

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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THURSDAY
JUNE 23, 2016

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The Commission met in the Hearing
Room, Suite 2032, 2235 Shannon Place, S.E.,
Washington, D.C., at 1:00 p.m., Ernest Chrappah,
Chairperson, presiding.

COMMISSIONERS PRESENT:

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

STAFF PRESENT:

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

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

2 (1:31 p.m.)

3 CHAIRMAN CHRAPPAH: Good afternoon and
4 welcome to the General Commission Meeting. My
5 name is Ernest Chrappah, Chairman of the D.C.
6 Taxicab Commission. We're located in Public
7 Hearing Room 2023 at 2235 Shannon Place
8 Southeast, Washington, D.C.

9 Today is Thursday, June 23rd and the
10 time is 1:30. We have three segments of various
11 Commission action items for today. But first, I
12 would like us to observe a moment of silence for
13 those who departed, especially our friends and
14 family and those that we don't know that suffered
15 a terrible tragedy in Orlando.

16 At this time, I'll turn it over to our
17 Secretary, Juanda Mixon for determination of a
18 quorum.

19 SECRETARY MIXON: Commissioner
20 Ferguson. Commissioner Jolly?

21 COMMISSIONER JOLLY: Here.

22 SECRETARY MIXON: Commissioner

1 Muhammad?

2 COMMISSIONER MUHAMMAD: Present.

3 SECRETARY MIXON: Commissioner Smalls?

4 COMMISSIONER SMALLS: Here.

5 SECRETARY MIXON: Commissioner Wade?

6 Commissioner Wash? Commissioner Zeitler?

7 COMMISSIONER ZEITLER: Here.

8 SECRETARY MIXON: Commissioner

9 Chrappah?

10 CHAIRMAN CHRAPPAH: Present.

11 SECRETARY MIXON: Chairman, we have a
12 quorum.

13 CHAIRMAN CHRAPPAH: Thank you, Madam
14 Secretary. Today is significant for many
15 reasons. One that I'm sure you've all been
16 following the news or have been talking about,
17 and that is today marks the final meeting for the
18 Commission as it is currently composed.

19 And that's largely due to the
20 Transportation Reorganization Act that will be
21 going into effect on June 28th. At that time,
22 the District of Columbia Taxicab Commission will

1 change its name to the D.C. Department of For
2 Hire Vehicles.

3 Our new name mirrors the modernization
4 of the for hire vehicle sector. It is an
5 industry driven by consumer choice, mobile
6 technologies, and a rapidly evolving digital
7 world.

8 New business models are being created,
9 new revenue streams are being adapted. We are
10 seeing rapidly emerging technologies, and it's
11 causing a tremendous amount of change, not just
12 in various cities within the U.S. but in the
13 world as a whole.

14 In terms of the Transportation
15 Reorganization Amendment Act, much thought went
16 into creating the legislation. There were
17 several meetings where people had the opportunity
18 to share their views, their thoughts on the far
19 reaching deal before it became legislation and
20 law.

21 While all that was playing out, we
22 focused as a Commission and as an Agency on the

1 task at hand. In recent months, we've been able
2 to show significant progress at not only
3 improving driver incentives, company incentives,
4 but more importantly, customer experiences.

5 There are a few that I would like to
6 highlight starting with expanding economic
7 opportunities. We addressed historic issues
8 about taxicab H tags. I see a lot of green hats
9 here. We not only abolished the moratorium, but
10 we created multiple pathways for vehicle
11 ownership.

12 D.C. in particular is dominated by
13 independent operators. And as a Commission, we
14 paid attention to that in any rulemaking that we
15 put forth. Today, if you want to own a vehicle,
16 you have more choices than you've ever had.

17 And that didn't happen by accident.
18 It's because we listened. We analyzed the H tag
19 report. We had multiple meetings. We tried to
20 balance various competing interests. And at the
21 end, we're able to put up something that was
22 credible, fair, and transparent.

1 We implemented a grants program
2 providing more than \$1 million to independent
3 taxi operators and companies. Some of the grants
4 went towards the acquisition of wheelchair
5 accessible vehicles, it went toward creating an
6 online portal for people to have free disability
7 sensitivity training.

8 Some of the grants also went towards
9 offsetting the cost of renting a wheelchair
10 accessible taxicab. And the part that was quite
11 recent was that the grants also went towards
12 electrifying the fleet.

13 Today, we have over 30 electric taxis
14 out there, and that was just not by accident.
15 It's because we as a Commission and as an Agency
16 responded to the need to have more fuel efficient
17 vehicles, but we did it in a way that did not
18 create a lot of financial burden.

19 We provided several thousands of
20 dollars for people who wanted to adopt cleaner
21 vehicles, vehicles that because of ownership,
22 it's much less than standard gasoline vehicles.

1 We hosted webshops for all businesses,
2 not just taxicab companies, limousine companies,
3 but we brought ride sharing companies into the
4 fold because it was high time when we recognized
5 that our regulatory authority was not just
6 limited to taxis. We regulate all participants
7 in the new vehicle for hire ecosystem.

8 But it was very important for the
9 people we regulate and us as a commission and an
10 agency to understand the rapidly evolving
11 business models to teach people about the
12 enforcement practices so that issues can be
13 prevented before they become struggling.

14 We also invested in research in
15 emerging technologies. We launched a very small
16 pilot around delivery service. We were able to
17 demonstrate that the taxi industry is not stuck
18 in the dark ages. We were able to demonstrate
19 that drivers are able to provide service beyond
20 the transportation of passengers.

21 Furthermore, we adopted regulations
22 that reduce and replace fines and added a lot

1 more warnings and training requirements. Today,
2 the maximum fine that an individual operator can
3 face is \$500 when it used to be northwards of
4 several thousands. That was significant.

5 We also completed an audit of
6 businesses that provide credit card systems, or
7 as we call them, payment service providers. And
8 we use the results of the audits to shift the
9 direction of the industry to ensure that drivers
10 get more than a fair shot, to ensure that drivers
11 get fair and reasonable contracts, not contracts
12 with onerous terms that you need to hire a
13 seasoned attorney to even understand.

14 We created more competition within the
15 payment service provider space, and the benefits
16 have been manifested. We did much more than
17 expand economic opportunities, we took the issue
18 of accessibility head on. Where others ignored
19 it, us, the Commission as an agency, we decided
20 to do something about it.

21 We increased wheelchair accessible
22 vehicles in service to 180, and that exceeded the

1 2004 mandates. For the taxicab companies that
2 joined us in making contributions beyond their
3 six percent, we say thank you. For the
4 passengers who have been able to get better
5 service today, I know they are thankful.

6 Taxis also help the District save
7 millions of dollars through the Transport DC
8 program which has been well chronicled for its
9 success. The program completed over 100K trips,
10 transit trips.

11 This saved the District over \$1
12 million in subsidies. It also reduced
13 transportation inequities, and more importantly
14 it provided a revenue stream not just for drivers
15 but also companies as well.

16 Beyond increasing accessibility, in
17 addition to expanding economic opportunities, we
18 also focused on improving customer experiences.
19 We helped develop the DC Taxi app, the first
20 smartphone app in the world that allows consumers
21 to hail available taxis or wheelchair accessible
22 vehicles.

1 But we didn't just stop there. We've
2 made for the investments to synchronize the taxi
3 app technology to the in-vehicle equipment so
4 that we have a true convergence, not two separate
5 worlds where you have a meter system and you have
6 an app and there's no harmony.

7 Over the next coming months, these
8 enhancements will be made public because the app
9 still remains in public data. Our investment in
10 ensuring that there is an organizational
11 structure that will be able to monitor the app
12 continues while investing in helping consultants
13 create a true cooperative that represents not
14 just companies but an interest of drivers as well
15 so that if a driver wants to be an owner in that
16 structure, he has an opportunity. He doesn't
17 need several millions of dollars.

18 We also restored public trust in the
19 complaint system we have by virtually eliminating
20 a two year backlog of complaints. And we turned
21 up the dial in terms of our performance standard
22 where complaints are processed in less than 30

1 days.

2 Today we are able to handle complaints
3 at the passengers level, not just against taxi
4 operators, ride sharing operators as well. That
5 did not exist two years, three years ago.

6 To be more transparent, we invested
7 and implemented a public engagement platform for
8 it can just go on our website and tell us what
9 you think, unfiltered.

10 We hosted several online sessions,
11 teleconferences that you would all admit was a
12 great success where you have access not just to
13 me and my staff, but the critical questions that
14 people ask over and over again, we address them
15 over and over again and we consolidated FAQs for
16 our website so that those who were not able to
17 join the teleconference can simply go and get
18 their questions addressed.

19 We also produced backseat videos so
20 that passengers can see where the industry is
21 headed and celebrate the diversity of the drivers
22 we have. Drivers make a difference. People just

1 don't jump into cabs because it's convenient.

2 Sometimes they need somebody to talk to.

3 And as one of the video said,
4 passengers turn to him like a psychiatrist, and
5 he helps them. There are many memorable
6 experience based on true human connections. And
7 that's the value of being in the vehicle for hire
8 industry.

9 As you know, we've adopted digital
10 meters and they are quickly replacing Legacy taxi
11 meters because it creates a true opportunity to
12 reduce the operating cost of a taxicab and also
13 provides consumers with clear guidelines and also
14 transparency into fare calculation.

15 The lost and found service remains
16 popular. It's available 24/7. When people lose
17 items by accident, they are able to retrieve them
18 at a rate that is unprecedented.

19 We are inching closer to a 50 percent
20 retrieval rate, largely because we have good
21 citizens and good drivers who when they find
22 something after the fact, sometimes several weeks

1 later, they turn them to the office. We
2 inventory those equipment and we make every
3 effort we can to return the items to the
4 passenger.

5 In cases where we cannot, we turn the
6 items over to the Metropolitan Police Department
7 or a legally registered and licensed non-profit
8 501(c).

9 There have been a lot that has been
10 happening over the years, and we can sit here and
11 look at how well we've done. The future is going
12 to be challenging, but it holds a lot of promise.

13 We can more than replicated accesses
14 if we accept the fact that by having open
15 dialogue, communication, and in some instances we
16 are not always going to agree, we will have a
17 framework of moving forward.

18 Some of you may be wondering what is
19 going to happen after today. Nothing
20 significant, quite frankly because we are still
21 going to be having public hearings, you still
22 have an opportunity to share your thoughts, even

1 within the new Agency structure.

2 Yes, Commissioners and the role of the
3 Commission will be transformed into an advisory
4 council of 11 members. And their role will be to
5 focus on public interest and provide smart
6 recommendations so that when an agency handles
7 rulemaking, it is reflective of what the public
8 wants.

9 Our services will not change. The
10 only thing that will change is that we're going
11 to be raising the bar higher in terms of what
12 success could look like so that incomes go up,
13 consumers have choice, and the vehicle for hire
14 ecosystem remains robust.

15 This are some of the exiting things
16 that we have that we think is worthwhile looking
17 forward to. We have more improvements on the
18 way, and I ask for your continued engagement so
19 that the new DC Department of For Hire Vehicles,
20 as it's introduced over the next couple of
21 months, will be a success. Thank you.

22 Now we'll get into the work at hand,

1 and that is starting with Commission Action
2 Items. But before getting to that, is there
3 anything that my fellow Commissioners want to add
4 in terms of any introductory remarks?

5 All right. The first action item
6 under the section of SafeTrack emergency reflects
7 our position to address problems as they come and
8 to take proactive measures. A few days ago, the
9 Metro system launched Surge 2 of the SafeTrack
10 program. And the level of disruption went up a
11 little bit more than what we have previously
12 experienced.

13 So in response, we have Chapter 5, 12,
14 and 99 emergency that establishes independent
15 vehicle business. General Counsel Lerner, is
16 there a synopsis that you would like to provide?

17 MR. LERNER: Yes. The emergency
18 rulemaking for independent vehicle businesses
19 will give non-residents a pathway for any kind of
20 business that would be a DC based business that
21 they could pair with in order to meet the
22 registration and titling requirements for a

1 vehicle registered in the District.

2 And it's important to understand why
3 that, well at the one hand that allows these
4 individuals to join a market and give more
5 opportunities both for rides and to consumers to
6 have more choices in the vehicles, particularly
7 now during SafeTrack.

8 The other thing that's important is
9 that the IVB itself is not, that's not the end.
10 You still have to do everything else that a
11 resident of the District would have to do. So
12 this is just enough to satisfy the problems that
13 are at DMV and those challenges.

14 These, whoever decides to do this,
15 these individuals, they still have to satisfy all
16 the other conditions for getting tags.

17 CHAIRMAN CHRAPPAH: Thank you. Do any
18 of the Commissioners have any questions on the --

19 COMMISSIONER WADE: Could you clarify
20 that for me? You're saying that vehicle owners
21 from outside of the District of Columbia will
22 have the opportunity to pair with a local

1 District of Columbia business in order to be a
2 for hire vehicle in the District?

3 CHAIRMAN CHRAPPAH: No. An example
4 will be, for example, a caring driver who has the
5 face ID but does not reside in the District of
6 Columbia, residing in Maryland or Virginia.

7 If they want to own their own vehicle
8 based on the existing pathways we have, this will
9 make it, or allow them to have vehicle ownership
10 in their name without having the need to co-
11 title, co-own, all those activities that were
12 done in the past that did not help drivers.

13 This provides them a clear pathway
14 where the vehicle that they paid for that they
15 really own can be in their name.

16 COMMISSIONER WADE: Would they have to
17 paint to our color specifications?

18 CHAIRMAN CHRAPPAH: That's a great
19 question. Yes, all the requirements of a taxicab
20 remain.

21 COMMISSIONER WADE: Everything.

22 CHAIRMAN CHRAPPAH: Everything else.

1 COMMISSIONER WADE: Okay.

2 CHAIRMAN CHRAPPAH: Thank you.

3 COMMISSIONER WADE: So they don't get
4 special treatment.

5 CHAIRMAN CHRAPPAH: No.

6 COMMISSIONER WADE: But they do
7 increase the competition pool?

8 CHAIRMAN CHRAPPAH: Absolutely.

9 MR. LERNER: Yes, and it, just so
10 those who are reading the Agenda, the item 1(a),
11 the one we're discussing is in acting on an
12 emergency basis. Item 3(a) which is up today for
13 a vote for approval is final.

14 CHAIRMAN CHRAPPAH: Okay.

15 MR. LERNER: It's the same rulemaking.

16 COMMISSIONER ZEITLER: Mr. Chairman,
17 can I ask you?

18 CHAIRMAN CHRAPPAH: Yes.

19 COMMISSIONER ZEITLER: I understand
20 that the angle on this, that essentially there's
21 a lot of this happening anyway but there's sort
22 of this artificial, seems like there's this

1 artificial step that drivers have to take to go
2 through a DC business versus just establishing
3 their own and this would be more of a direct path
4 to do this, is that right?

5 CHAIRMAN CHRAPPAH: Yes, that's
6 correct.

7 COMMISSIONER ZEITLER: Do you expect
8 that this would just sort of shift that activity
9 or you think this would, does the Commission
10 expect overall that this would expand the number
11 of vehicles because there will be many more of
12 these people establishing these independent
13 businesses?

14 In other words, is it just the shift
15 from working with the companies to direct so you
16 have the same number of drivers, or do you think
17 this greatly expands, or expands at all the
18 number of drivers out there?

19 CHAIRMAN CHRAPPAH: Over a year or a
20 two year timeframe, what we anticipate is first
21 and foremost those who undertake shady practices
22 will take advantage of this to have the vehicle

1 in their name so that they'll be protected.

2 As far as what will be the impact on
3 the overall vehicle count is hard to predict that
4 as well because as vehicles age out, there's a
5 drop in numbers. And then as people invest in
6 cleaner, fuel efficient vehicles, there will be a
7 net addition of zero.

8 One of the things that I did, to this,
9 is that the policies we've put in place has
10 incentivized the adoption of better vehicles.
11 We've not seen a dramatic jump in the number of
12 active vehicles.

13 So one of the statistics that I was
14 briefed on two weeks ago is the trend in terms of
15 active vehicles. To date we've not even exceeded
16 6,000 active vehicles in spite of all the vehicle
17 agencies that are out there. So that trend
18 remains the same. We see this as a net zero.

