13 9:14,15,16,17,18 9:19,20,21,22 10:10,20 11:5,8 11:11,12,13,14,15 11:16,17,18,19,20 11:21,22 12:1 13:1,3,7,11,12,13</p>
---	---	---	--	--

13:14,15,16,17,18 13:19,20,21,22 14:1,10,12,15,16 14:17,18,19,20,21 14:22 15:1,2,3,4,5 20:7,16,17,20 21:1,12 22:2,16 22:17,18,19,20,21 22:22 23:1,2,3,4,5 23:6 24:5,6,13 28:20 29:4 <b>Commissioners</b> 1:12 4:11 20:9 <b>Communication</b> 2:4 <b>communications</b> 2:15 4:10,12 24:17,18,21 <b>community</b> 3:10 <b>companies</b> 10:12 16:4 17:15 18:5 19:8,17 26:5 34:8 <b>company</b> 10:13 15:21 18:16 19:18 21:17 22:9 33:19 33:20 <b>compile</b> 27:3 <b>complaint</b> 6:13 28:3 30:15 31:1,2 31:14,15 <b>complaints</b> 6:16 26:13,15,17 28:3 <b>complete</b> 25:5 <b>completed</b> 7:3 12:10 <b>completes</b> 18:17 24:16 <b>completion</b> 6:3 7:8 <b>compliance</b> 2:7 6:14 9:1 30:8,15 <b>compliances</b> 32:2,3 <b>comply</b> 19:9,17 23:16 <b>complying</b> 10:12 <b>compressed</b> 18:21 <b>computer</b> 27:1 <b>concluded</b> 34:22	<b>concludes</b> 28:15 29:7 <b>confusing</b> 33:8 <b>connected</b> 29:2 <b>connection</b> 12:16 <b>connections</b> 29:15 <b>consider</b> 17:21 <b>consideration</b> 5:16 7:10 23:15 <b>considering</b> 23:21 <b>consistent</b> 32:8 <b>contained</b> 18:13 <b>contest</b> 32:20 <b>continue</b> 28:13 <b>contractors</b> 26:22 <b>Council</b> 1:10 3:6 4:15 5:5 <b>counsel</b> 1:17 6:6 8:18 10:6 17:18 25:1 31:20 <b>Counsel's</b> 2:17 <b>country</b> 3:11 <b>course</b> 17:20 <b>create</b> 6:9 18:3 <b>creating</b> 18:2 <b>Crocker</b> 3:19 <b>currently</b> 26:14 27:10,20 <b>custom</b> 3:8	<b>determine</b> 3:14 23:22 <b>develop</b> 28:12 <b>development</b> 27:8 <b>dialysis</b> 15:19 21:6 21:9,10 22:5 <b>difference</b> 17:13 <b>discussion</b> 5:16 <b>disobeying</b> 30:19 <b>dispatch</b> 19:19 <b>District</b> 1:1 16:11 17:12 21:8 29:18 <b>doing</b> 33:13 <b>dome</b> 12:13,18 <b>double</b> 28:21 <b>driver</b> 10:15,17 12:13 27:9,17 28:6 29:17,21 30:14 31:1,3,9,14 31:14 32:6,16 33:20 <b>driver's</b> 31:19 <b>drivers</b> 2:12 10:16 19:2 23:13 26:4 28:11 30:2 31:13 <b>due</b> 6:10 31:12,18	<b>equipment</b> 15:21 <b>ESQ</b> 1:17 <b>establishes</b> 12:19 <b>example</b> 31:2 <b>exclusively</b> 18:21 <b>existing</b> 18:4 <b>expect</b> 33:22	34:10 <b>Friday</b> 4:14 <b>fruition</b> 16:4 <b>fuel</b> 2:14 23:18 <b>FULL</b> 1:5 <b>functionality</b> 12:18 <b>further</b> 23:22 <b>future</b> 17:22
	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
