



ADMINISTRATIVE ISSUANCE

Title: DTS Implementation

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I. BACKGROUND AND PURPOSE

The Department of For-Hire Vehicles (“DFHV”) has adopted emergency and proposed rulemaking to amend Chapters 4, 5, 6, 8, 15, 18, 20, and 99 of Title 31 of the DCMR in the first major overhaul of the taxicab equipment rules (first notice adopted September 13, 2016; second notice adopted January 11, 2017 and expiring May 11, 2017; third notice adopted May 11, 2017 and superseded by the fourth notice adopted June 27, 2017 and expiring October 25, 2017 (“Notice”). The rules begin a transition period from legacy to newer equipment, including replacing MTS with digital taxicab solutions (“DTS”) and replacing the legacy dome light with a new, low-cost cruising light. Beginning September 1, 2017, no taxicab may operate without a DTS unit obtained from an approved DTS provider, which shall include all taxicab companies with current operating authority and the D.C. Taxicab Industry Co-op (“Co-op”). See §§ 510.5-510.6. This administrative issuance (“AI”) provides guidance to taxicab companies and the Co-op about applying for DTS approval and operating a DTS, and to operators (including independent owner-operators) about complying with the DTS rules. Neither the Notice nor this AI creates a legal basis to cancel a contract with a PSP.

II. DEFINITIONS

“Credit card processing device” – a component of a DTS unit that allows a passenger to pay with a credit card or other non-cash payment method.

“Digital taxicab solution” or “DTS” – a technology solution for the operation of taxicabs that consists at a minimum of a digital taximeter running on a driver console, a passenger console, and a credit card processing device, as such terms are defined in the Notice, and any optional components the DTS provider chooses to include. A driver console and passenger console may each consist of any component or set of components which together perform the required functions.

“DTS contract” – a contract for services between a DTS provider and any operator or owner that is limited in length to the current license period, which shall be stated in the contract.

“DTS open season” – The period during which operators can sign up with a DTS provider approved for the upcoming licensing period and which runs August 1st through August 31st of a calendar year. For calendar year 2017 only, operators may sign up with an approved DTS provider prior to the start of the DTS open season.

“DTS unit” – an individual unit of a DTS installed in a vehicle, as defined in the Notice.

“Dynamic street hail pricing” – a District-wide variable pricing structure for rides booked by street hail or telephone dispatch, which is established, maintained, and publicized uniformly by a DTS provider for all of its associated vehicles.

“Legacy dome light” – the DFHV patented and licensed dome light.

“License effective date” – September 1st of each calendar year.

“Live assistance” – the capability for a passenger or for an operator at the passenger’s request, to contact a representative at a call or dispatch center for assistance relating to taxicab service.

“Timely application” – an application for a new or renewal application accepted by DFHV from DTS provider not later than July 1st of each calendar year for the upcoming uniform license period.

“Uniform license period” – September 1st of one calendar year through August 31st of the following calendar year during which DTS providers shall be approved to operate. The first uniform license period shall be September 1, 2017 to August 31, 2018.

III. AUTHORITY

D.C. OFFICIAL CODE § 50-301.07(c) (2), (19), (20); § 50-301.13; 31 DCMR §§ 503, 602, 605, 801, and 802 (as amended by the Notice).

IV. PROCEDURES

Taxicab Owners and Operators (Drivers, Co-Owners, Companies, and Independents): Transitioning to DTS

Beginning September 1, 2017, all taxicab service shall be provided using an approved DTS unit. Owners and operators shall execute contracts for DTS service in the upcoming license period during the DTS open season (August 1st - 31st), and at any other time when permitted or required by the Notice or this AI, such as when a vehicle is placed in service with a new DFHV vehicle license and new “H” tag. A driver shall be permitted to change DTS providers during an open season without penalty. Each DTS contract shall be in plain language and shall separately disclose each charge to the operator. A charge not disclosed may not be collected. A charge may not be increased during the license period unless it is prominently identified as “subject to increase,” with the reason(s) it may be increased, and the total amount or percentage by which it may be increased. Each taxicab company shall install DTS units in all of its wholly-owned vehicles, and shall equip its co-owned vehicles with DTS units subject to the other requirements herein. Beginning March 31, 2017, each vehicle placed in service with a new DFHV vehicle license and new “H” tag shall be equipped only with a new cruising light approved by DFHV pursuant to the Notice. Other vehicles may be equipped with the owner’s choice of the new cruising light, or a legacy dome light transferred directly from a vehicle in active service owned by the owner, as determined by and paid for by the owner consistent with the Notice and this AI. Each vehicle equipped with a new cruising light shall bear the vehicle’s PVIN on the light and on the driver’s and passenger’s front doors; the size, color and font of all lettering shall comply with § 503.