19 Without any further questions, do I
20 have a motion to call Item 1 for a vote?

21 COMMISSIONER WADE: So moved.

22 COMMISSIONER ZEITLER: Second.

1 CHAIRMAN CHRAPPAH: Madam Secretary?

2 SECRETARY MIXON: This is for item 1a,
3 Chapter 5, 12, and 99 emergency establishing
4 independent vehicle businesses. Commissioner
5 Ferguson? 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 Wash?
15 Commissioner Zeitler?

16 COMMISSIONER ZEITLER: Yes.

17 SECRETARY MIXON: Commissioner
18 Chrappah?

19 CHAIRMAN CHRAPPAH: Yes.

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

22 CHAIRMAN CHRAPPAH: The second item on

1 the Action Items responding to the SafeTrack
2 emergency covers Chapter 8 and 16 and
3 specifically it clarifies the digital meter share
4 ride calculation method.

5 For some reason, there's been
6 confusion around how shared rides fares are
7 calculated with new digital meter technology.
8 And the purpose of this rulemaking is to make it
9 unambiguously clear that when shared ride fares
10 are being calculated with digital meters, it must
11 ensure that every single passenger that
12 participates in the shared ride ends up paying on
13 average less than what they would have paid
14 without the shared ride.

15 And it essentially creates an
16 incentive for people to pull together, share
17 rides together so that we can have less vehicles
18 and traffic congestion on the road.

19 Do any of the Commissioners have any
20 questions about this matter?

21 COMMISSIONER WADE: Again, as it
22 exists currently, the first person who gets in

1 carries the brunt of the fare?

2 CHAIRMAN CHRAPPAH: Yes.

3 COMMISSIONER WADE: And so with this
4 way, it will be kind of equally distributed?

5 CHAIRMAN CHRAPPAH: Yes. What we are
6 setting is the principle so that the technology
7 catches up to the principal so that if you and I
8 and Jacques decide to share a ride, you don't get
9 stuck with a bigger portion of the bill, I don't
10 get to freeload for the first leg of the trip,
11 and Jacques doesn't get to pay just a penny for
12 going a longer distance.

13 So it's about equity, and we want to
14 make sure that even when digital meters are used
15 to calculate shared rides, it is fair to all
16 parties.

17 COMMISSIONER WADE: And this is for
18 individuals as well as to corporate entities?

19 CHAIRMAN CHRAPPAH: That's correct.

20 COMMISSIONER WADE: Thank you.

21 COMMISSIONER MUHAMMAD: So how could
22 they pay you with a credit card, two people?

1 When I swipe first, that meter goes off.

2 CHAIRMAN CHRAPPAH: The payment for
3 the fare is going to be the same way that we have
4 in place today, and that is at the end of the
5 first leg, the first passenger pays their
6 portion. At the end of the second leg, the
7 second passenger pays their portion, and at the
8 end of the third leg, the third passenger pays
9 their portion.

10 COMMISSIONER MUHAMMAD: So they pay in
11 cash?

12 CHAIRMAN CHRAPPAH: They can pay cash,
13 credit, Apple Pay, Android Pay, all the digital
14 payment methods that we have in place today
15 within the backseat of taxicabs.

16 COMMISSIONER MUHAMMAD: How would they
17 get a receipt? The first time they swipe, the
18 meter goes off and you have to start all over for
19 them to pay. It won't work automatically.

20 CHAIRMAN CHRAPPAH: There is no
21 technical barrier in terms of people getting
22 their receipts. Meter manufacturers have been

1 looked into this regulation, meter shops are on
2 standby to support this implementation.

3 (Off microphone comment.)

4 CHAIRMAN CHRAPPAH: Yes.

5 MR. LERNER: I'm sorry, was your
6 question answered?

7 (Off microphone comment.)

8 COMMISSIONER MUHAMMAD: No, when you
9 swipe the meter, it goes off. They have to start
10 all over again.

11 CHAIRMAN CHRAPPAH: I think, Mr.
12 Muhammad, you may be misunderstanding how the
13 technology works. And I will suggest perhaps
14 after this conversation, we schedule a demo for
15 you to see firsthand how seamless this process
16 is.

17 MR. LERNER: I did want to point out
18 that the rulemaking is substantively the same as
19 item 3e on the agenda which is a final version of
20 the same rule. So this rule has actually been
21 approved and gone through the proposal name and
22 cleared comment and completed comments up to date

1 for final.

2 So this would, like the prior item,
3 enact under an emergency basis something that's
4 already pending that's final, and there's a
5 couple more items like that. And again --

6 (Simultaneous speaking.)

7 MR. LERNER: -- that's for purposes
8 because of SafeTrack.

9 COMMISSIONER WADE: Could you explain
10 why we do that?

11 CHAIRMAN CHRAPPAH: So there's not a
12 --

13 MR. LERNER: In general?

14 CHAIRMAN CHRAPPAH: Yes.

15 MR. LERNER: Oh, sure.

16 COMMISSIONER WADE: Because we have
17 several.

18 MR. LERNER: You do. And the reason,
19 for the first items, is of course the additional
20 demands on transportation because of SafeTrack
21 which some of us have already actually seen and
22 experienced. And which we know is going to be

1 continuing for quite a while.

2 So that's a reason for going ahead and
3 enacting if that's what you choose to do,
4 something that is already pending as done. And
5 for reasons I actually can't explain, the folks
6 who made the rules, they don't like to see
7 emergency and final, a problem with emergency and
8 proposed in a single notice.

9 I just don't understand why they like
10 to see two separate pieces of paper if it's
11 emergency and final. So that's why they're
12 separate. But otherwise the body, the words you
13 see, that would be the regulation, are the same.

14 COMMISSIONER WADE: Okay. But we
15 can't vote on them together.

16 COMMISSIONER MUHAMMAD: We have to
17 vote on them separately.

18 COMMISSIONER WADE: Right.

19 MR. LERNER: And to be fair also, just
20 in terms of practicality, yes it would prevent a
21 gap and get to that rule sooner as opposed to
22 waiting for the rule which as you know can take a

1 while. The sooner you approve the final, there
2 would be a gap waiting for it to go into effect.

3 And given the SafeTrack emergency, you
4 wouldn't want to wait if that's what you wanted
5 to do.

6 COMMISSIONER WADE: Okay, thank you.

7 CHAIRMAN CHRAPPAH: Do I have a motion
8 to call the second item for a vote?

9 COMMISSIONER WADE: I move.

10 COMMISSIONER ZEITLER: Second.

11 CHAIRMAN CHRAPPAH: Madam Secretary,
12 item 1b?

13 SECRETARY MIXON: Yes. Chapter 8, 16
14 emergency. Clarify digital meter shared ride
15 calculation method. Commissioner Ferguson?
16 Commissioner Jolly?

17 COMMISSIONER JOLLY: Yes.

18 SECRETARY MIXON: Commissioner
19 Muhammad?

20 COMMISSIONER MUHAMMAD: No.

21 SECRETARY MIXON: Commissioner Smalls?

22 COMMISSIONER SMALLS: No.

1 SECRETARY MIXON: Commissioner Wade?

2 COMMISSIONER WADE: Yes.

3 SECRETARY MIXON: Commissioner Wash?

4 Commissioner Zeitler?

5 COMMISSIONER ZEITLER: Yes.

6 SECRETARY MIXON: Commissioner

7 Chrappah?

8 CHAIRMAN CHRAPPAH: Yes.

9 SECRETARY MIXON: The vote is four
10 yes, two no.

11 CHAIRMAN CHRAPPAH: Item 1c is also
12 about shared ride. And as much as the Commission
13 and the Agency is encouraging the use of digital
14 meters, we recognize that the vast majority of
15 meters in taxicabs today are legacy taxi meters.

16 So rather than be forward thinking and
17 leave the industry behind, we are taking
18 appropriate measures so that to the extent
19 possible, legacy meters can be reprogrammed to
20 take advantage of the shared ride opportunity.

21 So what this rulemaking essentially
22 does is it keeps the current flag drop, it keeps

1 everything but it changes the per mile rate for
2 shared rides.

3 As my fellow Commissioners mentioned
4 earlier on, today there is really not an
5 incentive for you to share rides because the
6 first guy is stuck with the extra dollar
7 passenger charge, and the second and the third
8 passengers get to freeload.

9 So to make the industry competitive
10 with all the share riding options that are here,
11 we are given vehicle owners and drivers who want
12 to participate in shared riding, it's not a
13 requirement, it's optional.

14 If you want to participate in shared
15 riding, we are allowing you to get your meter
16 reprogrammed so that you keep the flag drop at
17 every leg of the trip, however the rate for
18 distance goes from \$2.16 to \$1.20.

19 Our calculation and our research shows
20 that a driver on average will make more in having
21 two or three people on one trip doing shared
22 riding than having the consumers decide no, I'm

1 going to do a solo trip. That's what this
2 rulemaking essentially does.

3 So rather than wait for digital meters
4 to solve all the issues that a legacy meter
5 presents, it simply gives drivers the option to
6 go to their shop and for rates too to be
7 reprogrammed where the distance is going to be
8 \$1.20 instead of \$2.16. And on average with more
9 passengers in their vehicle, the driver will make
10 more on a per trip basis.

11 Any questions on this matter?

12 COMMISSIONER WADE: Can I come back?
13 I kind of want to get my thoughts together on
14 that question.

15 CHAIRMAN CHRAPPAH: Okay, okay.

16 COMMISSIONER WADE: Okay? Thank you.
17 But I will maybe, I think, ask it in a minute.

18 CHAIRMAN CHRAPPAH: Okay. Any other
19 questions?

20 COMMISSIONER WADE: Oh, I know what my
21 question was.

22 CHAIRMAN CHRAPPAH: Okay.

1 COMMISSIONER WADE: The cost for
2 reprogramming?

3 CHAIRMAN CHRAPPAH: We think this is
4 going to be negligible because meters are
5 required to be recalibrated at least once a year.
6 So drivers can take advantage of this opportunity
7 to get their recalibration done and to get the
8 new rates program.

9 How much they're going to be charged
10 for recalibration, we've seen different things
11 from a very competitive marketplace. Sometimes
12 it's \$20, sometimes if there's something else
13 broken on the meter, it has to be fixed.

14 But they're about, if my memory serves
15 me right, about nine or ten meter charge to
16 ensure that there's competition in terms of
17 drivers who elect to get their meters
18 specifically rate to reprogram for this.

19 Now if a driver is not interested,
20 they don't have to. But more importantly,
21 passengers also have to consent to the shared
22 riding. So this is an economic opportunity that

1 is being made available to drivers without legacy
2 passengers.

3 COMMISSIONER WADE: Thank you.

4 COMMISSIONER ZEITLER: Mr. Chairman,
5 so did you look at, did the Staff look at average
6 length of trips overall for shared riding versus
7 single passenger rides? In other words, the idea
8 of why a driver comes out better on average if
9 there's a shared ride at the lower rate versus a
10 single passenger ride at the higher rate? The
11 math got done on that some way.

12 CHAIRMAN CHRAPPAH: Yes, we looked at
13 the proxy we had based off our trip data was
14 three miles. So we looked at a scenario where
15 two people each go three miles of a total of
16 around six miles.

17 So our analysis showed that with the
18 status quo, people choose not to do a shared ride
19 and one driver ends about \$10.78, and then the
20 other driver will end up at \$9.73.

21 But with the shared ride, the driver
22 will end up making about \$14. I don't remember

1 the both numbers, but we definitely used
2 information on the average length of a shared
3 ride trip and calculated what would be the
4 economic benefit for the drivers and the
5 passengers in that same scenario.

6 COMMISSIONER ZEITLER: Okay, thank
7 you.

8 CHAIRMAN CHRAPPAH: Without any
9 further questions, do I have a motion to call
10 item 1c for a vote?

11 COMMISSIONER SMALLS: So moved.

12 COMMISSIONER ZEITLER: Second.

13 CHAIRMAN CHRAPPAH: Madam Secretary?

14 SECRETARY MIXON: Chapter 8 and 99
15 emergency proposed clarifies legacy meter shared
16 ride calculation method and creates optional
17 legacy meter shared ride fare structure.
18 Commissioner Ferguson? Commissioner Jolly?

19 COMMISSIONER JOLLY: Yes.

20 SECRETARY MIXON: Commissioner
21 Muhammad?

22 COMMISSIONER MUHAMMAD: No.

1 SECRETARY MIXON: Commissioner Smalls?

2 COMMISSIONER SMALLS: Yes.

3 SECRETARY MIXON: Commissioner Wade?

4 COMMISSIONER WADE: Yes.

5 SECRETARY MIXON: Commissioner Wash?

6 Commissioner Zeitler?

7 COMMISSIONER ZEITLER: Yes.

8 SECRETARY MIXON: Commissioner

9 Chrappah?

10 CHAIRMAN CHRAPPAH: Yes.

11 SECRETARY MIXON: The vote is five
12 yes, one no.

13 CHAIRMAN CHRAPPAH: The next action
14 item responding to SafeTrack emergency covers
15 Chapters 10, 12, 99, and specifically authorizes
16 provisional LCS service operator's license.

17 In a nutshell, we are creating a
18 structure where it will be unambiguously clear
19 that the FBI fingerprint background check is the
20 gold standard.

21 However, for companies that we
22 regulate and for companies who define and share

1 their screening process for drivers, for example
2 limousines, they have their own screening and
3 training programs.

4 Once it meets an acceptable threshold
5 at the office, if a driver wants to work, they
6 will first go through the operator's background
7 check so they can start working immediately upon
8 passing. And then once we complete the FBI
9 fingerprint based background check, then they
10 become a fully licensed driver.

11 We see this as helping drivers start
12 making money quicker and at the same time
13 ensuring that the highest level of background
14 check is followed by all people that we regulate.
15 Is there any context that you would like to add,
16 General Counsel?

17 MR. LERNER: No. I would just like to
18 say that the reason for this is this was one day,
19 right. This was the last night of the, related
20 to SafeTrack and that's the reason for making it
21 go emergency as opposed to continuing through the
22 regular non-emergency track.

1 CHAIRMAN CHRAPPAH: Okay. Do any
2 Commissioners have any questions or comments
3 about this item?

4 COMMISSIONER MUHAMMAD: This will stay
5 in effect for a year or when SafeTrack is over?

6 CHAIRMAN CHRAPPAH: Hundred and twenty
7 days.

8 COMMISSIONER WADE: Is that business
9 or calendar?

10 CHAIRMAN CHRAPPAH: Calendar days.

11 MR. LERNER: Calendar?

12 CHAIRMAN CHRAPPAH: Yes, 120 calendar
13 days.

14 COMMISSIONER ZEITLER: I guess, I
15 mean, obviously, you know, there's a reason for
16 doing this with SafeTrack and trying to increase
17 capacity.

18 You just want to make sure that
19 there's some minimum, you know, at least required
20 level of safety in whatever checks we feel like
21 needs to be done beforehand is still getting done
22 so that they're not starting to operate in this

1 way before it's appropriate. And I assume you
2 feel that that threshold, despite the sort of
3 emergency need, do you still feel like that
4 threshold is met?

5 CHAIRMAN CHRAPPAH: Absolutely. What
6 we've been able to land on in doing research not
7 only with the FBI but talking to national
8 background check firms and also those who have,
9 like, sophisticated online forms is that there's
10 a minimum threshold that we are not going to
11 compromise on.

12 With that is sex offense, criminal
13 conviction. There are certain things that you
14 just have to cross that bar before they can get
15 behind a vehicle. And this aims to entrench
16 that, but also lay out the FBI background check
17 on top of that.

18 Do I have a motion to call item 1d for
19 vote.

20 COMMISSIONER WADE: I move to call
21 that.

22 COMMISSIONER MUHAMMAD: Second.

1 CHAIRMAN CHRAPPAH: Madam Secretary?

2 SECRETARY MIXON: 1d, Chapters 10, 12,
3 and 99 emergency authorizes provisional LCS
4 operator's license. 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 Wash?
15 Commissioner Zeitler?

16 COMMISSIONER ZEITLER: Yes.

17 SECRETARY MIXON: Commissioner
18 Chrappah?

19 CHAIRMAN CHRAPPAH: Yes.

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

22 CHAIRMAN CHRAPPAH: The second segment

1 of the Commission Action Item starts with Chapter
2 7 and 16 and is the second emergency establishing
3 DDS payment bonds.