	<b>D.C</b> 1:3,10 2:12 3:5 5:8 18:3 19:14 23:13 <b>data</b> 19:10 <b>day</b> 10:11 26:17 <b>days</b> 6:16 32:11,19 <b>dctaxi.dc.gov</b> 28:4 <b>DCTC</b> 25:20 <b>deal</b> 30:22 34:3 <b>dealing</b> 6:5 9:1 14:7 <b>deals</b> 15:12 <b>deliver</b> 21:4 <b>demonstrate</b> 19:8 <b>denies</b> 32:22 <b>designed</b> 31:18 <b>Determination</b> 2:3	<b>earlier</b> 7:5 <b>effect</b> 16:8 <b>effective</b> 16:2 <b>efficiency</b> 2:14 23:18 <b>effort</b> 26:6 <b>efforts</b> 27:4 28:2 <b>either</b> 32:17 <b>elements</b> 30:22 <b>eligibility</b> 18:13 <b>eligible</b> 21:8 <b>ELLIOTT</b> 1:14 <b>enforcement</b> 2:7 6:5,19 7:1 26:13 27:13 30:8,16 <b>enhance</b> 27:12 28:12 <b>enroll</b> 16:5 <b>enrolled</b> 21:8 <b>Equal</b> 2:13 23:14	<b>fact</b> 6:21 <b>failure</b> 11:1 12:20 <b>far</b> 27:17,18 <b>fare</b> 33:17 <b>favor</b> 24:9 <b>February</b> 7:4 <b>fee</b> 22:12,12,13 <b>fees</b> 2:9 14:8 <b>felt</b> 32:9 <b>Ferguson</b> 1:14 3:20 3:21 7:17 8:4,5 9:5,14,15 11:15 11:16 13:3,15,16 14:12,13,19,20 20:17 22:20,21 24:6 <b>Fifteen</b> 27:21 <b>filed</b> 31:3,5 <b>final</b> 2:6 6:4,9 7:10 7:19,20 8:14,17 8:22 9:8 10:3,5 12:4,6,10 14:4,6 15:9 <b>finalizing</b> 26:21 <b>find</b> 27:5 30:1 32:7 <b>finding</b> 33:6 <b>fine</b> 12:19 30:18 <b>finer</b> 11:1 12:19 30:20 31:19 32:1 <b>first</b> 4:9 7:14 16:6 16:18 18:3 25:6 <b>five</b> 17:3 <b>fixed</b> 22:12,13 <b>form</b> 28:3 <b>formation</b> 23:15 <b>forth</b> 19:15,16 <b>Frankel</b> 29:14,16 29:17 31:6,21 32:22 33:4,7 34:6	<b>gas</b> 18:21 <b>gathering</b> 27:11 <b>general</b> 1:17 2:17 3:4 6:6 8:18 17:17 25:1 <b>getting</b> 10:16 17:2 32:11 <b>give</b> 25:20 <b>given</b> 3:10 32:5 <b>go</b> 16:8 22:5 30:7 32:17 <b>going</b> 3:4 10:22 17:17 18:18 19:3 19:7,9 30:4 31:22 33:1,17,20,22 <b>good</b> 3:3 18:5 25:18 27:15 <b>government</b> 1:1 2:15 24:17,20 <b>grade</b> 4:17 <b>grow</b> 28:13 <b>grows</b> 28:14 <b>guess</b> 30:3
				<b>H</b>
				<b>handicap</b> 33:12 <b>handicapped</b> 33:15 <b>hard</b> 26:4 30:10 <b>head</b> 22:3 <b>hear</b> 33:22 <b>heard</b> 5:13 <b>hearing</b> 4:16 32:7 32:10,12,19 33:3 33:4,6 34:18 <b>help</b> 27:8 <b>high</b> 2:14 23:18 <b>higher</b> 11:1 <b>hope</b> 27:15

<b>hoping</b> 27:4 <b>hour</b> 16:19 <b>hours</b> 10:17,19 16:20 <hr/> <b>I</b> <hr/> <b>ID</b> 28:10 <b>identify</b> 29:15 <b>II</b> 1:14 2:4 <b>III</b> 2:6 <b>immediately</b> 16:7,9 <b>important</b> 18:11 <b>improve</b> 26:6 27:1 27:12 31:18 <b>improved</b> 31:12 <b>improvement</b> 16:16 <b>improves</b> 17:4,5 <b>includes</b> 21:2 <b>including</b> 26:12 <b>individuals</b> 26:5 28:2,8 <b>industry</b> 28:14 <b>information</b> 26:7 26:11 27:3,11 <b>infraction</b> 32:5,10 32:11,16,21 33:1 <b>initiation</b> 23:10 <b>inspection</b> 5:8 <b>instance</b> 10:13 