DTS Providers: Application Process

The Department will begin accepting DTS applications for the transition license period beginning on February 14, 2017. Applicants are directed to the form posted on the Department’s website.

All decisions on DTS applications shall be issued within twenty-one (21) business days of acceptance of an application, unless the Department finds good cause for an extension of the processing time, in which case the decision shall be issued as expeditiously as possible within thirty (30) business days. The burden shall be on the applicant to establish compliance with the Notice, all other applicable laws and regulations, and with this AI. Each applicant and its technical staff shall timely appear for one or more demonstrations as directed by the Department, to establish that its DTS system and units will function as required, including showing proper interaction with both the legacy dome light and any cruising light approved by the Department pursuant to this Notice and this AI. Each applicant shall establish that its DTS installation facility is capable of ensuring proper installation of all DTS components.

The DTS application process shall be open at all times. For the first uniform license period (September 1, 2017 through August 31, 2018), any DTS application received after March 31, 2017 shall be considered for the uniform license period beginning on September 1, 2018. Only DTS providers that file a timely application (filed by July 1st of each calendar year) may be considered for the upcoming licensing period. DTS applicants that file a timely application for renewal (by July 1st) may continue operating pending the outcome of a decision on the application. An applicant that does not file a timely application for renewal may only file an application for new DTS approval which shall be considered for the uniform licensing period beginning the following calendar year and shall not operate beyond the end of the uniform license period for which it was previously approved regardless of whether the new application is still pending. The Department shall process a partial refund where necessary to ensure assessment of the applicable filing fee. A filing fee will not be refunded due to a denial of the application.

Each taxicab company may fulfill its legal obligation to operate a DTS by contracting with another business, including an approved DTS provider, provided however, that if such other business is no longer able to operate for any reason (including, without limitation, closing its operations, failing to renew its DTS approval, or having its approval suspended or revoked), then the taxicab company shall immediately cease operations pending replacing the DTS provider or being approved as a DTS provider.

Each applicant shall provide to DFHV a blank copy of each of its DTS standard contracts with owners and operators. Each application shall include a fully-completed application form, all required attachments, the applicable application fee, the bond required by § 602 of the Notice, and any information or documents required by this AI. Each applicant seeking to renew the approval of an existing DTS shall meet all of the requirements for a new approval unless DFHV states otherwise in writing.

No DTS approval shall extend beyond the license period granted by the Department, and no DTS shall solicit or execute contracts with taxicab owners or operators for a license period until it has been approved by DFHV for such license period. A DTS provider whose new or renewal application is denied or whose authority to operate has been suspended or revoked may not be listed on the Department's website of approved DTS providers regardless of whether it continues to operate pending an appeal.

Each taxicab company approved as a DTS provider shall install its DTS units in all of its wholly-owned vehicles, and shall equip its co-owned vehicles with its own DTS units subject to the other requirements herein.

DTS Systems and Units - Technical Requirements

Each DTS unit shall be capable of providing a printed receipt with the following information: (a) vehicle owner's name and telephone number; (b) vehicle PVIN number; (c) operator's DFHV operator license (Face ID) number; (d) unique trip number; (e) date; (f) starting and ending times; (g) distance traveled; (h) total amount paid by the passenger, showing the total fare and the gratuity, if any, and an indication of whether dynamic street hail pricing was applied by the DTS provider, and, if so, the applicable discount; (i) contact information for the Department; and (j) For-Hire Vehicle ride code.

Each DTS unit shall be accessible to disabled passengers including visually-impaired and blind passengers. As part of the approval process, an applicant shall: (a) provide a demonstration of one of its DTS units fully operational in a taxicab; and (b) identify its resources to immediately resolve complaints about the accessibility of its DTS units.

If the applicant wishes to use a payment card processor other than one available by an arrangement with the Department, it shall demonstrate that: (a) it meets the requirements of § 602.4 (b); and (b) no operator will receive less revenue as a result. Where, during a license period, the DFHV reasonably determines that operators are receiving less revenue as a result of the use of another payment card processor, the DTS may be required to change at its sole expense within ten (10) business days to the processor offered by the Department for the balance of the current and following license periods. If the applicant wishes to incorporate in its DTS a digital meter other than the one provided by the Department (DFHV digital meter), the applicant shall demonstrate that such meter meets or exceeds the performance and features of the DFHV, posted on the Department's website. The burden shall be on the applicant to show that it will provide adequate in-person or online training for associated operators on the use of the proposed substitute meter, and that the proposed substitute meter meets or exceeds the following requirements:

- *General:* (a) compatible with current and previous major release versions of Android and iOS OS, with end-to-end encryption security protocols including identification of data storage location(s); (b) operates on major smartphone and tablet brands with no additional hardware required (standalone) and must be large enough for both the passenger and the operator to view with ease; (c) calculates all published rates in § 801 and the Notice, alternative rates (as instructed by the DTS provider), group and shared ride rates where each passenger pays less than a single fare, and dynamic pricing via discounts (up to 100%) for street hails if to be offered by the applicant; and (d) sends receipts via text, email, airdrop, NFC, prints for all trips, and displays the DFHV trip ID, the depicted navigational path (or provide a link thereto) and the required receipt attributes.
- *Functional:* (a) provides real-time operator authentication via DFHV-supplied API; (b) transmits meter status and data feeds per GTFS (General Transit Feed Specification), unique trip ID, and location on a real-time basis (including geo coordinates, destination, driver ID, vehicle ID, number of passengers, fare, ride time and distance) via published DFHV API; (c) accurately calculates fares during loss of GPS signal or degradation; (d) allows setting limits for operator shifts with operator access to view trip and session history (min. past 48 hours); and (e) transmits meter status (Hired or Not Hired) via Bluetooth to the legacy dome light or approved cruising light.

- *Security:* (a) allows for SMS and push notification messaging from DFHV; (b) allows for minimum and maximum fare amounts to be set remotely; (c) incorporates anti-tampering mechanisms (via secure central access) to ensure that only the DTS provider's authorized personnel are able to adjust rates; (d) by request, provides DFHV or auditor a user-identified audit trail of rate changes; and (e) provides required notification to DFHV of all security incidents including physical and data breaches.
- *Integrations:* (a) is integrated with the DC TaxiApp; (b) includes remotely set capabilities per vehicle via geo-fence location; (c) provides an open API allowing meter integration with in-vehicle components and third party applications; and (d) is integrated with multiple credit card processors and payment providers.

Approved DTS Providers – Operating Requirements

Each DTS provider shall remain in compliance with all applicable requirements of the Notice, other applicable laws and regulations, and this AI, and shall maintain with the Department each version of the contract(s) it uses with its associated owners and operators; shall meet with and cooperate with an assigned account manager to ensure ongoing compliance with the Notice, other applicable laws and regulations, and this AI; and shall notify DFHV prior to any proposed material modification of the DTS during the uniform license period. Material modifications do not include basic software upgrades to fix bugs and improve performance.

No DTS provider may increase its charges to its associated operators during a uniform license period unless the operators are permitted to terminate their contracts without a termination fee or: (a) the possibility of an increase was disclosed as required above; (b) the reason(s) for and the amount of the increase are disclosed to operators in writing and in plain language at least ten (10) business days before the increase is effective; and (c) the reason(s) for the increase were not reasonably foreseeable when DTS approval was granted, which shall not include the cost of compliance with existing regulations. Each DTS provider shall maintain 24-hour, seven-day-per-week live direct assistance to both passengers and the operators via the DTS, or through the operator only provided operators are expressly required by the DTS contract to seek such assistance at the passenger's request.

Each DTS provider shall maintain a separate account for the credit card processing device in each vehicle and for each operator, to allow for verification of passenger surcharge collection and the total charges to each passenger.

V. FREQUENTLY ASKED QUESTIONS

1. I am an operator. May I use my personal smartphone as the DTS driver console?

Yes. Any smartphone approved by your DTS provider may be used as the driver console.

2. I am an operator. I found a digital meter app online. Can I use it instead of the digital meter that my DTS provider offers with its DTS units?

No. The only digital meter that may be used is the one offered by your DTS provider.

3. I am an operator. Am I still required to maintain a paper manifest?

No. The DTS unit creates an electronic manifest as you drive. If your DTS provider allows you to use your personal smartphone as the driver console or as a component of it, you must make it available for inspection at a traffic stop or compliance check.

4. I am an operator. May I set my own street hail rates?

No. Operators may not set street hail rates. If your DTS provider offers dynamic street hail rates, it will set the rates and you must comply with them.

5. I am an independent. Where can I get a DTS unit for my taxicab?

You may go to any approved DTS provider. Please visit DFHV's website for information on approved providers.

6. I own a taxicab company. May I use my own digital meter for my DTS?

Yes. You may use any approved meter that meets or exceeds the functionality of DFHV's digital meter, if any.

7. I own a taxicab company. May I use my own payment card processor for my DTS?

Yes. You may use your own payment card processor whose charges are lower than the processor arranged by the Department if approved.

8. We are an approved DTS provider that seeks to renew its approval for the following license period. We missed the deadline to file a renewal application. May we seek approval to operate in the next license period?

Yes. But you must file an application for new operating authority and you may not continue operating beyond the current license period unless and until the new authority is granted.

9. We are a taxicab association. Can we apply to be a DTS provider?

No. Each vehicle owned individually by an association member or in common by the association may be outfitted with a DTS unit from any approved DTS provider.

SO ORDERED:

DEPARTMENT OF FOR-HIRE VEHICLES

BY: 

ERNEST CHRAPPAH
Director