4 Over the last year and a half, we've
5 had the chance to see how seven DDSs operate.
6 And one of the things we've learned in the
7 example of one of the DDSs was that the absence
8 of a bond amount exposes the District and drivers
9 to financial risk.

10 As some of you are aware, DDSs remit
11 one percent of their gross revenue to the office
12 of the Chief Financial Officer and they also
13 remit payments to drivers.

14 So based on the lessons we've learned
15 directly with a PSP and SideCar, that went out of
16 business, we took measures to require a bond
17 amount.

18 Over the course of the comment period
19 and also with additional research, we discovered
20 there are different approaches to not only
21 assessing risk but managing risk of non-payment
22 or financial downturn as it relates to payment to

1 the District and drivers.

2 So we set an initial bond amount at
3 \$250. And what this rulemaking effectively does
4 is it gives the digital dispatch service
5 providers an opportunity to have a lower bond
6 amount but not lower than 100,000 provided they
7 provide the Office of Taxicabs with additional
8 information to assess their risk profile.

9 So if DDSs don't want to provide
10 additional information to assess their risk
11 profile, then the bond amount is 250. However,
12 if they can provide additional information, that
13 helps us assess the risk on a more frequent
14 basis, then they get to pay a lower bond amount,
15 but not less than 100,000.

16 Is there any question from our fellow
17 Commissioners about this? Yes?

18 MR. LERNER: Yes. I think it's
19 important to understand. So the emergency is
20 being continued in order to ensure that there's
21 no gap as we continue to move forward towards the
22 final if that's approved by the Commission which

1 I believe is also on the agenda for today.

2 This will prevent any gap in that
3 requirement which is vital actually since of
4 course DDSs are always, new ones are always
5 popping up.

6 CHAIRMAN CHRAPPAH: Okay.

7 COMMISSIONER WADE: And that's because
8 we have to take action in the emergency, the
9 first emergency is about to expire?

10 CHAIRMAN CHRAPPAH: Yes.

11 MR. LERNER: Yes, it will expire, I
12 think the date, the first one expires, oh it's
13 expired actually. So we do have a gap. So it
14 would be very important if the Commission chooses
15 to do so to reenact. Yes.

16 CHAIRMAN CHRAPPAH: Absent of any
17 questions, do I have a motion to call the item up
18 for vote?

19 COMMISSIONER MUHAMMAD: Moved.

20 COMMISSIONER SMALLS: Second.

21 CHAIRMAN CHRAPPAH: Madam Secretary?

22 SECRETARY MIXON: 2a, Chapters 7 and

1 16, second emergency. Establishing DDS payment
2 bonds. Commissioner Ferguson? Commissioner
3 Jolly?

4 COMMISSIONER JOLLY: Yes.

5 SECRETARY MIXON: Commissioner
6 Muhammad?

7 COMMISSIONER MUHAMMAD: Yes.

8 SECRETARY MIXON: Commissioner Smalls?

9 COMMISSIONER SMALLS: Yes.

10 SECRETARY MIXON: Commissioner Wade?

11 COMMISSIONER WADE: Yes.

12 SECRETARY MIXON: Commissioner Wash?

13 Commissioner Zeitler?

14 COMMISSIONER ZEITLER: Yes.

15 SECRETARY MIXON: Commissioner

16 Chrappah?

17 CHAIRMAN CHRAPPAH: Yes.

18 SECRETARY MIXON: The vote is six yes.

19 CHAIRMAN CHRAPPAH: Thank you. Item

20 2b, Chapter 10, emergency clarifies the
21 conditions when the office is issuing H tags.
22 This required some confusion around the

1 conditions that are currently available for
2 people to meet to get H tags.

3 So those who invest and purchases
4 vehicles, those who invest in the best
5 alternative fuel, aka electricity or electric
6 powered vehicles, and those who accept to
7 participate in Transport DC and help resolve
8 service gaps in underserved areas are positioned
9 to have H tags provided they can resolve their
10 residency issues.

11 So earlier on, if I adopted
12 independent vehicle business so that people who
13 are not District residents can form a District
14 based entity. So the purpose of this rule is to
15 clarify that if you meet the residency
16 requirements or you are able to establish a
17 District based business and you have a face card,
18 and you get a wheelchair accessible vehicle or an
19 electric vehicle, yes you get an H tag.

20 And I know, I see a number of our
21 green hats here. And this should be something
22 that you should be very excited about. We've had

1 conversations that the Commission was invested in
2 ensuring that the small guy, the individual, the
3 entrepreneur who wants to go to manage their own
4 business, who wants to go to make money, work
5 when they want to work, have a pathway. This
6 effectively gives you that pathway.

7 Is there something you want to add,
8 General Counsel?

9 MR. LERNER: Yes. This is a
10 clarification and an emergency enactment of
11 what's already been approved. So as the Chairman
12 said, that was already done, and it was even
13 approved for publication as final and it's
14 pending right now.

15 So this is simply to make that
16 clarification go emergency so that there are
17 absolutely no questions about the fact that the
18 moratorium has been over for quite some time,
19 there are pathways, but there are also conditions
20 and that it's very clear and there really
21 shouldn't be any questions about it lingering at
22 this point.

1 CHAIRMAN CHRAPPAH: Absent any
2 questions from my fellow Commissioners, I would
3 ask do I have a motion to call item --

4 COMMISSIONER MUHAMMAD: Moved.

5 COMMISSIONER WADE: Second.

6 CHAIRMAN CHRAPPAH: Madam Secretary?

7 SECRETARY MIXON: Yes, this is 2b,
8 Chapter 10 emergency clarifies conditions when
9 issuing H tags. Commissioner Ferguson?
10 Commissioner Jolly?

11 COMMISSIONER JOLLY: Yes.

12 SECRETARY MIXON: Commissioner
13 Muhammad?

14 COMMISSIONER MUHAMMAD: Yes.

15 SECRETARY MIXON: Commissioner Smalls?

16 COMMISSIONER SMALLS: Yes.

17 SECRETARY MIXON: Commissioner Wade?

18 COMMISSIONER WADE: Yes.

19 SECRETARY MIXON: Commissioner Wash?
20 Commissioner Zeitler?

21 COMMISSIONER ZEITLER: Yes.

22 SECRETARY MIXON: Commissioner

1 Chrappah?

2 CHAIRMAN CHRAPPAH: Yes.

3 SECRETARY MIXON: The vote is six yes.

4 CHAIRMAN CHRAPPAH: The third
5 Commission Action Item and that the second
6 segment of our Action Items, specifically 2c,
7 Chapter 18, emergency and proposed updates
8 Transport DC fare structure and limits vehicle
9 purchases.

10 Transport DC, as you, most of you are
11 aware, has been a tremendous success in not only
12 reducing transportation inequities but also
13 allowing the District to manage our exposure to
14 subsidies.

15 Over the course of what used to be a
16 pilot program, we've identified opportunities to
17 stretch our investment and also provide some
18 relief to the grantees or the companies that
19 participate in the program.

20 So this emergency and proposed
21 rulemaking gives the office the flexibility to
22 rationalize the requirements for the acquisition

1 of wheelchair accessible vehicles, particularly
2 since now we have grants in several thousands of
3 dollars available, and also allows the Agency to
4 reduce the payment that we lay out for the
5 Transport DC program.

6 This in anticipation of further
7 engagement with our community and our
8 stakeholders to figure out what will be the
9 appropriate balance and the appropriate fare
10 structure.

11 Do any of the Commissioners have any
12 questions about this?

13 COMMISSIONER WADE: Yes I do, sorry.
14 Could you tell me approximately how many drivers
15 or independent owners are taking advantage of the
16 grant to assist them in coming into compliance?

17 CHAIRMAN CHRAPPAH: I'll have a rough
18 estimate. I've not looked at the recent
19 statistics. But in terms of owners who have
20 taken advantage of wheelchair accessible vehicle
21 purchase grant or rental of said grant, there are
22 well over 100. So we --

1 COMMISSIONER WADE: It is being used?

2 CHAIRMAN CHRAPPAH: Absolutely,
3 absolutely.

4 COMMISSIONER WADE: Fine.

5 CHAIRMAN CHRAPPAH: Absolutely. And
6 we've even gone further in ratcheting up
7 monitoring efforts to make sure that the funding
8 that we make available to companies, to drivers
9 get to the ultimate source.

10 One of the things that the grant
11 making or incentives itself address is the
12 utilization of vehicles. About a year and a half
13 ago, we were hovering around 40 percent vehicle
14 utilization.

15 And I've not looked at the statistics
16 for the last couple of weeks, but the last time I
17 checked, we're inching around the 70 percent
18 mark. So we'll continue to make investments in
19 accessibility.

20 We fundamentally think having access
21 to transportation is a fundamental human right.
22 We've had great contribution from the Disability

1 Advisory Committee. They continue to provide us
2 feedback. Customers who take Transport DC, some
3 of them are actually in the audience here, hi I'm
4 glad to see you.

5 And we will continue to engage with
6 the public to ensure that regardless of your
7 disability, you can get a ride when you want it
8 in a reasonable timeframe.

9 COMMISSIONER WADE: Thank you.

10 CHAIRMAN CHRAPPAH: Absent any further
11 questions, do I have a motion to call item 2c for
12 vote?

13 COMMISSIONER MUHAMMAD: So moved.

14 COMMISSIONER SMALLS: Second.

15 CHAIRMAN CHRAPPAH: Madam Secretary?

16 SECRETARY MIXON: Yes. 2c, Chapter 18
17 emergency and proposed updates Transport DC fares
18 and limits vehicle purchases. Commissioner
19 Ferguson? Commissioner Jolly?

20 COMMISSIONER JOLLY: Yes.

21 SECRETARY MIXON: Commissioner
22 Muhammad?

1 COMMISSIONER MUHAMMAD: No.

2 SECRETARY MIXON: Commissioner Smalls?

3 COMMISSIONER SMALLS: Yes.

4 SECRETARY MIXON: Commissioner Wade?

5 COMMISSIONER WADE: Yes.

6 SECRETARY MIXON: Commissioner Wash?

7 Commissioner Zeitler?

8 COMMISSIONER ZEITLER: Yes.

9 SECRETARY MIXON: Commissioner

10 Chrappah?

11 CHAIRMAN CHRAPPAH: Yes.

12 SECRETARY MIXON: The vote is five

13 yes, one no.

14 CHAIRMAN CHRAPPAH: Thank you. Item

15 2d, Chapter 20 emergency and proposed

16 reinstitutes Title 31 fines for very serious

17 violations, but also it amends Chapter 8 with

18 clarifying language of 816.14 so that it is clear

19 these fines are only for serious offenses, not

20 minor traffic violations.

21 And we had a very robust discussion

22 about this during the Commissioner's Work

1 Session. And one of the examples that come to
2 mind is somebody making --

3 COMMISSIONER ZEITLER: A U-turn?

4 CHAIRMAN CHRAPPAH: Yes, yes, a U-turn
5 without endangering passengers, motorists, or the
6 public. Those sort of things are not what we see
7 as issues that warrant the fine.

8 So we are clarifying the language so
9 that drivers understand that the Commission and
10 the Agency is not only committed to ensuring the
11 safe operation of vehicles, but incidents that
12 don't ratchet up to a serious offense are not
13 things that they should be getting tickets for.

14 Tickets can be costly, no matter how
15 small the amount is because you have to spend
16 time dealing with it, and we want to make it
17 clear that our enforcement personnel are focused
18 on public safety and ensuring that motorists,
19 passengers, and operators follow Title 31.

20 And we are simply clarifying that.
21 The U-turn example is not something that warrants
22 a violation or an NOI. Do any of my

1 Commissioners have any questions about this
2 particular matter?

3 Absent any questions, do I have a
4 motion?

5 COMMISSIONER MUHAMMAD: Yes, I have a
6 question. So all the fines will be at least
7 \$500?

8 CHAIRMAN CHRAPPAH: No. No.

9 MR. LERNER: No. At most.

10 CHAIRMAN CHRAPPAH: At most.

11 COMMISSIONER MUHAMMAD: Because I got
12 four tickets for \$500.

13 CHAIRMAN CHRAPPAH: Well, I don't know
14 the details of your tickets, but what we are
15 talking about here is for clarifying language
16 around traffic violations. So I would love to
17 hear a little bit more about those tickets.

18 And as you know, there is an agency
19 that deals with tickets. I don't adjudicate
20 them, the Commission doesn't, the Agency doesn't
21 get involved in that adjudication of tickets.

22 And there's due process. So for the

1 anecdotal piece of it, I would love to hear more
2 about that at a private forum, if that's okay
3 with you.

4 COMMISSIONER MUHAMMAD: Thank you.

5 COMMISSIONER WADE: I have a question.
6 I didn't see here a really serious offense like
7 inebriation and under the influence of drugs. Is
8 that covered?

9 MR. LERNER: Actually, it would be
10 covered, driving in a manner that is clearly
11 unsafe would be under 816.14. It's at the top of
12 the second page.

13 It's things that are essentially
14 really bad and really dangerous, threatening
15 misconduct behind the wheel like that or reckless
16 driving, something like that.

17 COMMISSIONER WADE: And that's all --

18 MR. LERNER: We're not talking about,
19 like, if they U-turn or something.

20 COMMISSIONER WADE: Right. Okay,
21 thank you.

22 COMMISSIONER ZEITLER: My point was

1 this is something that got inadvertently, I
2 thought this was something that was inadvertently
3 that was dropped off of --

4 MR. LERNER: Yes. That's right. What
5 happened was it wasn't included in the complete
6 rewrite where all the fines were reviewed and
7 then lowered and then put into the new Chapter 20
8 which is just a fine schedule that is easy for
9 people to read and see, you know, where fines are
10 and what the caps are which is really what they
11 are. They're all caps.

12 The problem was in that process of
13 taking all the fines from, you know, the 20
14 chapters of Title 31 which is more I think than
15 100 whatever it was, it was over 200 pages long,
16 in the process of doing that we missed a couple
17 of, we missed some fines.

18 We're not talking about a lot, but
19 it's the ones that appear here. And then also at
20 the same time for clarity so people understand
21 what these are about. There about serious
22 offenses, not minor stuff. We rewrote for

1 clarity the language that involves the serious
2 offenses so people would understand what it is
3 we're doing.

4 COMMISSIONER ZEITLER: Okay. Or
5 you're doing. I'm not doing anything.

6 COMMISSIONER WADE: So you're closing
7 loopholes?

8 MR. LERNER: In a way. Well, so you
9 understand, it wasn't that there weren't actions
10 available, but the Commission obviously wants the
11 ability to not just take someone's license.
12 Instead it might be nice as an option to simply
13 have a fine if that's the more appropriate thing.
14 Otherwise, all there might be is a license
15 suspension which in many cases is too harsh.

16 CHAIRMAN CHRAPPAH: Thank you. Do I
17 have a motion to call item 2d for vote?

18 COMMISSIONER ZEITLER: So moved.

19 COMMISSIONER MUHAMMAD: Second.

20 CHAIRMAN CHRAPPAH: Madam Secretary?

21 SECRETARY MIXON: Yes. 2d, Chapter 20
22 emergency and proposed reinstitutes Title 31

1 fines for serious violations. Commissioner
2 Ferguson? Commissioner Jolly?

3 COMMISSIONER JOLLY: Yes.

4 SECRETARY MIXON: Commissioner
5 Muhammad?

6 COMMISSIONER MUHAMMAD: No.

7 SECRETARY MIXON: Commissioner Smalls?

8 COMMISSIONER SMALLS: No.

9 SECRETARY MIXON: Commissioner Wade?

10 COMMISSIONER WADE: Yes.

11 SECRETARY MIXON: Commissioner Wash?
12 Commissioner Zeitler?

13 COMMISSIONER ZEITLER: Yes.

14 SECRETARY MIXON: Commissioner
15 Chrappah?

16 CHAIRMAN CHRAPPAH: Yes.

17 SECRETARY MIXON: The vote is four
18 yes, two no.

19 CHAIRMAN CHRAPPAH: Thank you, Madam
20 Secretary. We'll move to the third segment of
21 our Action Items. And these items are final
22 rules that have completed the comment period.

1 Some of them we've covered in the
2 previous sections so that there will be no gap
3 from when the rules are published to when people
4 can see the benefits in real terms.