22:4 <b>issued</b> 28:9 32:16 <b>issues</b> 10:22 <b>item</b> 4:9 6:3 8:16 10:4 15:10 23:11 23:12 25:3 <b>items</b> 2:6 6:2,2 26:9 <b>IV</b> 2:15 <hr/> <b>J</b> <hr/> <b>JACQUES</b> 1:17 <b>John</b> 1:18 25:13,19 28:18 29:7 <b>JUANDA</b> 1:18 <b>July</b> 34:16,16 <b>June</b> 1:7 3:7 4:14 25:5 34:18,19 <hr/> <b>K</b> <hr/>	<b>kind</b> 34:2 <b>know</b> 10:11 20:10 25:19 <hr/> <b>L</b> <hr/> <b>L-Tag</b> 27:20 <b>Larry</b> 29:17 30:18 32:14 <b>legislation</b> 33:12 <b>LERNER</b> 1:17 6:8 8:19 10:8 12:9 18:1 25:2 <b>license</b> 28:21 29:1,2 <b>light</b> 12:7,13,18 <b>Lights</b> 2:9 <b>limit</b> 6:15 <b>Linton</b> 1:11,13 3:3 3:13 4:5,6,18 5:1 5:12,20 7:12,15 7:18 8:12,13,21 9:4,6,22 10:1,20 11:6,9 12:1,2,21 13:2,4,9 14:1,2,11 14:13 15:5,6 20:2 20:11,18,22 21:5 21:14 22:8 23:6,7 24:7,12,14,22 25:8,11,16 28:17 29:6 30:17 31:7 32:14 33:3,5,21 34:9,14 <b>listed</b> 28:5 <b>listen</b> 21:15 <b>little</b> 33:8 <b>live</b> 21:7 <b>lives</b> 3:10 <b>longer</b> 29:18 31:7 <b>looking</b> 5:5 30:5 <b>looks</b> 30:12 <hr/> <b>M</b> <hr/> <b>M</b> 1:10,13 <b>maintain</b> 19:2 <b>majority</b> 23:8 <b>mandatory</b> 31:8 <b>math</b> 33:13,15 <b>matter</b> 6:7 20:13 34:22 <hr/>	<b>mean</b> 16:21 22:3 <b>mediated</b> 26:18 <b>mediation</b> 6:17 26:18 31:8 <b>meet</b> 11:2 18:12 <b>meeting</b> 1:5 3:5 17:22 26:2 34:15 34:17 <b>members</b> 5:15,21 <b>mentioned</b> 26:1 31:20 <b>met</b> 1:9 <b>meter</b> 12:20 <b>metered</b> 22:12 <b>methods</b> 19:16 <b>MetroAccess</b> 15:20 16:15 17:7,14 21:2,9 <b>microphone</b> 25:17 <b>middle</b> 28:22 <b>miles</b> 5:9 <b>million</b> 17:12 <b>minute</b> 5:2 20:8 <b>mission</b> 26:11 <b>MIXON</b> 1:18 3:16 3:19,22 4:2,4,13 7:22 8:3,6,8,10,12 9:10,13,16,18,20 9:22 11:11,14,17 11:19,21 12:1 13:8,11,14,17,19 13:21 14:1,15,18 14:21 15:1,3,5 22:16,19,22 23:2 23:4,6 24:20 25:10 <b>moment</b> 2:2 3:9,12 <b>money</b> 10:14,16,18 <b>months</b> 26:20 <b>morning</b> 3:3 25:18 29:10 <b>motion</b> 7:13 9:2 10:2 12:3,22 14:3 14:9 15:7 20:6,15 20:21 24:2,4 34:13 <b>move</b> 5:16 6:1 11:4 17:21 24:17 <b>moved</b> 7:15,19 9:3 9:7 13:1,5 14:10 20:16 24:5,6,7 <b>MTS</b> 12:16 19:12 <b>Muhammad</b> 1:14 3:22 4:1 8:6,7 9:16,17 11:8,17 11:18 13:7,17,18 14:21,22 20:7,16 22:22 23:1 24:13 28:20 29:4 <hr/> <b>N</b> <hr/> <b>N.W</b> 1:10 <b>name</b> 29:16 <b>natural</b> 18:21 <b>nature</b> 31:15 <b>needed</b> 17:8,9 27:7 <b>needs</b> 22:6 <b>new</b> 2:13 5:6 6:9,9 6:14 15:12 18:2 18:18 23:15 28:10 33:14,18 <b>notice</b> 16:19 32:5 32:15,20 <b>number</b> 6:2,3,10 8:16 12:5 14:5 15:10 17:5 18:8 23:12 24:16 28:4 28:7 <hr/> <b>O</b> <hr/> <b>O-F</b> 