

**DEPARTMENT
OF
FOR-HIRE VEHICLES**

ADMINISTRATIVE ISSUANCE

Title: DTS Implementation

Series/Number: AI-2017-01

Approved: February 13, 2017

Revised: N/A

Effective: February 14, 2017

I. BACKGROUND AND PURPOSE

DFHV has adopted emergency and proposed rulemaking to amend Chapters 4, 5, 6, 8, 15, 20, and 99 of Title 31 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 (“Notice”). The rules begin a transition period from legacy to newer equipment, including replacing MTSs with digital taxicab solutions (“DTSs”) and replacing the legacy dome light with a new, low-cost cruising light. Beginning September 1, 2017, no taxicab shall 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 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 administrative issuance 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” – any contract between a DTS provider and any other person relating to the use or installation of a DTS unit.

“DTS open season” – March 1-30, 2017 for the transition approval period, and the last 30 days of each uniform approval period for the next uniform approval period, as defined herein.

“DTS operator contract” – a contract for DTS services to which an operator

“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 patented and licensed dome light.

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

“Timely-filed renewal application” – an application accepted by the Department from a current DTS provider not later than August 1st for the following uniform approval period.

“Transition approval period” – the initial DTS approval period of March 1, 2017 to August 31, 2017.

“Uniform approval 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 approval 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 Operators (Drivers, Co-Owners, 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 approval period during the first DTS open season (March 1-31, 2017), during each subsequent DTS open season (the month of September of each calendar year), and at any other time when permitted or required by the Notice or this administrative issuance, such as when a vehicle is placed in service with a new DFHV vehicle license and new “H” tag.

Neither the Notice nor this administrative issuance creates a legal basis to cancel a PSP contract.

Each DTS operator contract shall be limited in length to the current approval period; each DTS operator contract shall prominently state this limitation.

Each DTS operator 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 approval 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 DTS operator contract executed pursuant to a master contract: (a) shall have attached to it a clean, legible copy of the current master contract; and (b) shall restate and not merely incorporate by reference all material terms of the master contract that apply to the operator.

Each taxicab company approved as a DTS provider shall install its DTS units in all its fully-owned vehicles. Each taxicab company approved as a DTS provider shall equip its co-owned vehicles with its own 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 the Department 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 administrative issuance. 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 approval 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, 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 administrative issuance.

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 administrative issuance. Each applicant shall establish that its DTS installation facility is capable of ensuring this interaction.

The DTS application process shall be open at all times, but DTS approval shall not be granted beyond the end of the approval period then in effect except for existing, approved DTS provider that timely file renewal applications for the following uniform approval period, which may be granted at any time after filing.

Each application to renew DTS approval shall be filed not later than 30 days before the end of the current uniform approval period (August 1st).

An applicant that files a timely renewal application (by August 1st) may continue operating pending the outcome of a decision on the application; an applicant that does not file a timely

renewal application may only file an application for new DTS approval and shall not operate beyond the end of the uniform approval period even if the 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 operator contracts.

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 administrative issuance. Each applicant seeking to renew the approval of an existing DTS shall meet all of the requirements for a new approval unless the Department states otherwise in writing.

No DTS approval shall extend beyond the current approval period.

No DTS shall solicit or execute contracts with taxicab operators for an approval period until it has been approved by DFVH for such approval period.

A DTS provider whose application is denied may not be listed on the Department's website for approved providers if it continues to operate pending an appeal.

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) FHV 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 an approval period, the Department 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 approval periods.

If the applicant wishes to incorporate in its DTS a digital meter other than the one provided by the Department (the 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, or print for all trips, and display 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 administrative issuance.

Each DTS provider shall maintain with the Department each version of the contract it uses with its associated owners and operators.

Each approved DTS provider shall meet with and cooperate with an assigned account manager to ensure ongoing compliance with the Notice, with other applicable laws and regulations, and with this administrative issuance.

Each approved DTS provider shall notify the Department prior to any proposed material modification of the DTS during the approval 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 an approval 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 PSP 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 assistance directly to both the passenger and the operator via the DTS unit, or through the operator only provided operators are expressly required by the DTS operator contract to seek such assistance at the request of the passenger.

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. Drivers 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 meter that meets or exceeds the functionality of the DFHV 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 any.

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

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

BY: 

ERNEST CHRAPPAH
Director