5 So 3a as an example covers Chapter 5,
6 12, and 99. And it's essentially the same as
7 item 1a, but we have to vote on it separately, is
8 that right, Counsel?

9 MR. LERNER: Yes. Although I would
10 say some of them include additional matters that
11 are not going emergency. Not this one, but some
12 of the others, just so you understand.

13 CHAIRMAN CHRAPPAH: Yes. So if
14 there's not any significant objection on 3a as an
15 example, do I have the motion to call item 3a for
16 a vote?

17 COMMISSIONER WADE: Yes, so moved.

18 COMMISSIONER SMALLS: Second.

19 CHAIRMAN CHRAPPAH: Madam Secretary?

20 SECRETARY MIXON: 3a Chapters 5, 12,
21 and 99 final establishes independent vehicle
22 businesses. Commissioner Ferguson? Commissioner

1 Jolly?

2 COMMISSIONER JOLLY: Yes.

3 SECRETARY MIXON: Commissioner

4 Muhammad?

5 COMMISSIONER MUHAMMAD: No.

6 SECRETARY MIXON: No, okay.

7 Commissioner Smalls?

8 COMMISSIONER SMALLS: Yes.

9 SECRETARY MIXON: Commissioner Wade?

10 COMMISSIONER WADE: Yes.

11 SECRETARY MIXON: Commissioner Wash?

12 Commissioner Zeitler?

13 COMMISSIONER ZEITLER: Yes.

14 SECRETARY MIXON: Commissioner

15 Chrappah?

16 CHAIRMAN CHRAPPAH: Yes.

17 SECRETARY MIXON: The vote is five

18 yes, one no.

19 CHAIRMAN CHRAPPAH: Item 3b, Chapter
20 6 going final after completing the public comment
21 period. It's not something that we've addressed
22 in the earlier part of this meeting because it's

1 not part of the emergency actions related to
2 SafeTrack or other emergency Action Items.

3 But specifically, we've been talking
4 a lot about ways to improve the riding
5 experiences, be it through training, be it
6 through passenger rights, be through public
7 service announcements.

8 Another component that we are adding
9 which is quite prevalent in the mobile world is
10 the ability to rate your ride experience. What
11 this rule will allow us to do is to put a rating
12 system from poor to excellent on the backseat
13 monitors so that when passengers get into the
14 vehicle, they rate their overall ride experience.

15 This is not about isolating the
16 driver, it is not about isolating the vehicle.
17 It is about the overall riding experience. And
18 this will give us an opportunity to identify
19 areas to improve service.

20 Do any of my fellow Commissioners have
21 any question about this?

22 COMMISSIONER SMALLS: You were

1 talking, where are you going to put this in the
2 back?

3 CHAIRMAN CHRAPPAH: When you sit in
4 the back of the car, specifically if you sit on
5 the, behind, not directly behind the driver, on
6 the other side. I don't know how to describe it.

7 COMMISSIONER SMALLS: The passenger --
8 (Simultaneous speaking.)

9 CHAIRMAN CHRAPPAH: Yes, you'll see a
10 tablet or a screen where the credit card machine
11 is. At any given point during the journey, it's
12 sort of like a survey.

13 COMMISSIONER SMALLS: You just reach
14 over?

15 CHAIRMAN CHRAPPAH: You just reach
16 over and say this is great, this is good, or this
17 is, you know, poor.

18 COMMISSIONER WADE: Just the
19 experience?

20 CHAIRMAN CHRAPPAH: Just the
21 experience.

22 COMMISSIONER SMALLS: Just that one

1 question?

2 CHAIRMAN CHRAPPAH: Just that one
3 question, you know, so it allows us to collect
4 feedback and also to get ahead of things that
5 could have ended up in a complaint because when
6 people feel that they can express their opinion,
7 statistically that reduce complaints coming
8 through the pipeline.

9 COMMISSIONER SMALLS: Now, they do
10 this at the end of the ride?

11 CHAIRMAN CHRAPPAH: They can do it at
12 beginning, the end --

13 COMMISSIONER SMALLS: Because I would
14 think that suppose someone enjoys the ride part
15 of the way, and then at the end it's horrible?
16 If they have already checked it before the ride
17 ends and the ride doesn't end so well and they
18 have already checked, what are they going to do?

19 CHAIRMAN CHRAPPAH: At any given point
20 in time, you can rate. And again, this is a
21 feedback mechanism.

22 COMMISSIONER SMALLS: Yes, I

1 understand that. But my only observation would
2 be that I think that this should come at the end
3 of the ride so that, you know, the person will
4 really be given an honest opinion about how they
5 felt about the ride.

6 CHAIRMAN CHRAPPAH: Okay.

7 COMMISSIONER WADE: My opposition to
8 that concept is that at the end of the ride,
9 you're concerning yourself more with paying for
10 your fare, getting out, getting your belongings.
11 So a more appropriate time is when you're just
12 there and it's either a bad ride or a good ride
13 from the start.

14 You almost know the driver's driving
15 too slow, going too far, or whatever reasons they
16 had for the rating. It's just a rating. It's
17 not life or death or anything, right? So you
18 just say it was a one to ten.

19 CHAIRMAN CHRAPPAH: Yes.

20 COMMISSIONER WADE: Okay.

21 CHAIRMAN CHRAPPAH: And Commissioner
22 Smalls, I can see your perspective just as I can

1 see Commissioner Dotti's perspective. I mean,
2 what we have in place is the ability to change
3 the timing. You know, there's flexibility there.

4 The technology that is in place today
5 can make it only at the beginning, only at the
6 end, sometime in between. And we'll see what the
7 public tells us. One thing we know is that they
8 want the ability to rate.

9 COMMISSIONER SMALLS: Well, I think
10 it's a good idea, but I'm just wondering how it's
11 going to work once the person has already said I
12 give it a ten. Okay, they're happy, their ride
13 start off very well. And at the end, they having
14 problems --

15 CHAIRMAN CHRAPPAH: So you're thinking
16 --

17 COMMISSIONER SMALLS: -- and they want
18 to change over, you want to change over.

19 CHAIRMAN CHRAPPAH: I think I
20 understand. So your question is will people have
21 the opportunity to change their mind?

22 COMMISSIONER SMALLS: Yes.

1 CHAIRMAN CHRAPPAH: Absolutely.

2 COMMISSIONER SMALLS: Right, right.

3 CHAIRMAN CHRAPPAH: Absolutely.

4 COMMISSIONER SMALLS: Okay.

5 CHAIRMAN CHRAPPAH: You can rate one,
6 and then when he tells you there's the Lincoln
7 Memorial, this is where I was born, this is where
8 I play soccer, this is what I have for lunch, you
9 feel the experience is tremendous now. You say
10 well let me just ratchet it up to a five star.
11 That is perfectly fine.

12 COMMISSIONER MUHAMMAD: So since this
13 is only to improve, you don't need the
14 information of the driver?

15 CHAIRMAN CHRAPPAH: It's not, the
16 rating system is not collecting information of
17 the driver. It's not. It's just a five point
18 scale from poor to excellent ride, it's about the
19 ride. And again, I'm going to hammer this home
20 multiple times because that is what makes this
21 thing unique. It's about the ride experience.

22 COMMISSIONER ZEITLER: So do you see

1 this as a, that as an agency system public
2 performance indicator that you would want to
3 track because it's not, obviously you're not
4 going to get specific -- if someone rates it
5 poorly, you're not going to know why they rated
6 it poorly. They're just going to give you an
7 overall rating.

8 So as a mechanism to do direct
9 improvements, it's not really much of a
10 mechanism. But I can understand it as a key
11 performance indicator that you're tracking.

12 CHAIRMAN CHRAPPAH: Yes.

13 COMMISSIONER ZEITLER: So is that --
14 I assume that's what you are looking at --

15 (Simultaneous speaking.)

16 CHAIRMAN CHRAPPAH: That's the
17 objective, because there is also the mobile
18 component, which is separate from the backseat,
19 you know. In any mobile app when you rate your
20 ride experience, obviously, the app knows who you
21 are.

22 But one of the things that we are

1 continuing to, you know, be successful at is
2 bridging the digital versus the non-digital
3 world, where things you can do digitally we
4 provide an opportunity to do that in the physical
5 world.

6 And that's one of the things that is
7 helping change the perception of taxicabs, you
8 know, right. I want to be able to see how my
9 ride goes, and today I cannot.

10 The only way I can do that is to write
11 a letter for compliments or is to write a
12 complaint, you know. What we have seen from some
13 of the focus group studies we have done is that
14 when people have the opportunity just for a ride,
15 they probably won't even go through the complaint
16 process because it's not really a complaint.

17 It's just an opportunity for them to
18 share their experience.

19 COMMISSIONER ZEITLER: So it will be
20 interesting, the only thing you might -- It will
21 be interesting to see, you know, people don't
22 have to do this, right, it's not in the stack of

1 finishing a ride if you decide to do it or not?

2 If people are unhappy they rate it, if
3 they're not they don't. I mean just it will be
4 interesting to see. Depending on your
5 implementation it will be interesting to see what
6 comes out of it.

7 CHAIRMAN CHRAPPAH: Yes.

8 COMMISSIONER WADE: It's kind of like
9 you are call in for your, any charge card or
10 anything, and right at the end they want you to
11 stay online to rate, and you have the option to
12 rate or not. So, yes, correct.

13 COMMISSIONER JOLLY: Yes. But I mean,
14 I think the interesting thing here, I mean data
15 is important, and this data actually will help
16 drivers in this industry, particularly where this
17 Agency is headed in that new dynamic.

18 CHAIRMAN CHRAPPAH: Yes.

19 COMMISSIONER JOLLY: But, also, timing
20 is critical, too, because the driver is doing a
21 lot of things at the end of that ride, verifying
22 payment and looking for the next piece of

1 business.

2 CHAIRMAN CHRAPPAH: Yes.

3 COMMISSIONER JOLLY: So if the rider
4 doesn't want to rate, no problem, but it's got to
5 be quick, boom, boom, and they're out.

6 CHAIRMAN CHRAPPAH: Exactly, yes. The
7 idea is just a one touch and that's it, you know.
8 But we'll have to develop a public awareness
9 campaign around this to explain to people what
10 this is, not just to riders, but also to drivers
11 as well.

12 COMMISSIONER JOLLY: Yes.

13 CHAIRMAN CHRAPPAH: You know, so they
14 can use this as an opportunity to engage
15 passengers, hey, you know what, we care about
16 your ride experience, just tell us what you think
17 by just pressing that button.

18 Absent any further questions do I have
19 a motion to call --

20 MALE PARTICIPANT: Moved.

21 CHAIRMAN CHRAPPAH: Thank you.

22 MALE PARTICIPANT: Second.

1 CHAIRMAN CHRAPPAH: Madam Secretary?

2 SECRETARY MIXON: Yes. This is for

3 3(b), Chapter 6 final, add passenger rating of

4 ride experience to MTS rear console.

5 Commissioner Ferguson?

6 (No audible response.)

7 SECRETARY MIXON: Commissioner Jolly?

8 COMMISSIONER JOLLY: Yes.

9 SECRETARY MIXON: Commissioner

10 Muhammad?

11 COMMISSIONER MUHAMMAD: Yes.

12 SECRETARY MIXON: Commissioner Smalls?

13 COMMISSIONER SMALLS: Yes.

14 SECRETARY MIXON: Commissioner Wade?

15 COMMISSIONER WADE: Yes.

16 SECRETARY MIXON: Commissioner Walsh?

17 (No audible response.)

18 SECRETARY MIXON: Commissioner

19 Zeitler?

20 COMMISSIONER ZEITLER: Yes.

21 SECRETARY MIXON: Commissioner

22 Chrappah?

1 CHAIRMAN CHRAPPAH: Yes.

2 SECRETARY MIXON: The vote is six yes.

3 CHAIRMAN CHRAPPAH: The third item,
4 3(c), covers Chapter 7, and this is also going
5 final. This references and is essentially about
6 service of enforcement actions within the
7 District of Columbia. Counselor Lerner, a
8 synopsis?

9 MR. LERNER: Yes. Yes, this is a
10 proposed rule had completed comment, and I
11 believe we did not receive any comments. This
12 was allowing service of an NOI anywhere within
13 the District, currently I think it is limited to
14 a place of business and so forth, which is
15 actually much more limited than you would be in
16 let's say a civil action in the D.C. Courts.

17 It is unnecessary to limit it like
18 that and, in fact, it is perfectly fine and
19 within due process and the MPA to allow service
20 anywhere in the District of Columbia.

21 So we have expanded that rule, you all
22 have expanded that rule in clear comment. Again,

1 no comments were received and so it's up today
2 without any changes or addition to the rules as
3 final.

4 CHAIRMAN CHRAPPAH: Thank you. Are
5 there any questions about this action item in
6 3(c)?

7 (No audible response.)

8 CHAIRMAN CHRAPPAH: Absent any
9 questions do I have a motion?

10 COMMISSIONER WADE: So moved.

11 COMMISSIONER ZEITLER: Second.

12 CHAIRMAN CHRAPPAH: Madam Secretary?

13 SECRETARY MIXON: 3(c), Chapter 7
14 final, service of enforcement actions within the
15 District of Columbia. Commissioner Ferguson?

16 (No audible response.)

17 SECRETARY MIXON: Commissioner Jolly?

18 COMMISSIONER JOLLY: Yes.

19 SECRETARY MIXON: Commissioner
20 Muhammad?

21 COMMISSIONER MUHAMMAD: Yes.

22 SECRETARY MIXON: Commissioner Smalls?

1 COMMISSIONER SMALLS: Yes.

2 SECRETARY MIXON: Commissioner Wade?

3 COMMISSIONER WADE: Yes.

4 SECRETARY MIXON: Commissioner Walsh?

5 (No audible response.)

6 SECRETARY MIXON: Commissioner

7 Zeitler?

8 COMMISSIONER ZEITLER: Yes.

9 SECRETARY MIXON: Commissioner

10 Chrappah?

11 CHAIRMAN CHRAPPAH: Yes.

12 SECRETARY MIXON: The vote is six yes.

13 CHAIRMAN CHRAPPAH: Thank you. Item

14 3(d) is one that covers Chapters 7 and 16, both

15 final, and it's one of the items that we

16 addressed earlier on in Section 1, so barring any

17 other --

18 (Off microphone comment.)

19 CHAIRMAN CHRAPPAH: Sorry. We

20 addressed in Section 2(a). So barring any

21 additional questions -- Counselor, do you have a

22 statement?

1 MR. LERNER: Yes, just briefly so
2 people understand. It is the exact same language
3 that's in 2(a) for the substance of the rule for
4 purposes of the APA.

5 No substantial changes have made.
6 There is additional text, the same as in the
7 second emergency compared to the first emergency.

8 Those are not substantial changes
9 because all of those changes lower the burdens on
10 effect on stakeholders, including changes that
11 were made in response to comments.

12 So no new burdens were imposed and the
13 only thing that was done was to make it easier
14 for people to comply, where in some instances
15 they don't even have to do it.

16 CHAIRMAN CHRAPPAH: Thank you. And
17 can you explain to the public what is APA, the
18 acronym?

19 MR. LERNER: The Administrative
20 Procedures Act, which applies to all agencies,
21 establishes procedures and requirements for all
22 sorts of things, for fairness and for compliance

1 with constitutional due process and in some
2 instances it even goes well beyond.

3 CHAIRMAN CHRAPPAH: Thank you. Do I
4 have a motion?

5 COMMISSIONER ZEITLER: Moved.

6 COMMISSIONER WADE: Second.

7 CHAIRMAN CHRAPPAH: Madam Secretary?

8 SECRETARY MIXON: 3(d), Chapters 7 and
9 16 final, establishes DDS payment bonds.
10 Commissioner Ferguson?

11 (No audible response.)

12 SECRETARY MIXON: Commissioner Jolly?

13 COMMISSIONER JOLLY: Yes.

14 SECRETARY MIXON: Commissioner
15 Muhammad?

16 COMMISSIONER MUHAMMAD: Yes.

17 SECRETARY MIXON: Commissioner Smalls?

18 COMMISSIONER JOLLY: Yes.

19 SECRETARY MIXON: Commissioner Wade?

20 COMMISSIONER WADE: Yes.

21 SECRETARY MIXON: Commissioner Walsh?

22 (No audible response.)