2:1 <b>OAH</b> 32:20 <b>objection</b> 32:4 <b>obligation</b> 31:9 <b>occurrence</b> 31:3 <b>October</b> 16:7 <b>office</b> 1:3 6:21,22 15:17 18:6,12 19:6,9 25:12 30:20 <b>Oh</b> 5:2 <b>okay</b> 5:2 11:5 18:1 25:11 29:4 30:17 31:6,21 32:4 33:4 33:7 <hr/>	<b>old</b> 1:9 3:6 4:14 26:3 <b>ones</b> 18:10 20:9 <b>open</b> 17:20 20:5 27:21 <b>opens</b> 34:1 <b>operation</b> 12:12 <b>Operations</b> 1:18 25:12,20 28:18 <b>Opposed</b> 24:12,13 <b>option</b> 32:17 <b>optional</b> 6:18 <b>order</b> 2:2 3:4 20:4 23:9 30:20 <b>organization</b> 29:19 <b>outgrowth</b> 15:15 <b>owners</b> 26:4 <hr/> <b>P</b> <hr/> <b>P-R-O-C-E-E-D-...</b> 3:1 <b>PAGE</b> 2:1 <b>pancaked</b> 30:13 <b>Paratransit</b> 2:11 15:13 <b>Parker</b> 29:9,10,11 <b>part</b> 26:2 <b>PARTICIPANT</b> 34:13 <b>participate</b> 18:6 22:11 <b>participating</b> 17:15 21:18 <b>pass</b> 28:9 <b>passed</b> 29:1 <b>passenger</b> 27:9 <b>passes</b> 5:8 <b>patient</b> 16:21 <b>patients</b> 15:19 16:17 17:7 21:3 <b>PAUL</b> 1:13 <b>pay</b> 32:6,17 33:1,9 <b>paying</b> 33:20 <b>payment</b> 19:15 32:10 <b>Payments</b> 2:8 10:6 <b>pays</b> 10:15 <b>penalties</b> 30:9 <hr/>
--	---	--	--

<p><b>pending</b> 27:22</p> <p><b>people</b> 21:7</p> <p><b>percent</b> 21:16 33:17</p> <p><b>period</b> 2:19 7:8 12:11 17:21 20:6 25:5 29:8 32:18 34:1</p> <p><b>periods</b> 7:3,6</p> <p><b>person</b> 16:22 17:8 22:4</p> <p><b>petition</b> 2:12 23:13 23:20 24:4,9</p> <p><b>phone</b> 28:4</p> <p><b>place</b> 19:12,19</p> <p><b>please</b> 3:15 29:14</p> <p><b>positive</b> 26:7</p> <p><b>possibility</b> 30:11</p> <p><b>posted</b> 4:8</p> <p><b>power</b> 18:20</p> <p><b>present</b> 1:12,16 3:18,21 4:3,6,7 5:4 20:9</p> <p><b>presentations</b> 2:16 24:18,19</p> <p><b>presiding</b> 1:11</p> <p><b>principle</b> 30:21</p> <p><b>private</b> 25:4</p> <p><b>probably</b> 21:15</p> <p><b>procedural</b> 24:3</p> <p><b>procedures</b> 6:11</p> <p><b>proceed</b> 4:7</p> <p><b>process</b> 6:10,18 18:4 20:5 23:10 27:14 28:22 31:12 31:18 34:4,5</p> <p><b>processes</b> 6:13</p> <p><b>Proctor</b> 8:3 9:13 11:14 13:14 14:18 22:19</p> <p><b>program</b> 16:2 18:3 18:7,17 19:2,5 21:18 22:9,10</p> <p><b>prohibitions</b> 19:22</p> <p><b>propelled</b> 18:20</p> <p><b>properly</b> 12:20</p> <p><b>proposal</b> 4:22 5:4,7</p>	<p>5:14</p> <p><b>proposed</b> 2:10 6:8 10:21 12:9 15:11 16:8 17:19 18:1 18:14 20:4 25:4,6</p> <p><b>provide</b> 19:1</p> <p><b>provides</b> 6:22</p> <p><b>providing</b> 16:5 19:3</p> <p><b>provisions</b> 17:19</p> <p><b>PSP</b> 2:8 10:6</p> <p><b>PSPs</b> 11:1 26:2,5</p> <p><b>public</b> 2:19 4:15 