1 SECRETARY MIXON: Commissioner

2 Zeitler?

3 COMMISSIONER ZEITLER: Yes.

4 SECRETARY MIXON: Commissioner

5 Chrappah?

6 CHAIRMAN CHRAPPAH: Yes.

7 SECRETARY MIXON: The vote is six yes.

8 CHAIRMAN CHRAPPAH: Thank you. Item

9 3(e) is the same as Item 1(b). Do I have a

10 motion?

11 COMMISSIONER SMALLS: Yes, and I move

12 we do.

13 COMMISSIONER ZEITLER: Second.

14 CHAIRMAN CHRAPPAH: Thank you. Madam

15 Secretary?

16 SECRETARY MIXON: Yes. 3(e), Chapters

17 8 & 16 final, clarifies digital meter shared ride

18 calculation method. Commissioner Ferguson?

19 (No audible response.)

20 SECRETARY MIXON: Commissioner Jolly?

21 COMMISSIONER JOLLY: Yes.

22 SECRETARY MIXON: Commissioner

1 Muhammad?

2 COMMISSIONER MUHAMMAD: No.

3 SECRETARY MIXON: Commissioner Smalls?

4 COMMISSIONER SMALLS: Yes.

5 SECRETARY MIXON: Commissioner Wade?

6 COMMISSIONER WADE: Yes.

7 SECRETARY MIXON: Commissioner Walsh?

8 (No audible response.)

9 SECRETARY MIXON: Commissioner

10 Zeitler?

11 COMMISSIONER ZEITLER: Yes.

12 SECRETARY MIXON: Commissioner

13 Chrappah?

14 CHAIRMAN CHRAPPAH: Yes.

15 SECRETARY MIXON: The vote is five

16 yes, one no.

17 CHAIRMAN CHRAPPAH: Thank you. Item

18 3(f) --

19 (Off microphone comment.)

20 CHAIRMAN CHRAPPAH: Okay. Section

21 3(f) covers Chapters 10, 12, and 99 and it goes

22 final with respect to authorizing provisional LCS

1 operator's license.

2 One substantive component about that
3 is the requirement for disability sensitivity
4 training. As a City, as a Commission, we are
5 taking a stand that all drivers must have
6 disability sensitivity training.

7 So for anybody who is going to get a
8 license, even if it's a provisional license, they
9 would have to go through the process of
10 disability sensitivity training at no cost.

11 We currently provide that training for
12 free and we are extending this opportunity, not
13 just to provisional license drivers, but also to
14 new and renewing operator's license.

15 Is there any question about this
16 matter?

17 COMMISSIONER WADE: Yes. So if they
18 don't get the training and they are up for
19 renewal that is denied or held up until such
20 training is completed?

21 CHAIRMAN CHRAPPAH: That is correct,
22 and the training is provided for free. They can

1 login to the online portal that is available to
2 all drivers or they can go to some of the taxi
3 cab companies that have training centers with a
4 computer lab where they can sit there with a
5 headset and take their training.

6 We see this as one of the fundamental
7 ways that we can not only improve ridership
8 experience, but also reduce the exposure that
9 drivers can have with respect to lawsuits.

10 I think a couple of days ago there was
11 something on our WUSA about some companies
12 reaching a settlement with the American
13 Federation for the Blind, or ACF, one of these
14 stakeholder organizations, and one of the key
15 things was the need for drivers across the all
16 vehicle for hire ecosystem to be sensitive to
17 passengers with disabilities.

18 So since we have a developed a
19 training course working with several advocacy
20 groups, the Office of Disability Rights, we are
21 saying yes, it's free, it takes little time, just
22 login at your convenience to complete a training

1 before you would get a license.

2 COMMISSIONER WADE: Is it available
3 downstairs as well?

4 CHAIRMAN CHRAPPAH: We don't have a
5 training center here, but a course is available
6 online so that they can take it from their
7 smartphones or a library or any computer.

8 COMMISSIONER WADE: Okay.

9 COMMISSIONER SMALLS: When they finish
10 the training is there anything to indicate that
11 they really understood what they saw?

12 CHAIRMAN CHRAPPAH: Yes. There is a
13 number of sections where --

14 COMMISSIONER SMALLS: Is there a
15 little quiz or something?

16 CHAIRMAN CHRAPPAH: Yes, yes, yes,
17 there is a quiz component.

18 COMMISSIONER SMALLS: Okay.

19 CHAIRMAN CHRAPPAH: And then for those
20 who don't get an answer they are told, provided
21 an explanation of how to reason to get to the
22 right conclusion and they get a chance to retake

1 it.

2 COMMISSIONER SMALLS: Okay.

3 CHAIRMAN CHRAPPAH: So this is all
4 done electronically at the convenience of the
5 driver or operator.

6 COMMISSIONER SMALLS: All right.

7 CHAIRMAN CHRAPPAH: Absent any -- Are
8 there any further questions on this?

9 (No audible response.)

10 CHAIRMAN CHRAPPAH: Okay. Do I have
11 a motion to move?

12 COMMISSIONER SMALLS: This is a final?

13 CHAIRMAN CHRAPPAH: Yes.

14 COMMISSIONER SMALLS: So moved.

15 COMMISSIONER ZEITLER: Second.

16 CHAIRMAN CHRAPPAH: Madam Secretary?

17 SECRETARY MIXON: Chapters 10, 12, and
18 99 final, authorized provisional LCS operator's
19 license. Commissioner Ferguson?

20 (No audible response.)

21 SECRETARY MIXON: Commissioner Jolly?

22 COMMISSIONER JOLLY: Yes.

1 SECRETARY MIXON: Commissioner

2 Muhammad?

3 COMMISSIONER MUHAMMAD: No.

4 SECRETARY MIXON: Commissioner Smalls?

5 COMMISSIONER SMALLS: Yes.

6 SECRETARY MIXON: Commissioner Wade?

7 COMMISSIONER WADE: Yes.

8 SECRETARY MIXON: Commissioner Walsh?

9 (No audible response.)

10 SECRETARY MIXON: Commissioner

11 Zeitler?

12 COMMISSIONER ZEITLER: Yes.

13 SECRETARY MIXON: Commissioner

14 Chrappah?

15 CHAIRMAN CHRAPPAH: Yes.

16 SECRETARY MIXON: The vote is five

17 yes, one no.

18 CHAIRMAN CHRAPPAH: Okay. We can now

19 move to the fourth section of our meeting today

20 and the fourth section is a judicial matter.

21 So I will ask General Counsel Lerner

22 to explain the process and to help us conduct the

1 proceeding.

2 MR. LERNER: Thank you, Chairman.

3 This is a judicial matter. This is actually
4 being appealed, it's not quite accurate on the
5 agenda. It's actually an appeal of Hitch, Inc.
6 v. the Office of Taxicabs.

7 This is an appeal from the April 4,
8 2016, denial by the Office of Hitch's application
9 to renew its payment service provider operating
10 authority.

11 Hitch filed a timely appeal from that
12 decision with the Commission on April 18th and
13 this will be heard by the Commissioners, each
14 individually with the ability to vote, cast their
15 vote, which I'll explain in a moment.

16 Consistent with the procedures that
17 were distributed to the Petitioner, and this is
18 the same procedure, so essentially that I think
19 have been used in every case that have been
20 heard, is that it is limited to the
21 administrative record.

22 This is not going to be a trial,

1 you're not going to be seeing witnesses today,
2 there will be no one testifying, and there will
3 be no additional evidence placed into the record.

4 The administrative record is
5 available, has been shared with the Petitioner,
6 but there were two additional items which were
7 accepted and added to the administrative record
8 which were provided by Hitch, I think yesterday
9 or something like that.

10 They are now in the record and those
11 are also the basis of the appeal, so nothing else
12 is looked at, that is the basis for the
13 Commissioners to make their decision sitting as
14 judges essentially.

15 So what's going to happen today is
16 that the parties, the Office and Hitch, will be
17 allowed to answer questions that the
18 Commissioners may have, if they have any
19 questions, and when they are done it will just
20 take as long as it takes.

21 Once that is concluded the matter will
22 be called for a vote by the Secretary and then

1 each Commissioner will separately vote to affirm,
2 reverse, or remand the April 4th decision of the
3 Office.

4 And affirm means that the decision was
5 legally and factually sound and correct and that
6 is that vote essentially. If they reverse they
7 find that there was an error, it was a factual
8 error or a legal error, the Office made a
9 mistake, it should have granted the authority,
10 and that's the decision.

11 Alternatively, if there is a remand it
12 means that the Commissioner has decided that he
13 or she is unable to reach a decision to either
14 affirm or reverse based on the record and so it
15 goes back.

16 That's it. Those are the only three
17 options, there are no other options, and each
18 Commissioner votes separately as a judge.

19 I will caution everybody to understand
20 that because this is the nature of a judicial
21 proceeding it is very inappropriate to approach
22 one of the Commissioners to discuss what is

1 essentially ex parte, which means out of the
2 presence of the other party, anything having to
3 do with this case.

4 You can talk to the Commissioners all
5 you like when we are not in session, but on this
6 until -- Oh, and there's one more thing. So the
7 vote will happen today and that constitutes the
8 judgment of the Commission.

9 There will be very promptly a written
10 decision to reflect the reasoning, the findings
11 of fact and conclusions of law, which is what
12 happens in a lot of court proceedings, but until
13 that happens it is inappropriate for anyone,
14 particularly the parties, to be approaching the
15 Commissioners to discuss the case.

16 It should not happen and it must not
17 happen, they will not talk to you, and I ask that
18 you not talk to them because they are, the
19 judicial proceeding is not completed until they
20 sign their decision, which each of them will do.

21 And so we are going to call the matter
22 as called, it's Hitch, Inc. v. the Office of

1 Taxicabs, and appearing for Hitch I imagine is
2 Mr. Miller, David Miller, and your attorney is
3 Aaron Cummings, is that correct?

4 MR. MILLER: Yes.

5 MR. LERNER: So if you want to come
6 forward and be seated before the Commissioner,
7 and calling the Office of Taxicabs, Shirley Kwan-
8 Hui will be appearing for the Office, and
9 representing the Office will be Adam Mingal,
10 Assistant General Counsel.

11 If you would please all come to the
12 table. We've got four chairs and make sure --
13 You need microphones so you can answer questions.

14 (Off microphone comment.)

15 MR. LERNER: Sure. The other way.
16 Mr. Miller, do you have an attorney with you
17 today?

18 MR. MILLER: No.

19 MR. LERNER: All right. All right,
20 are the parties ready?

21 (No audible response.)

22 MR. LERNER: Are the parties ready?

1 MR. MINGAL: Yes.

2 MR. LERNER: Mr. Miller?

3 MR. MILLER: Yes.

4 MR. LERNER: All right.

5 Commissioners, in any particular order, or
6 whatever questions you have related to the
7 administrative record or to the decision feel
8 free to just go ahead and ask it of the parties.

9 And if you -- Oh, you probably should
10 have a microphone.

11 (Off microphone comments.)

12 COMMISSIONER WADE: Would it be
13 possible for you to give us just a brief, my
14 question is a brief overview of the denial?

15 MR. LERNER: It is possible, but I
16 want to make it as accurate as I can. I want to
17 make sure that I don't misspeak, what I am going
18 to do is read directly out of the record, I'm not
19 going to do anything else.

20 COMMISSIONER WADE: Okay, thank you.

21 MR. LERNER: And I think the parties
22 should be allowed to then -- If you have a

1 question based on that they should be allowed to
2 respond to that as if it were a question posed.

3 (Off microphone comments.)

4 MR. LERNER: I'm reading from Exhibit
5 9, which is in the administrative record. I am
6 reading from Exhibit 8, which is in the -- I
7 stand corrected by my Assistant General Counsel.

8 MR. MILLER: I'm going to go get my
9 records if it's okay.

10 MR. LERNER: Do you need a copy of the
11 administrative record?

12 MR. MILLER: I have it on my computer.

13 MR. LERNER: We actually have a copy
14 here for you.

15 MR. MILLER: Okay.

16 MR. LERNER: If you want to just go
17 ahead and give Mr. Miller your copy. I have a
18 copy here. Why don't you just leave that up
19 there for the parties to use, all right?

20 (No audible response.)

21 MR. LERNER: Okay. These are the
22 reasons that are stated in the April 4th

1 decision. It says, this is direct to Hitch.

2 Dear Mr. Miller, "You have failed to demonstrate
3 that your MTS includes a driver console
4 incorporating a capability for an electronic
5 driver manifest."

6 "As you were informed during the
7 review process over the past three plus months
8 each PSP applying for renewal must provide this
9 capability."

10 "Your manifest capability does not
11 meet this requirement because it is missing the
12 following fields, 1) the vehicle's tags (license
13 plate) number, 2) the time (duration) and mileage
14 of each trip, 3) the number of passengers, and 4)
15 the total mileage and duration of time at the end
16 of the tour of duty (based on the date and time
17 at operator login and the date and time at
18 logoff)."

19 I am not going to read the citations
20 of authority, that's in -- It's there. There are
21 citations of authority. Paragraph 2, "You have
22 failed to demonstrate that your MTS incorporates

1 a passenger console that displays the
2 navigational path of the vehicle (a GPS map)."

3 Again, there is authorities cited, I'm
4 not going to read that. Those are the two bases
5 that were stated in the denial.

6 COMMISSIONER WADE: Thank you.

7 COMMISSIONER ZEITLER: I guess -- Do
8 I need a microphone or can I just talk loud?

9 CHAIRMAN CHRAPPAH: Yes, let's pass
10 the microphone.

11 COMMISSIONER ZEITLER: I guess this
12 question is for any of you, but maybe for the
13 Assistant General Counsel, so I take it the
14 factual finding at the, you know, of the Agency
15 was that a) that these factors or these service
16 elements weren't present, and b) that they remain
17 through the deadline for making them fix, is that
18 right?

19 MR. MINGAL: Yes, that's correct, and
20 there was actually a demonstration session of
21 Hitch's MTS on the very last day of the renewal
22 period, which would have been March 31, 2016.

1 And in that session it was revealed
2 that, excuse me, the GPS requirement and the
3 electronic manifest requirement were not met, so
4 it was as of that date, and the letter went out
5 April 4th.

6 COMMISSIONER MUHAMMAD: Hitch, could
7 you tell me how many electronic manifests you
8 installed in vehicles?

9 MR. MILLER: Certainly, and I
10 appreciate the opportunity to speak. I will note
11 that this issue goes back before the one day in
12 question where we actually did the demonstration
13 out in front of the DCTC Headquarters, right on
14 the street out here.

15 The emails and, or actually the
16 letters that went back and forth between Hitch
17 and the Commission date back to December. There
18 were a number of back and forth volleys, if you
19 will, where the Commission would say, talk about
20 these things, we don't see evidence of these
21 things present.

22 And we would send a letter back and

1 then they'd send another letter and they'd find
2 another two things to ask us about, and then we'd
3 respond to that, and they'd find something else,
4 and the we'd respond back to that.

5 So this process actually started way
6 back in November of 2015 and there was actually a
7 PSP audit that was conducted in December of 2015
8 where Hitch came out to be the most compliant
9 PSP.

10 We got the best score on that audit
11 that as actually made publicly available --

12 MR. LERNER: Mr. Miller, is that part
13 of the administrative record? What you are
14 saying right now is that part of the
15 administrative record? I --

16 (Simultaneous speaking.)

17 MR. MILLER: I'm just, I'm attempting
18 --

19 MR. LERNER: No, just answer my
20 question. Is that part of the administrative
21 record?

22 MR. MILLER: I am attempting to answer

1 the question that was posed to me.

2 MR. LERNER: I see. I'm going to ask
3 you to stick to the administrative record in your
4 answers, okay. I think background information is
5 fine, but the Commissioners are not allowed to
6 consider anything outside of the administrative
7 record.

8 Do you have an answer to your
9 question?

10 COMMISSIONER MUHAMMAD: I'm not sure.

11 MR. LERNER: You can ask it again. If
12 you want to ask it again you are welcome to.

13 COMMISSIONER MUHAMMAD: How many
14 digital manifests were installed?

15 MR. MILLER: So the digital manifests,
16 the findings here, these four things, right, that
17 are clearly laid out here, these were actually
18 formatting errors that we had on our digital
19 manifests.

20 So we had digital manifests in place,
21 it's a digital service that we make available to
22 all the cars, but these findings are basically

1 saying that the information that was presented on
2 the digital manifest was not formatted properly.

3 COMMISSIONER MUHAMMAD: So you don't
4 know how many were installed?

5 MR. MILLER: It's a digital service,
6 we make it available to all the cars. We flip a
7 switch and it was available for all of our cars
8 immediately, all, approximately 1700 cars.

9 MR. LERNER: You can ask the same
10 question of either side.

11 COMMISSIONER MUHAMMAD: Do you know
12 how many were installed, how many digital
13 manifests?

14 MS. KWAN-HUI: We do not know how many
15 that were installed to answer your question.
16 Hitch has replied that on January 31, 2016, it
17 would be available.

18 So we have extended to all the PSPs to
19 come in for a demo up until February 29th, but
20 when Hitch did not take advantage of it we
21 extended to March 31st for them to come, when
22 they came in.

1 So when they came in we did not see
2 all the fields that are required on the digital
3 manifests and the day before, on March 30th, they
4 also supplied a screen print for us, but it did
5 not show all the fields, so that's why at the
6 demo we made sure that, you know, all the fields,
7 required fields on the regulations were there.

8 And, unfortunately, four of these
9 views were not.

10 CHAIRMAN CHRAPPAH: At the time when
11 the demo was conducted did Hitch meet the
12 electronic manifest requirements, yes or no?

13 MS. KWAN-HUI: No.

14 CHAIRMAN CHRAPPAH: Mr. Miller, how
15 long have you been at PSP?

16 MR. MILLER: Since the very beginning
17 of the existence of PSPs in the City, so
18 approximately three years I believe.

19 CHAIRMAN CHRAPPAH: Thank you.

20 COMMISSIONER ZEITLER: But are you --
21 So I don't understand. I mean, you know, so the
22 Agency found that the requirement wasn't met and

1 it continued not to be met and from what I have
2 seen in the record, it was something that I saw
3 in the record that would suggest to me that there
4 is something, you know, there's a real -- You
5 know, we can't, it's hard for us to, we can't
6 really say okay, we're going to revisit all the
7 facts, are you suggesting there is some sort of
8 egregious error that was made, but that that's
9 really not the case?

10 MR. MILLER: What Shirley just stated
11 is true, okay. On the date of our examination
12 due to some formatting problems the fields were
13 not displayed in the exact manner that they
14 wanted them to be displayed.

15 That issue was resolved almost
16 immediately and has been fixed long ago.

17 COMMISSIONER MUHAMMAD: Had your
18 operating authority been revoked?

19 MR. LERNER: Can I just ask for a
20 clarification, are you asking that as part of,
21 that it was revoked? At which time, I just want
22 to make sure they understand the question?

1 MR. MILLER: I understand.

2 MR. LERNER: Okay.

3 MR. MILLER: So --

4 COMMISSIONER MUHAMMAD: Because you
5 wasn't meeting the requirement for the digital
6 manifest was it revoked?

7 MR. MILLER: So it was -- It expired.
8 My understanding is that all of the PSPs had
9 their operating authority expired at the end of
10 March and some of them when they --

11 COMMISSIONER MUHAMMAD: I just asked
12 about Hitch.

13 MR. MILLER: Yes. So ours, my
14 understanding about Hitch is our authority
15 expired at the end of March and it was not
16 granted a new operating authority.

17 So if you look on the website Hitch is
18 not listed as having operating authority. We
19 still operate, we serve a third of the market, we
20 do a third of the trips in the City.

21 Approximately 2000 cars and over 3000
22 drivers use our service. So we don't have, my

1 understanding is we don't have authority now, but
2 we were allowed to continue operations.

3 MR. LERNER: There is -- I mean I can
4 answer this from the record legally. There was
5 no revocation.

6 All of the PSPs that continued to,
7 that put into renew, including Hitch, that
8 process, which was a detailed process of looking
9 at all of the documents and so forth, and in many
10 cases were, it was my understanding, going back
11 for more information was just continued across
12 the board, that included Hitch.

13 And then once there was a decision our
14 rules allow for folks, generally speaking, not in
15 every instance, if a license is not renewed then
16 pending an appeal, and Hitch took a timely appeal
17 in this case, that's why it's allowed to continue
18 operating right through this very moment.

19 And so it's not that it was renewed,
20 it wasn't, and that's what the appeal is about,
21 but that's why Hitch is here and that's why Hitch
22 is able to continue to operate.

1 COMMISSIONER WADE: I have two
2 questions. The first one, Mr. -- Adam?

3 MR. MINGAL: Yes.

4 COMMISSIONER WADE: Yes. Why didn't
5 he comply with the requirements, why didn't he
6 just comply with the requirements?

7 MR. MINGAL: So the -- I'll address
8 the GPS requirement first. That is actually
9 something that the Office became aware of on
10 March 31st for the first time, and the reason for
11 that was all PSPs were invited in to demo their
12 MTS in a, I believe it was a February 18th
13 letter, and all of them were scheduled
14 substantially sooner than March 31st.

15 Hitch was actually the last PSP to
16 schedule theirs and as a result we became aware
17 of the GPS requirement deficiencies on that date.
18 In terms of the manifests --

19 MR. LERNER: Mr. Mingal?

20 MR. MINGAL: Yes?

21 MR. LERNER: It's not the only one
22 that scheduled a demonstration. Was it timely

1 demonstrated?

2 MR. MINGAL: No, it was not timely
3 demonstrated.

4 MR. LERNER: Within the time and was
5 it considered a part of the renewal process?

6 MR. MINGAL: It was considered as part
7 of the renewal process.

8 COMMISSIONER WADE: The renewal.

9 MR. LERNER: It's not relevant?

10 COMMISSIONER WADE: Right.

11 MR. LERNER: Okay.

12 COMMISSIONER WADE: Okay, so then, Mr.
13 Miller, my question is the same, why didn't you
14 all comply? You said a glitch, but when you have
15 almost 2000 vehicles it's not a glitch.

16 MR. MILLER: Yes, that's a good
17 question. So we were focused on fulfilling what
18 we thought was the most important requirements,
19 which was the 911 emergency button in the
20 backseat.

21 So we were working very hard and that
22 was our focus to showcase that, which we

1 successfully showcased, and we were the only PSP
2 to have that up and running in a live format on
3 April 1st.

4 So in our focus on that we ended up
5 having a small formatting issue that did exist
6 during the evaluation that was fixed almost
7 immediately, and that has been fixed for a long
8 time.

9 COMMISSIONER WADE: But almost
10 immediately wasn't by the deadline?

11 MR. MILLER: Right. It was --

12 COMMISSIONER WADE: Okay. And so then
13 my last question is are you able to reapply?

14 MR. MILLER: We have reapplied.
15 Almost immediately we appealed and we reapplied
16 and we have been, we've already, we did our demo
17 last week I believe. Shirley, is that --

18 We did a demo last week where we
19 successfully demonstrated the --

20 MR. LERNER: Mr. Miller? Mr. Miller,
21 please, I'm sorry, I didn't mean to make it that
22 loud. Please don't discuss the content of that.

1 It is not part of the administrative record and I
2 am going to caution Mr. Mingal and the Office
3 that you do the same, please.

4 Anything else that is happening right
5 now with respect to Hitch, Hitch has rights and
6 obligations there, and so does the Office, and
7 it's not part of the administrative record.

8 COMMISSIONER WADE: Yes, I just wanted
9 to --

10 MR. LERNER: Right. Do you have any,
11 or maybe you have more questions --

12 (Simultaneous speaking.)

13 COMMISSIONER WADE: Yes. He said he
14 did and that's good.

15 MR. LERNER: Okay.

16 COMMISSIONER WADE: Thank you.

17 MR. LERNER: Go ahead.

18 COMMISSIONER SMALLS: Anybody can
19 answer this if you can. Considering you were
20 given a deadline of May 23, 2016, regarding the
21 PSP's operating authority, why did you wait so
22 long to get back to the Office in June on the

1 21st?

2 MR. MILLER: So the deadline was March
3 31st --

4 COMMISSIONER SMALLS: No, the deadline
5 that I am talking about was May 23rd, May 23,
6 2016.

7 MR. MILLER: No.

8 COMMISSIONER SMALLS: That was not it?

9 MR. LERNER: No.

10 MR. MILLER: The deadline was the
11 31st. We were the last company to do our demo.
12 As was stated earlier we did come in on, or the
13 30th or the 31st, and like I explained earlier
14 the reason we had waited is we were working to
15 take our 911 emergency button system live.

16 We wanted to showcase that. We were
17 the only PSP to have that functional on that
18 date.

19 (Off microphone comment.)

20 MR. MILLER: Can I just speak to that?

21 MR. LERNER: -- reading from if it's
22 not part -- anything that's after the decision is

1 not part of the record.

2 MR. MINGAL: And I think what
3 Commissioner Smalls is referring to is the
4 submission of documentation deadline that was
5 given to Hitch, which was May 23rd, and they
6 submitted additional documentation on June 21st,
7 so I think that's --

8 COMMISSIONER SMALLS: Yes.

9 MR. LERNER: That is not related --

10 MR. MINGAL: That was the question, I
11 think was --

12 MR. LERNER: So is it or is it not
13 related to this decision?

14 MR. MINGAL: It's not.

15 MR. LERNER: I don't see how it can
16 be.

17 MR. MINGAL: Only indirectly.

18 MR. LERNER: So it should not be
19 considered by the Commissioners. Does everyone
20 understand?

21 COMMISSIONER ZEITLER: Okay. Can you
22 walk us through the timeline of the relevant

1 dates of -- It would be just very high-level, it
2 would just be helpful to, when they were supposed
3 to comply, maybe the initial failure, notice of
4 that, and then the subsequent failure to fix it,
5 it would just be good to get a high-level
6 timeline of that.

7 CHAIRMAN CHRAPPAH: Yes, and if I
8 could add to Commissioner Zeitler's question,
9 please, take us through the timeline from
10 November 18, 2015, what was supposed to happen,
11 what didn't happen, right up to March 30th or the
12 31st, because it is important for everybody to
13 understand what that requirement was, what it
14 benchmarked, and what came out of it, Mr. Mingal?

15 MR. MINGAL: Yes, it's all in the
16 record. So I'll just give a general overview and
17 then Shirley can fill in any details.

18 So Hitch applied for renewal of its
19 operating authority on November 18th of last year
20 and there are many requirements in Title 31 that
21 apply to them that include but are not limited to
22 the GPS and the electronic manifest violations

1 that they were cited for in their non-renewal
2 letter.

3 On December 29th was when the Office
4 notified Hitch that it had not demonstrated
5 compliance with several such requirements, one of
6 which is the electronic manifest requirement.

7 There were several other requirements
8 that they did ultimately come into compliance
9 with by the April 4th deadline, so I'm not going
10 to mention those.

11 MR. LERNER: Can we take a brief
12 recess in place? One moment please.

13 MR. MINGAL: Sure.

14 MR. LERNER: Thanks.

15 (Whereupon, the above-entitled matter
16 went off the record at 3:17 p.m. and resumed at
17 3:19 p.m.)

18 MR. LERNER: We're reconvening please.
19 Mr. Mingal, you were in the middle of --

20 MR. MINGAL: Yes. So I think I was
21 discussing the December 29th letter that went out
22 to Hitch notifying that they were not in

1 compliance with certain requirements of Title 31,
2 one of which was the electronic manifest.

3 And there were several other
4 requirements that they did ultimately comply with
5 by the March 31st deadline.

6 Hitch was directed to supply
7 additional documentation that demonstrated
8 compliance or a plan to achieve full compliance
9 by February 1st. And that was supposed to have
10 been received by 1/15.

11 Hitch did submit additional
12 documentation which the office reviewed. And in
13 a February 19th letter, the office notified Hitch
14 that it had still not met all of the PSP and MTS
15 requirements. And they followed up with a
16 revised PSP application on March 18th.

17 Just going back briefly to the
18 February 19th letter, as I had mentioned earlier,
19 it invited them in to demonstrate their MTS no
20 later than February 29th. And since they had not
21 that, they had not scheduled that, they were sent
22 another invitation in March for such a

1 demonstration.

2 And they were actually the last PSP to
3 demonstrate their MTS with the office on March
4 31st, which is when the office first learned of
5 the GPS requirement being deficient, which is
6 that the passenger console in the back of the
7 taxicab show a navigational path.

8 And that has been a requirement in the
9 regulations for several years, I believe, as well
10 as the, excuse me, the manifest violations or
11 deficiencies that were still present, which were
12 that the manifest was missing certain fields that
13 were required under the regulations, which are
14 specifically the vehicle tag, the total mileage,
15 the duration of the trip, and the mileage of each
16 trip at the end of the trip.

17 So Hitch was sent a letter denying the
18 renewal application for operating authority on
19 April 4th. They were given two weeks to take an
20 appeal to the Commission, which they timely
21 appealed on April 18th. And they're allowed, as
22 Mr. Lerner mentioned earlier, to operate pending

1 the adjudication by the Commission of that
2 appeal. So that's where we are now.

3 MR. MILLER: One other clarifying
4 point to make is, as I stated earlier, this
5 process did start way back in November. There's
6 been a number of letters that have gone back and
7 forth. Every time we've got a letter requesting
8 information, we have timely replied to that
9 letter with the proper information.

10 This process culminated on March 31st.
11 As I stated earlier, we are working hard to
12 implement the 911 or the emergency call button,
13 which we did. We were the only PSP to have that
14 up and running on that date. The two issues that
15 were found in our demo have been long fixed,
16 almost immediately.

17 COMMISSIONER ZEITLER: I know that,
18 but it sounds like you're not --- At the end of
19 the day, it sounds like you're not disputing that
20 you guys were not in compliance on the relevant
21 date.

22 MR. MILLER: On the day that we had

1 our demo, there were some formatting errors which
2 ---

3 COMMISSIONER ZEITLER: So would you
4 guys agree, I mean, you're basically suggesting
5 this is just a technical, there were technical --
6 this is just sort of a technicality, not really
7 out of compliance. I'm not sure if the record
8 should, you know, is that --- would you say the
9 record suggests that?

10 MS. KWAN-HUI: The two items, one is
11 the digital electronic manifest. So it was
12 missing the fields. And then the second one is
13 not having the GPS or navigation path. And they
14 have submitted a screen-print on the 30th.

15 But when we did the demo, actually,
16 you know, we didn't see that function. And there
17 was also a third item which is the visually
18 impaired functionality. And ---

19 MR. LERNER: Hold on just one second
20 here. Is what you're about to discuss, is that
21 part, was that in the April 4th decision, just --
22 - it's a yes or no question. Because I read the

1 April 4th decision earlier out loud. I don't
2 recall anything about what you just said. This
3 is a yes or no question. Is it part of the
4 decision? Because I didn't see it there. I
5 think the answer's no and --

6 MS. KWAN-HUI: The answer is no and --

7 -

8 MR. LERNER: Then I ---

9 MS. KWAN-HUI: That was a point that
10 I wanted to make. Because ---

11 MR. LERNER: Does it relate directly
12 to one of those two things?

13 MS. KWAN-HUI: No.

14 MR. LERNER: Then please don't discuss
15 it.

16 MS. KWAN-HUI: But --

17 CHAIRMAN CHRAPPAH: So at the end of
18 the day, on March 31st, on that date, Hitch had
19 not met the requirements. Is that yes or no, on
20 the deadline?

21 MS. KWAN-HUI: Yes.

22 CHAIRMAN CHRAPPAH: Did Hitch meet all

1 the requirements?

2 MS. KWAN-HUI: No.

3 CHAIRMAN CHRAPPAH: Okay.

4 MR. LERNER: Are there any further
5 questions from the Commissioners?

6 MR. MILLER: Can I add --

7 MR. LERNER: We're not allowing any
8 argument, Mr. Miller.

9 MR. MILLER: Okay.

10 MR. LERNER: The office --

11 MR. MILLER: And I respect your
12 decision.

13 MR. LERNER: The Commission secretary
14 can call the matter for a vote. I guess we can
15 call. Can I have a motion to call the matter for
16 a vote?