6:13,15 29:8 34:18</p> <p><b>publication</b> 2:10 6:4 8:14,17 10:5 14:6 15:11 23:9</p> <p><b>publish</b> 20:3 22:15</p> <p><b>published</b> 8:15 10:3 12:4 14:4 15:8</p> <p><b>punitive</b> 30:2 32:13</p> <p><b>purchase</b> 18:18</p> <p><b>purpose</b> 23:21</p> <p><b>put</b> 5:6</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualified</b> 22:10</p> <p><b>qualify</b> 15:22</p> <p><b>quality</b> 16:16 17:4</p> <p><b>question</b> 8:21 11:7 12:21 13:5 20:3 20:20,21 22:14 23:19 28:21</p> <p><b>questions</b> 2:5 28:16 28:17 34:2</p> <p><b>quick</b> 28:20</p> <p><b>quite</b> 28:11</p> <p><b>quorum</b> 2:3 3:14 4:7</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>ramp</b> 18:20</p> <p><b>rates</b> 19:13</p> <p><b>reached</b> 15:16</p> <p><b>read</b> 33:8</p> <p><b>ready</b> 7:10 11:6</p>	<p>13:6 29:8</p> <p><b>real</b> 29:22</p> <p><b>receive</b> 10:18 26:16</p> <p><b>received</b> 7:4 23:13 26:15 27:19</p> <p><b>record</b> 20:12,14</p> <p><b>recordkeeping</b> 19:10</p> <p><b>refer</b> 5:14</p> <p><b>regarding</b> 26:22</p> <p><b>regular</b> 17:9</p> <p><b>regulation</b> 11:2 15:15 16:1 17:19 32:8 33:13</p> <p><b>regulations</b> 16:3 19:15 23:17</p> <p><b>regulatory</b> 20:5 23:10 34:3,4</p> <p><b>relates</b> 26:14</p> <p><b>relating</b> 28:2</p> <p><b>remarks</b> 2:4 4:10</p> <p><b>remember</b> 3:9 34:17</p> <p><b>remind</b> 12:7</p> <p><b>reminder</b> 4:14</p> <p><b>report</b> 2:17 25:1,13 26:6 27:16 28:15</p> <p><b>reporting</b> 19:10</p> <p><b>Reports</b> 2:18 25:9 29:7</p> <p><b>requests</b> 23:14</p> <p><b>require</b> 16:19 24:3</p> <p><b>required</b> 19:14</p> <p><b>requirement</b> 18:16</p> <p><b>requirements</b> 6:15 11:2 15:22 18:9 18:13 19:4,11,21 20:1</p> <p><b>requiring</b> 7:6</p> <p><b>reservation</b> 16:19</p> <p><b>response</b> 7:5 31:10</p> <p><b>result</b> 15:18 16:15</p> <p><b>review</b> 4:16 26:19</p> <p><b>reviewing</b> 23:21</p> <p><b>ride</b> 21:9,10</p> <p><b>right</b> 24:22 30:4 33:16 34:9</p>	<p><b>Rights</b> 2:13 23:14</p> <p><b>roll</b> 3:15 7:21 9:9 11:10 13:10 14:14 22:15 24:3</p> <p><b>Ron</b> 1:10,13</p> <p><b>rule</b> 6:9 10:3 12:4 14:4</p> <p><b>rulemaking</b> 2:6,10 6:4 7:20 8:15,17 8:22 9:8 10:5,9,21 12:10,12 14:6 15:8,11 20:4 25:7</p> <p><b>rulemakings</b> 12:6</p> <p><b>rules</b> 7:10 18:2,14 25:4</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>safety</b> 27:9</p> <p><b>satisfactory</b> 5:17</p> <p><b>satisfy</b> 18:11</p> <p><b>saves</b> 17:11</p> <p><b>saying</b> 32:1</p> <p><b>Scott</b> 1:18 25:15,18 25:19 29:3</p> <p><b>seal</b> 12:20</p> <p><b>Second</b> 7:17 9:5 