17 COMMISSIONER MUHAMMAD: Moved.

18 COMMISSIONER WADE: Second.

19 MR. LERNER: It's going to the appeal
20 --

21 SECRETARY MIXON: This is vote for
22 going to appeal of the judicial with Hitch.

1 MR. LERNER: Yes. That was to affirm,
2 reverse, or remand the April 4th decision of the
3 office.

4 SECRETARY MIXON: And, Commissioners,
5 you need to answer either affirm, reverse or
6 remand on the April 4th decision of the Office of
7 --

8 (Audio interruption.)

9 SECRETARY MIXON: Commissioner
10 Ferguson?

11 (No audible response.)

12 SECRETARY MIXON: Commissioner Jolly?

13 COMMISSIONER JOLLY: At least from
14 all the facts that I've seen, I'm going to have
15 to affirm.

16 SECRETARY MIXON: Commissioner
17 Muhammad?

18 COMMISSIONER MUHAMMAD: Affirm.

19 SECRETARY MIXON: Commissioner Smalls?

20 COMMISSIONER SMALLS: Affirm.

21 SECRETARY MIXON: Commissioner Wade?

22 COMMISSIONER WADE: Affirm.

1 SECRETARY MIXON: Commissioner Wash?

2 (No audible response.)

3 SECRETARY MIXON: Commissioner

4 Zeitler:

5 COMMISSIONER ZEITLER: Affirm.

6 SECRETARY MIXON: Commissioner

7 Chrappah?

8 CHAIRMAN CHRAPPAH: Affirm.

9 SECRETARY MIXON: Okay. The

10 Commissioners present, six Commissioners present

11 have all voted affirm.

12 MR. LERNER: There will be a written
13 decision incorporating findings of fact and
14 conclusions of law. That will be issued promptly
15 and served upon the parties.

16 (Off microphone comments.)

17 MR. LERNER: No, the record's closed.
18 The record is closed.

19 COMMISSIONER WADE: Yes. I do have a
20 question.

21 MR. LERNER: Okay. Unrelated?

22 COMMISSIONER WADE: It has no bearing.

1 I mean, we've already voted out --

2 MR. LERNER: We have done the first
3 item.

4 COMMISSIONER WADE: I was just
5 wondering, effective immediately, based on this
6 decision, will they still be permitted --

7 MR. LERNER: No. This does not affect
8 -- until the written decision is issued and is
9 served, I don't --

10 COMMISSIONER WADE: Did we sign it?

11 MR. LERNER: Yes.

12 COMMISSIONER WADE: So he's still
13 permitted to operate?

14 MR. LERNER: That's correct.

15 COMMISSIONER WADE: That's my question.

16 MR. LERNER: Yes.

17 CHAIRMAN CHRAPPAH: Hitch is permitted
18 to operate until the final decision is inked.

19 MR. LERNER: Correct.

20 COMMISSIONER WADE: And you do have
21 your new app here?

22 MR. MILLER: We do have our new

1 application. It's been submitted.

2 COMMISSIONER WADE: Okay, thank you.

3 MR. LERNER: And, Mr. Miller, do we
4 have your current contact information? We're
5 going to serve it on your attorney for you.

6 MR. MILLER: To our attorney.

7 MR. LERNER: Is your attorney Mr.
8 Cummings?

9 MR. MILLER: Yes.

10 MR. LERNER: Very good. Thank you.
11 All right. The parties are excused.

12 CHAIRMAN CHRAPPAH: Parties are
13 excused. We're going to move to the exciting
14 part, quite frankly, of the agenda.

15 (Laughter.)

16 CHAIRMAN CHRAPPAH: I see the people
17 yawning. And so I think after the breaks, and
18 I'll be sensitive to the time invested to
19 participate in today's meeting.

20 So we will address fact check quickly
21 and then move to the registered speakers, many of
22 whom, I'm sure, have a lot more exciting things

1 that they would like us to hear as Commissioners,
2 particularly on this last Commission meeting, as
3 we are currently constituted. Madam Secretary,
4 could you read the fact check?

5 COMMISSIONER WADE: Yes. This fact
6 check addresses statements made during a public
7 comment period at the prior general Commission
8 meeting on May 11th, 2016.

9 While speakers are free to discuss any
10 issue, time is limited. So please be brief and
11 to the point, discuss specific issues, not
12 generalizations. And above all, be truthful and
13 accurate.

14 Although the Commission does not
15 answer questions, it will correct misstatements
16 through the fact check. Here are the corrections
17 for the more significant misstatements at the May
18 11th meeting.

19 A speaker asked about the vehicle
20 extension process under Subsection 609.7 of the
21 regulations, suggesting that the Commission
22 charges owners for the required safety

1 inspection.

2 This is not correct. The required
3 safety inspection is conducted by outside
4 parties, typically by taxicab companies. DCTC
5 does not set any charges or collect any fees for
6 these inspections. The Commission understands
7 that companies typically charge about \$200 to
8 conduct the inspections.

9 Number 2, a speaker said that DCTC has
10 issued more than 900 new operators licenses,
11 meaning face cards, in the past year. This is
12 not correct. The Commission has issued
13 approximately 325 new operators licenses since
14 May 1, 2015.

15 Third, two speakers suggested that
16 private vehicles like Lyft, Split, and UberX are
17 unregulated and that their drivers are not
18 subject to enforcement by inspection officers.

19 This is not correct. Private sedans
20 became legal on March 10th, 2015, under the
21 Vehicle-for-hire Innovation Amendment Act of 2014
22 and are now regulated by Chapter 19 of Title 31.

1 Private sedan drivers are required to
2 comply with these rules which include not taking
3 street hails. Enforcement actions include
4 ticketing and towing.

5 More than 200 NOIs were issued to
6 private sedan drivers from January through the
7 end of April 2016. Those are the fact checks for
8 this meeting. Thank you.

9 CHAIRMAN CHRAPPAH: Thank you, Madam
10 Secretary. Now could we go to the registered
11 speakers?

12 COMMISSIONER WADE: Yes. The first
13 registered speaker is Mr. Abraham Demisse. You
14 will have five minutes. And do you have your
15 written statements?

16 MR. DEMISSE: Yes.

17 COMMISSIONER WADE: Thank you. If you
18 would spell your name for the court reporter,
19 then start.

20 MR. DEMISSE: My name is Abraham
21 Demisse, A-B-R-A-H-A-M, Demisse, D-E-M-I-S-S-E.
22 I want to take off my hat with respect for the

1 Commissioners, but it has a message. So I'm
2 going to keep it on if you guys don't mind.

3 My name is Abraham Demisse. I am a
4 member of DC Cab Drivers Seeking a Replacement H
5 Tags. Our members, approximately 120, are people
6 who owned their own cabs before DCTC decided to
7 stop issuing new tags in the fall of 2010.

8 Today, none of our members own their
9 own cab, because none of us have our own H tag.
10 The reason we do not have our own H tag is that
11 we complied with Title 31. That's right. We
12 don't have a tag, because we followed the rules.

13 Specifically, Title 31 requires that
14 we return our tag whenever our cab is removed
15 from service. Our members did just that for a
16 variety of reasons. And when we were ready to
17 put our cab back into service, DCTC refused to
18 let us get a replacement H tag from DMV.

19 Recently, DCTC began authorizing H tag
20 again. To get one of these tags, cab drivers
21 must purchase wheelchair accessible or electric
22 cars into service.

1 This effort to modernize and green the
2 industry is a good step. In fact, most of our
3 members have been saying for nearly two years now
4 that, given the chance to return to the industry
5 as senior cab drivers we are, we will do so with
6 hybrid cabs. However, our interest in
7 modernizing the industry has been entirely
8 ignored by the Office of Taxicabs and DCTC.

9 Also in February, Council member Mary
10 Cheh specifically told Chairman Chrappah to issue
11 a replacement H tag in an expedited manner to the
12 232 people identified in DCTC's 2015 H tag
13 report.

14 To date, the Chairman has not done
15 that. Instead, in early March he introduced a
16 complicated rulemaking that, at its core, tries
17 to exclude many of the 232 cab drivers Mary Cheh
18 advocated for.

19 Then, between March and mid-June, as
20 we waited for the rulemaking to be published in
21 DC Register, neither DCTC or any other DC agency
22 was able to tell us where the rulemaking was in

1 process.

2 On July 17th, the rulemaking was
3 finally published. And while we will participate
4 in the comment period, it is important to note
5 that it took more than three months for the
6 rulemaking to resurface. I have to say, there is
7 nothing expedited about that.

8 While the Office of Taxicabs drags its
9 feet with respect to replacement tags, for cab
10 drivers who should not have been denied a tag in
11 the first place, our members are left in the
12 margins.

13 After all, the fact remains each of
14 our members used to own his own cabs. And the
15 day DCTC refused to let us have a replacement
16 tag, it has stripped us of our own small business
17 and the economic opportunity that comes with
18 being our own boss. This is very serious, and
19 enough is enough.

20 While our members may choose to
21 transition to electric or accessible cabs in the
22 near future, right now we need to return to the

1 industry under the operating standard in place
2 before this most recent modernization push.

3 You must stop ignoring the problem the
4 Office of Taxicab has caused. Stop ignoring
5 common sense, stop ignoring Council member Mary
6 Cheh. Resolve this issue once and for all by
7 issuing a replacement H tag to cab drivers
8 wrongly pushed out of the taxi business. And do
9 it now, please.

10 Thank you for letting me testify. And
11 I appreciate the opportunity I have been given.
12 Thank you.

13 CHAIRMAN CHRAPPAH: Thank you,
14 Abraham. Did you get a chance to see the agenda
15 before today's meeting?

16 MR. DEMISSE Yes.

17 CHAIRMAN CHRAPPAH: And did you
18 understand the rules that have been passed today?

19 MR. DEMISSE: Yes.

20 CHAIRMAN CHRAPPAH: All right, thank
21 you.

22 MR. DEMISSE: Are you referring to ---

1 MALE PARTICIPANT: No further
2 questions. That's all. You can have a seat.

3 CHAIRMAN CHRAPPAH: Next registered
4 speaker?

5 SECRETARY MIXON: All right. Next
6 registered speaker is Mr. Larry Frankel.

7 MR. FRANKEL: Since I put in -- can I
8 let Massoud go first?

9 SECRETARY MIXON: Okay. We're going
10 to switch, Mr. Massoud Medghalchi?

11 MR. FRANKEL: Thank you.

12 SECRETARY MIXON: Do you have your
13 statements?

14 MR. MEDGHALCHI: Yes, ma'am. I did
15 this just for you.

16 SECRETARY MIXON: All right. If you
17 would start by spelling your name for the record,
18 then I will start the time.

19 MR. MEDGHALCHI: Massoud Medghalchi
20 representing a board member at Dominion of
21 DCPTDA. Do I need to spell it?

22 SECRETARY MIXON: Yes.

1 MR. MEDGHALCHI: M-A-S-S-O-U-D M-E-D-
2 G-H-A-L-C-H-I. Thank you. I will begin by a
3 part that is not -- actually, thank you for
4 letting me speak. I will be starting with a part
5 that's not in the testimony before you. This
6 will be a general part to give context to this
7 speech I've written.

8 When people in democratic societies,
9 which mainly are the industrialized nations in
10 the world, tacitly or actively participate in
11 eroding democratic institutions, what they do is
12 drop their societies or put it on a slippery
13 slope towards the Third World.

14 Unfortunately, District of Columbia
15 not only is well on its way, it's there. And
16 this is supposed to be the capital of the Free
17 World. It's laughable. It's quite laughable.

18 My speech is basically directed
19 towards Ms. Cheh. It's not an indictment of any
20 of you. Today we rise in opposition to Ms. Cheh
21 as the chair of Public Works and Transportation.
22 We ask for her immediate removal by Mr. Phil

1 Mendelson, the chair of City Council.

2 Her tenure has meant nothing but
3 disaster for the taxi industry. Her actions in
4 the past few years predicate not only lack of
5 empathy and fairness to the wellbeing of cab
6 drivers but demonstrate a disdain and contempt
7 for the industry.

8 Title 31 legislation of 2012, dubbed
9 reform modernization, authored by Ms. Cheh,
10 achieved the following which are only a few
11 examples of many disasters she's created.

12 Stripped the owners of ownership of
13 their small businesses and made them quasi
14 government employees without compensation or the
15 benefits afforded to the government employees.

16 Corporate cronyism which resulted in
17 eight and a half to nine and a half percent
18 credit card transaction fee, that's cumulative
19 with other fees that were included there.

20 Judicial proceedings became kangaroo
21 courts, lack of due process. Wide latitude for
22 DCTC and MPD officers to make illegal and

1 warrantless stops as well as levy onerous, cruel,
2 and unusual fines via tickets. Industry is being
3 used as a source of revenue for the city while
4 its constituents are being starved by shared
5 riding and TNCs alike.

6 Philadelphia Park Police report dated
7 sometime in 2015, I believe it was in November,
8 of taxicabs ratio per capita in the country puts
9 DC's cab system at approximately four times
10 higher than that of the highest second per capita
11 city in the country, unmatched in the
12 industrialized world.

13 However, Ms. Cheh saw it necessary to
14 diligently lobby the rest of the city council
15 members to vote to legalize shared riding, aka
16 TNCs. Henceforth, statistical data, which all
17 currently agreed to, the trip per hour versus the
18 gross income per hour, per driver, has been
19 dissipated, as a result, starving the industry
20 and transferring their income to mostly people
21 with jobs who are supplementing their income.
22 This is a grotesque sense of justice and fair

1 play.

2 For the first time in the history of
3 the District cab industry of Washington, D.C.,
4 cab drivers income has fallen below the poverty
5 line according to a report by Department of
6 Labor, by DC government.

7 On a parallel report by New York Stock
8 Exchange, which is also dated about eight months
9 ago, the Washington, D.C. cab drivers have lost
10 over 40 percent. Currently, the numbers being
11 floated are 69 percent of the passengers lost by
12 DC cab drivers.

13 Ms. Cheh was notified in public
14 hearings numerous times of the peril drivers were
15 facing with private cars in the role of passenger
16 pickups. Time and again she ignored the warning
17 signs. DC streets have become a brothel for
18 people with private cars to prostitute their
19 services to unsuspecting members of the public.

20 I would appreciate if you let me
21 finish. It's coming to an end.

22 This level of gypsy activity has never

1 existed in DC until a black sedan service started
2 by Uber, followed by UberX, Lyft, et cetera,
3 which only added fuel to fire. Drivers and their
4 families are losing their livelihood, shelter,
5 food off their tables. The tragedy unfolding is
6 truly inhumane. It is commonplace for a driver
7 to go one and half to two hours between trips.
8 That level of business activity is unsustainable
9 for the industry.

10 Ms. Cheh's attitude toward the
11 industry can be summed up in two words she used
12 at a legislative session in 2015, peanut gallery.
13 That was out of her mouth directly, because I was
14 at that, I was attending that hearing while she
15 was giving cab drivers' jobs away. Thank you.

16 CHAIRMAN CHRAPPAH: Thank you,
17 Massoud. Next speaker.

18 SECRETARY MIXON: Mr. Larry Frankl.

19 SECRETARY MIXON: You said your copies
20 were taken away?

21 MR. FRANKL: Yes.

22 SECRETARY MIXON: Okay. I will take

1 the one please.

2 MR. FRANKEL: Oh, okay.

3 SECRETARY MIXON: Thank you. So if
4 you would say and spell your name, then I'll
5 start the time.

6 MR. FRANKEL: Okay. My name is Larry
7 Frankl, L-A-R-R-Y F-R-A-N-K-E-L. I've actually
8 been brought back to life as chairman of Dominion
9 of Cab Drivers for our last meeting here. And I
10 will thank you for being a Commission, and the
11 last one, and for your time.

12 I'm not here to insult you. It's just
13 a sad day that the government decides to reverse
14 itself in its own democracy by changing a
15 commission into a department. It's quite a day.

16 But anyway, taxicabs and taxicab
17 drivers have been over a 100-year iconic
18 institution of Washington, D.C. No greater
19 insult could be delivered by the City Council and
20 DC City Council Member Mary Cheh than our
21 industry permanently stricken from the public
22 record.

1 I will be a cab driver forever in my
2 heart. But as of today, and right now, and this
3 month, I am no longer, and I will not come back
4 into the industry. So I will wish you a goodbye
5 from myself as much as you're wishing me a
6 goodbye. So it's apropos that it all ends this
7 month for me too. So thank you, and goodbye.

8 CHAIRMAN CHRAPPAH: Thank you, Larry.
9 Any more registered speakers?

10 SECRETARY MIXON: Yes, Mr. Royale
11 Simms. You previously distributed your
12 statement?

13 MR. SIMMS: I made a substantial
14 change though. So maybe ---

15 SECRETARY MIXON: Okay. So if you
16 would spell your name, then I will start your
17 time.

18 MR. SIMMS: Good afternoon. My name
19 is Royale Simms, R-O-Y-A-L-E S-I-M-M-S. Good
20 afternoon. I'm the business agent for the
21 Washington, D.C. Taxi Operators Association and
22 Teamsters Local 922. Thank you for the

1 opportunity to make comments.

2 This is the final meeting of the
3 District of Columbia Taxicab Commission. And we
4 want to thank you, all the Commissioners, for
5 your service.

6 The Commission was formed to bring
7 democratic reforms into an industry that lacked
8 transparency. The Commission was designed to
9 ensure that drivers will have the standard rules
10 that they operate under. The goal was to create
11 an organization that would be equally responsible
12 for representing the needs of consumers and
13 drivers.

14 In many respects, the Commission was
15 unsuccessful, because it did not provide
16 regulatory stability, and it was frequently
17 overruled by the City Council.

18 The purpose of the change in structure
19 from the Taxicab Commission to the Department for
20 For-Hire Vehicles is the creator entity
21 responsible for regulating all vehicles for hire
22 in the city. However, at the last minute an

1 amendment was passed to carve out any
2 jurisdiction over Uber, Lyft, and other private
3 vehicles for hire companies.

4 So now we have the Department of For-
5 Hire Vehicles doing the same job as the DC
6 Taxicab Commission, regulating taxicab drivers
7 with little to no regulatory enforcement power
8 over companies with questionable ethics and a
9 history of breaking the law.

10 For example, the regulatory power of
11 the DC Taxicab Commission was used to issue 200
12 tickets to private vehicles for hire while
13 overall there have been over 4,000 tickets issued
14 to taxicab drivers in the same time period.

15 For example, we do not know how many
16 vehicles are on the roads of DC working for Uber,
17 Lyft, Split, and other companies because of the
18 regulatory carve-out passed by the DC Council.

19 We hope that the Department of For-
20 Hire Vehicles will bring more transparency and
21 accountability to the operations of government.
22 We will continue to voice the concerns of taxicab

1 drivers and deliver results.

2 A statement on the income of drivers,
3 the recent changes in the industry have decimated
4 drivers' incomes. And it has been over 24 months
5 since the last public hearing to review the rate
6 structure.

7 The rules today changed the rate
8 structure without any public comment. We demand
9 review of the rates. We demand that the taxi
10 rate reflects the cost of labor. The DCTC
11 reported that drivers do not make a living wage.
12 That is unacceptable. Thank you.

13 CHAIRMAN CHRAPPAH: Thank you, Mr.
14 Simms. Madam Secretary, who's next?

15 SECRETARY MIXON: Those are all of the
16 registered speakers.

17 CHAIRMAN CHRAPPAH: Okay. We have
18 about five minutes. Is there any unregistered
19 speaker that would have something to share?

20 SECRETARY MIXON: Yes. I do see a man
21 in the front in a green hat. I do see Mr. Tyson.
22 Anybody else, last shot?

1 MALE PARTICIPANT: That's it.

2 SECRETARY MIXON: Okay. Gentlemen --

3 MR. TEFERI: Just a question I have.

4 CHAIRMAN CHRAPPAH: This is not a
5 question and answer session. So we'll have a
6 staff member address the question you have.

7 MR. TEFERI: Oh, okay. I just ---

8 CHAIRMAN CHRAPPAH: Okay.

9 SECRETARY MIXON: So, yes. So we're
10 happy to. So, sir, if you would say and spell
11 your name for the court reporter, you will have
12 two minutes.

13 MR. TEFERI: My name is Kahsay Teferi,
14 K-A-H-S-A-Y T-E-F-E-R-I.

15 SECRETARY MIXON: You may start.

16 MR. TEFERI: Thank you. Thank you for
17 the Commissioner. We appreciate for give us
18 opportunity and to express our feelings. First
19 of all, my name is Kahsay Teferi. I am a
20 resident of Washington, D.C. And I'm a member of
21 the DC H Replacement Tag. I've been driving more
22 than 35 years. And I'm a US citizen, and I vote.

1 However, even -- I could show to you
2 my ID, I've been driving for 35 years without
3 interruption. And also renewed my face all the
4 time. However, I've been denied for more than
5 three years which is --- I returned my tag
6 before. But, you know, on the 2012 been denied.

7 And still my question, my concern is
8 we -- just give us our tag to replacement as well
9 as before. I'll be returning, and we'd be
10 returning, and we'll get it back. And still we
11 need to return with our replacement, our tag, not
12 only for me but whoever applies for about 232, or
13 it could be more than that. So this is what I
14 can concern myself.

15 The Commissioners should think about
16 our live. This is about our life. We have been,
17 you know, suffering from renting, from economy,
18 from so many things. If I have my -- I already
19 buy a tag, I already have a car right now which
20 is hybrid 2016. If you give me my tag, I'll just
21 go to work as well as before. Thank you.

22 SECRETARY MIXON: If you could start

1 by stating and spelling your name, then I will
2 start the timer for two minutes.

3 MS. TYSON: Okay. My name is Carol
4 Tyson, and it is spelled C-A-R-O-L T-Y-S-O-N.

5 CHAIRMAN CHRAPPAH: Carol, if I may
6 interrupt. Could you give her five minutes,
7 since she has submitted something written?

8 SECRETARY MIXON: Okay, five minutes.
9 Because you have a written statement.

10 MS. TYSON: Thank you very much.
11 Thank you for the opportunity to provide public
12 comment. I currently serve as the chair of the
13 DCTC's Accessibility Advisory Committee. I am
14 submitting these comments on my own behalf though
15 as an advocate and District resident with a
16 disability.

17 I am here first and foremost to thank
18 the Commissioners, chairman, staff and all the
19 stakeholders in the room behind me for the work
20 you have done to ensure taxi service is
21 accessible to all District residents.

22 The increase in the numbers of

1 wheelchair accessible taxis and the
2 implementation of the Transport DC Program has
3 transformed the lives of many District residents.

4 If you provide the service, you have
5 likely heard the stories from riders who use the
6 service to get to work, to school, to cultural
7 events, medical appointments, to spend time with
8 family and friends, and in times of emergency.
9 District residents with disabilities are able to
10 contribute to and participate in the community
11 because of this program.

12 Yesterday we held our monthly
13 Accessibility Advisory Committee meeting and
14 heard from members of the riding public. We
15 don't usually get the public to our meetings, so
16 this was pretty exciting.

17 It was clear to me, and anyone else
18 who was there, that riders are extremely
19 passionate about their new levels of access to
20 transportation.

21 I hope that, if you've not had a
22 personal conversation with someone who benefits

1 from the wheelchair accessible taxi service, that
2 you will have the opportunity to do so in the
3 near future. Please know that this service that
4 is provided is no small thing. The rapid rise in
5 requests reflects the major gap in access that is
6 being filled in the District.

7 While there is still work to be done
8 to ensure quality of service and to ensure the
9 need is met, I thank you sincerely for your
10 support.

11 Finally, as the Commission finds its
12 new identity as a department, I urge leadership
13 and staff to, one, ensure enforcement
14 requirements are met for the 12 percent of the
15 taxi fleet that needs to be wheelchair accessible
16 by the end of the year. And I heard you say that
17 you're working on that, Chairman.

18 And, two, provision of service to
19 wheelchair users and participation in the
20 Transport DC Program, if required to do so, is
21 enforced.

22 Thank you again for the opportunity to

1 provide comment. As always, I am available for
2 questions and will strive to maintain an open
3 dialogue between the Accessibility Advisory
4 Committee and all stakeholders.

5 Thank you all for your efforts to
6 ensure access and equity for the District's
7 residents and visitors with disabilities. Thank
8 you.

9 CHAIRMAN CHRAPPAH: Thank you very
10 much, Carol. I'm going to turn the microphone
11 over to my fellow Commissioners who may have a
12 few words. But there's something that I want to
13 share with those who are still sitting here.
14 Because it's been one of my biggest
15 disappointments for the year that I've been in
16 this position.

17 And it is something very simple that
18 begs the question do we even read? When we put
19 up an agenda, and we put forth proposed
20 regulations, or even emergency rulemaking, it
21 states the objective in the preamble, and it
22 states what can be done, or what problem we are

1 trying to solve.

2 Today, I've heard different kinds of
3 testimonies which is a reflection of previous
4 trends. We've created multiple pathways for
5 people to get H tags. Yet, I can promise you,
6 tomorrow, the day after, ten years from now,
7 we're still going to be hearing the same
8 question. I want an H tag.

9 Quite frankly, it is extremely
10 disappointing. And that, in my opinion, is an
11 example of one of the fatal flaws of our people
12 in the taxi industry. I'm hopeful that we can
13 turn it around. Things that benefit people when
14 it's so obvious, and yet it is missed. Very
15 disappointing. But it reflects the industry we
16 have.

17 Fellow Commissioners, is there
18 something you would like to add?

19 COMMISSIONER WADE: Yes. I'd kind of
20 like to echo your comments. So first, I'd like
21 to thank all of you for your commitment to coming
22 out here month after month and to making your

1 concerns heard and known to us.

2 And it's not that I, personally as a
3 Commissioner, have no empathy or understanding
4 for your plight. However, there are times when
5 things do change.

6 And whether we like it or not, we have
7 to go with those changes. We have to adapt. We
8 have to modify, we have to grow, we have to
9 discard, we have to add on.

10 But the main thing is that change
11 means just that. The status quo is no longer.
12 What was five years ago is not even applicable
13 now. This phone, as much as I paid for it, next
14 year will have very little use for me. Because
15 the technology of the industry is moving so
16 rapidly, it will be antiquated.

17 The old H tag system, seriously, it's
18 gone. It's never coming back. It's never coming
19 back the way it was. We've worked very hard to
20 try to make sure that those people whose tags
21 were returned, according to the law at that time,
22 have an opportunity to get H tags under what we

1 can now do. We can't do what we did. We can't
2 unring the bell, we can't unwrite the law.

3 When we've asked you numerous times to
4 contact the Council, we didn't mean just Ms.
5 Cheh. We meant the entire Council, because they
6 all voted for these changes.

7 So I'm just asking you to try to
8 understand that what we've done here has not been
9 to try to punish you or to try to make your life
10 harder. But we actually have done everything in
11 great deliberation to try to increase your
12 earning potential, to try to level the playing
13 field, to try to get things done for the cab
14 drivers that you can't do for yourself.

15 We spend numerous hours. We read all
16 of this stuff. We go through with a fine tooth
17 comb all of the information, all of the
18 statistics, all of the data. We meet, we meet,
19 we meet. By the time you see us, we've talked
20 all of this out.

21 And we really have tried, I know I
22 have, to make an impact on your careers. Because

1 this is serious. As I said, my entire family
2 benefitted from the taxicab industry. There's
3 not a member of my family on both sides, my
4 husband's family, my mother's family, and my
5 father's family, who did not drive taxicabs to
6 supplement our income, to make us middle class.
7 Because based on our day jobs, they would not
8 have been middle class. And we would have
9 struggled even more.

10 So I'm trying to just give to you my
11 feelings, my heartfelt sympathies, for what has
12 happened. But we want you to also understand
13 where we have been coming from and what we've
14 been trying to achieve on behalf of the taxicab
15 drivers.

16 And we're not abandoning you now. Our
17 positions may have changed, but my commitment I
18 can speak to is still the same. And as an
19 advisor to the Taxicab Department, I'm going to
20 make sure that I work as hard for you there as I
21 have now.

22 And again, I appreciate the

1 opportunity to have been able to serve you in the
2 capacity of a Commissioner. But I look forward
3 to continuing to work with you as an advisor to
4 the Department. Thank you.

5 COMMISSIONER JOLLY: I would just
6 encourage everyone to read through the Xclass
7 pending rulemaking that is still out. I don't
8 think we got many comments back on it, but it is
9 a path forward to answer the question of getting
10 H tags. It's a path forward for additional
11 streams of revenue for taxi drivers.

12 And given where this industry is going
13 and where this Commission, which will now be an
14 agency, is going, it is one of the best paths
15 forward. It's not perfect. It needs your input.
16 But you need to read that policy and participate
17 with the Chairman. Thank you.

18 COMMISSIONER SMALLS: I would just
19 like to say it's been my pleasure, and it was a
20 great experience for me to come and participate
21 in this gathering.

22 I would like to say to each of you

1 taxicab drivers, don't give up. Don't give up.
2 Keep trying. And try to work with the experience
3 that you have and put it to use in this new
4 digital age. You can be very successful. Please
5 do not give up.

6 Because you are capable, you have
7 made, many of you have made this industry what it
8 is today. So you cannot stop and let people tell
9 you what you can't do.

10 You can change, you can make some
11 changes. And this industry does not have to be
12 like it is. But it will take working together.
13 And you've got to meet and share ideas. Just
14 don't give up. The best may be yet to come.
15 Thank you.

16 CHAIRMAN CHRAPPAH: Thank you.

17 COMMISSIONER MUHAMMAD: Change is the
18 only constant. It's the only one that we all
19 will have to deal with. And I guess, me being
20 the only one on the Commission that could have
21 been affected by five tickets, four of them for
22 \$500, I'm sure Mr. Starks is happy about that.

1 But we know that everyone has a price to pay.

2 And freedom of speech is not free. So
3 when you say what you say, even though the
4 Constitution says you have the right to say what
5 you say, others who can bring retribution to you
6 will attempt to bring retribution.

7 But I already know that the only way
8 someone could stop me from the blessings that I
9 have from Allah is that they can go to Heaven,
10 which most of them cannot do.

11 So my day of driving has ended. So if
12 you want my tag, maybe I can give you mine.
13 Because I will not be driving a taxi any longer.
14 It's being painted as I speak right now out of a
15 taxicab. Thank you.

16 COMMISSIONER ZEITLER: Thank you, Mr.
17 Chairman. I would like to express my
18 appreciation. I've only been on the Commission
19 for a short time. But it's been an honor to
20 serve in this capacity with my fellow
21 Commissioners.

22 There are a lot of really difficult

1 issues, obviously, that this Commission and all
2 of you in the audience are dealing with right
3 now. I think, you know, my hope is that the
4 Agency will be well positioned to continue to
5 address those issues.

6 And, you know, the pace of change, if
7 anything, is just accelerating, so it'll be
8 really important to do that. And I look forward
9 to working with you on that.

10 The one thing I would say is that, you
11 know, with change there's also opportunity.
12 There are -- I know for many it's a difficult
13 time but, you know, what's coming down the road
14 is a lot of change but a lot of different ways to
15 move forward.

16 And my hope is that all of you in the
17 industry can find their way through to work with
18 that and find those opportunities in the future.
19 So I'll look forward to continuing to talk to
20 people about that.

21 CHAIRMAN CHRAPPAH: Well, it's not
22 evening, but it feels like it's 11:59. And, you

1 know, we are about to flip over. But it is not
2 going to happen overnight. So everyone is still
3 here. June 28th is the official date that we
4 become the DC Department of For-Hire Vehicles.

5 But I want to take a few moments to
6 particularly thank my follow Commissioners
7 starting with Commissioner Dotti, Commissioner
8 Jolly, Commissioner Smalls, Commissioner
9 Muhammad, Commissioner Zeitler. And former
10 Commissioner Tapscott, I see you back there, and
11 also my staff and everyone who has been
12 participating in the various conversations and
13 meetings that has enabled us to take ideas into
14 regulations through the public comment period as
15 final rulemaking.

16 We couldn't have done it without you.
17 And I'm thankful. My job, as much as sometimes I
18 hear things I don't want to hear, I think my job
19 has been fulfilling through this process. And
20 I'm encouraged that, in the new environment that
21 we're going to be operating under in the new
22 agency, we'll continue to have this robust

1 conversation. So thank you.

2 On that note, the meeting is
3 adjourned. And please stay tuned for our website
4 for updates with respect to the direction we're
5 headed in. Thank you.

6 (Whereupon, the above-entitled matter
7 went off the record at 4:09 p.m.)
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Before: DC Taxicab Commission

Date: 06-23-16

Place: Washington, DC

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