13:3</p> <p><b>Secretary</b> 1:18 3:14 4:11 7:21 9:9 11:9 13:9 14:14 22:15</p> <p><b>sedans</b> 25:4</p> <p><b>send</b> 10:14</p> <p><b>serve</b> 16:11 29:18</p> <p><b>service</b> 16:16 17:5 19:4,20 21:20,22</p> <p><b>services</b> 2:11 7:1 15:14 16:6 21:6 27:17 28:6</p> <p><b>set</b> 19:14</p> <p><b>sets</b> 11:1 31:2</p> <p><b>short</b> 29:22</p> <p><b>show</b> 19:6 20:12 31:8</p> <p><b>shows</b> 31:16</p> <p><b>side</b> 31:19</p> <p><b>side-door</b> 18:19</p> <p><b>sign</b> 29:11</p>	<p><b>signed</b> 29:9</p> <p><b>signing</b> 27:14</p> <p><b>silence</b> 2:2 3:9,12</p> <p><b>sir</b> 21:15 34:6</p> <p><b>six</b> 17:3</p> <p><b>Smalls</b> 1:15 4:2,3 8:8,9 9:18,19 11:19,20 13:19,20 15:1,2 23:2,3 24:5</p> <p><b>soon</b> 27:16</p> <p><b>sort</b> 30:3</p> <p><b>speak</b> 30:4</p> <p><b>special</b> 22:7</p> <p><b>specifically</b> 6:21</p> <p><b>specified</b> 6:10</p> <p><b>specifies</b> 6:18 12:12</p> <p><b>spoke</b> 10:11</p> <p><b>staff</b> 1:16 2:18 25:9 26:12 29:7</p> <p><b>stand</b> 34:15</p> <p><b>standing</b> 18:5</p> <p><b>STANLEY</b> 1:15</p> <p><b>statutory</b> 6:15</p> <p><b>stay</b> 5:10</p> <p><b>store</b> 27:2</p> <p><b>streamlining</b> 6:13</p> <p><b>street</b> 1:10 5:7,10</p> <p><b>streets</b> 16:11</p> <p><b>strictly</b> 19:17</p> <p><b>structure</b> 4:17</p> <p><b>studying</b> 23:22</p> <p><b>submitted</b> 5:14</p> <p><b>substantial</b> 7:6,9 12:11</p> <p><b>support</b> 7:16 9:4 13:2 14:11 20:17 20:19 24:8</p> <p><b>supported</b> 7:19 9:7 13:5 24:8</p> <p><b>supports</b> 14:14</p> <p><b>switch</b> 12:14 33:11</p> <p><b>system</b> 19:12,19 26:10,11 27:9</p> <p><b>systems</b> 12:17 28:12</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>T-A-B-L-E</b> 2:1</p>
--	--	--	---	--

<b>tactical</b> 26:11 <b>take</b> 3:8 7:20 9:7 22:7 24:1 26:19 33:10 <b>taken</b> 6:20 <b>talk</b> 29:22 <b>Tapscott</b> 1:15 4:4 4:20,21 5:3,13,18 5:19 8:10,11 9:20 9:21 10:10,21 11:5,21,22 13:21 13:22 15:3,4 20:20 21:1,12 22:2 23:4,5 <b>tasks</b> 25:21 <b>taxi</b> 12:20 <b>taxicab</b> 1:3 2:11 3:5 4:16 15:13,21 17:10 18:4 29:17 <b>taxicabs</b> 6:21 15:17 15:21 18:6 25:13 <b>Taximeter/Dome</b> 2:9 12:7 <b>TCIS</b> 12:15 26:10 27:7 <b>tenure</b> 27:18 <b>terms</b> 17:13 <b>terribly</b> 30:2 <b>thank</b> 3:13 4:18 5:12,19,20 25:8 28:18 29:5,6 34:10,19 <b>thing</b> 17:11 33:11 <b>things</b> 6:10,12 <b>think</b> 10:11,15 30:18 31:10 32:18 <b>third</b> 7:8 10:4 <b>three</b> 7:3 26:19 <b>tidied</b> 31:5 <b>time</b> 3:7 4:20 5:22 7:7 16:12 18:16 25:9,22 29:13,20 30:22 32:18 34:12 <b>Title</b> 6:12 <b>told</b> 31:15 <b>tool</b> 27:7,13 <b>top</b> 30:13	<b>touch</b> 17:18 <b>track</b> 27:2 <b>trained</b> 28:8 <b>training</b> 19:2 <b>transportation</b> 22:6 <b>transported</b> 15:20 <b>traveling</b> 17:1 <b>treatment</b> 21:10 <b>trips</b> 15:19 18:17 18:22 33:13,16 <b>trying</b> 28:12 <b>turned</b> 33:17 <b>twice</b> 5:8 <b>types</b> 6:19 27:4	22:14 23:20 <b>voted</b> 23:8	<b>Z</b>	<b>4</b>	
		<b>W</b>	<b>0</b>	<b>4</b> 2:3,5,7,8,8,9 8:17 9:1,8 10:5 12:5 14:7 <b>400-some</b> 28:8 <b>441</b> 1:10 <b>4th</b> 1:10	
		<b>Wait</b> 5:1 20:7 <b>walk</b> 22:6 <b>want</b> 11:3 12:7 22:3 <b>wants</b> 21:18 22:5 <b>Washington</b> 1:10 <b>way</b> 5:5 26:8 31:4 <b>ways</b> 26:12 <b>we'll</b> 24:16 33:11 34:14 <b>we're</b> 10:21 25:22 27:4 28:12 31:22 33:22 <b>we've</b> 26:15 28:8,9 <b>website</b> 28:4 <b>Wednesday</b> 1:7 3:7 <b>week</b> 15:16 <b>well-needed</b> 27:13 <b>wheelchair</b> 2:11,13 15:13 16:10 17:5 17:7 18:18 19:3 19:19 21:3,19,20 21:22 23:17 <b>wheelchairs</b> 21:2 21:13 <b>willing</b> 16:5 <b>wished</b> 24:1 <b>wishes</b> 29:12 <b>WMATA</b> 15:17,18 <b>word</b> 30:6 <b>work</b> 26:7 <b>working</b> 26:4,10,21 27:10 <b>works</b> 16:9	<b>1</b>	<b>5</b>	
			<b>1</b> 2:7 6:3 16:7 <b>10</b> 2:8 <b>10:15</b> 3:7 <b>10:16</b> 1:10 3:2 <b>10:46</b> 34:22 <b>100,000</b> 15:19 <b>11</b> 1:7 2:9,12 14:7 <b>11th</b> 3:7 <b>12</b> 2:9 <b>14</b> 2:9 <b>15</b> 2:10 <b>15th</b> 25:6 <b>18</b> 2:11 15:12 18:2 <b>19</b> 27:21 <b>19th</b> 34:19	<b>6</b>	<b>5</b> 2:8,9 10:6 14:5 <b>50</b> 33:16 <b>500-and</b> 28:10
	<b>U</b>			<b>7</b>	<b>6</b> 2:7,8,10 12:6 15:10 <b>600</b> 26:15
	<b>under-serviced</b> 27:5 <b>understand</b> 32:15 <b>undertake</b> 4:16 <b>unfair</b> 10:15 <b>United</b> 2:12 23:14 <b>update</b> 25:21 <b>use</b> 12:13 21:9 27:2			<b>8</b>	<b>7</b> 2:7,12 6:5,9 7:20 23:12 30:1,1,22 31:10
	<b>V</b>		<b>2</b>	<b>9</b>	<b>8</b> 2:7,8,9 12:6 14:7 <b>80</b> 21:15
	<b>V</b> 2:17 <b>valuable</b> 7:5 <b>van</b> 16:18 17:2 <b>vans</b> 15:20 16:14 21:19 <b>various</b> 6:14,19 19:4,21 <b>vehicle</b> 17:1 18:19 21:17,22 33:14,15 33:18 <b>vehicles</b> 2:14 16:10 16:13 17:6 23:18 25:7 <b>VI</b> 2:18 <b>VII</b> 2:19,20 <b>violations</b> 6:11 <b>vote</b> 2:6,10,12 6:3 7:19 8:14,16 9:7 10:2,22 11:3 12:3 13:5,6 14:2,5 15:7 15:10 20:3,13				
		<b>X</b>	<b>3</b>		
		<b>Y</b>			
		<b>Yea</b> 9:17 <b>year</b> 5:8 17:12 26:3 26:14 27:19 29:1 31:5 <b>year's</b> 29:20			

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In the matter of: Commission Meeting

Before: DC Taxicab Commission

Date: 06-11-14

Place: Washington, DC

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