

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting Director of the Department of For-Hire Vehicles (“Department” or “DFHV”) pursuant to the authority set forth in Sections 8(c) (1),(2), (3), (5) and (19), and 14 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97), as amended by the Transportation Reorganization Act of 2016, effective June 22, 2016 (D.C. Law 21-0124); D.C. Official Code §§ 50-301.07(c) (1),(2), (3), (5) and (19), and 50-301.13 (2014 Repl. & 2015 Supp.)) hereby gives notice of the adoption, on an emergency basis, amendments to Chapters 8 (Operating Rules for Public Vehicles for Hire) and 99 (Definition) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

The Acting Director also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than forty-five (45) days after the publication of this notice in the *D.C. Register*. A public hearing will be held on the proposed rulemaking in not fewer than 20 days from the date of publication. Directions for submitting comments may be found at the end of this notice.

This emergency and proposed rulemaking amends Chapter 8 to immediately establish a more competitive pricing structure for taxicab shared rides in vehicles equipped with legacy (non-digital) taximeters. The rulemaking allows the reprogramming of these taximeters for new special shared ride rates as follows: (1) a special shared ride time rate of nineteen dollars and forty five cents (\$19.45) per hour; and (2) a special shared ride distance rate of one dollar and twenty cents (\$1.20) per mile. The emergency and proposed rulemaking added only a more competitive special shared ride distance rate; this superseding rulemaking also adds a similarly competitive special shared ride time rate without which vehicles using the special rates would be disincentivized to provide service at speeds consistent with traffic conditions. All other taxicab rides using the street hail rates in § 801 shall continue to use the existing rates, retitled by this rulemaking as “general” rates. In addition, the one dollar (\$1.00) additional passenger fee would not apply to any segment of a shared ride where the special shared ride rates apply. The rulemaking also clarifies the language throughout § 801.7 (c) (the Department does not intend to make any substantive change in § 801.7 (c) as a result of these language clarifications), and adds appropriate definitions to Chapter 99.

The Washington Metropolitan Area Transit Authority (“WMATA”) has begun its SafeTrack safety program, to accelerate major repairs to the Metrorail system. SafeTrack safety surge projects are expected to cause major delays in Metrorail service and attendant transportation disruptions throughout the District and surrounding areas. To address the need for increased for-hire demand during these periods, the Department has issued an administrative issuance which, among other things, expands customer choice by allowing passengers to use shared riding arranged by operators, in addition to allowing them to choose single-passenger trips. The Department finds there is an immediate need to preserve and promote the safety and welfare of District residents to ensure a supply of for-hire service adequate to meet the expected sharp increase in customer demand during SafeTrack, by encouraging the use of shared riding through a more competitive rate structure for vehicles with legacy (non-digital) taximeters.

This emergency and proposed rulemaking, supersedes the emergency and proposed rulemaking adopted by the Department on June 29, 2016 and was adopted by the Department on July 20, 2016 and took effect immediately. This emergency rulemaking will remain in effect for one hundred and twenty (120) days after the date of adoption (expiring on November 17, 2016) unless earlier superseded by an amendment or repeal by the Department or the publication of final rulemaking, whichever occurs first.

Chapter 8, OPERATING RULES FOR PUBLIC VEHICLES FOR HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended as follows:

Subsection 801.7 (c) is amended to read as follows:

- (1) The minimum fare, time, and distance charges that shall be generated automatically by the taximeter for a taxicab trip booked by street hail, by telephone dispatch, or by digital dispatch through a DDS that does not process digital payments, are established as follows:
 - (A) Minimum fare (flag drop rate): three dollars and twenty five cents (\$3.25) plus the first one eighth (1/8) of a mile.
 - (B) General time and distance rates:
 - (i) General time rate: thirty five dollars (\$35) per hour; and
 - (ii) General distance rate: two dollars and sixteen cents (\$2.16) per mile (or twenty seven cents (\$0.27) per one-eighth (1/8) of a mile).
 - (C) Special shared ride time and distance rates:
 - (i) Special shared ride time rate: nineteen dollars and forty five cents (\$19.45) per hour; and
 - (ii) Special shared ride distance rate: one dollar and twenty cents (\$1.20) per mile (or fifteen cents (\$0.15) per one-eighth (1/8) of a mile).
 - (D) Application of time rates:
 - (i) Distance rates shall be charged after the first one eighth (1/8) of a mile;
 - (ii) Time rates shall be calculated in sixty (60) second increments;

- (iii) Time shall be charged when the vehicle is stopped, and when the vehicle is slowed to a speed of less than ten (10) miles per hour for longer than sixty (60) seconds;
 - (iv) Time shall be charged for delays and stopovers en route at the direction of the passenger;
 - (v) Time shall not be charged during periods lost due to vehicle or operator inefficiency; and
 - (vi) If the vehicle is responding to a dispatch, time shall be charged beginning five (5) minutes after the time pickup was requested by the customer. There shall be no additional charge for early arrival.
- (2) The authorized additional charges which shall be generated automatically by the taximeter for a taxicab trip booked by street hail, by telephone dispatch, or by digital dispatch through a DDS that does not process digital payments, are established as follows:
- (A) A fee for telephone dispatch, if any, which shall be two dollars (\$2.00);
 - (B) A taxicab passenger surcharge, which shall be twenty five cents (\$0.25) (per trip or per segment of a shared ride, and not per passenger);
 - (C) A charge for delivery service where there is no passenger present shall be determined by an applicable administrative issuance, or by other administrative document issued or approved by the Department;
 - (D) The amount of any airport surcharge or toll paid by the taxicab operator;
 - (E) An additional passenger fee for each segment of a group or shared ride where more than one (1) passenger is present in the vehicle, which shall be one dollar (\$1.00) regardless of the number of additional passengers (the total additional passenger fee shall never exceed one dollar (\$1.00)), provided however, that no additional passenger fee shall be charged when the special shared ride rates applies; and
 - (F) A snow emergency fare when authorized under § 804.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended to add the following definitions:

“General distance rate” – the taximeter distance rate for all rides other than a shared ride in a vehicle with a legacy (non-digital) taximeter which has been reprogrammed for the special shared ride distance rate, as defined in this chapter.

“General time rate” – the taximeter time rate for all rides other than a shared ride in a vehicle with a legacy (non-digital) taximeter which has been reprogrammed for the special shared ride time rate, as defined in this chapter.

“Special shared ride distance rate” – the taximeter distance rate for a shared ride in a vehicle with a legacy (non-digital) taximeter which has been reprogrammed for this rate.

“Special shared ride time rate” – the taximeter time rate for a shared ride in a vehicle with a legacy (non-digital) taximeter which has been reprogrammed for this rate.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting the Department of For-Hire Vehicles, Office of Regulatory Policy and Planning, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dfhv@dc.gov or by mail to the Department of For-Hire Vehicles, Office of Regulatory Policy and Planning, 2235 Shannon Place, S.E., Suite 3001, Washington, DC 20020, no later than forty-five (45) days after the publication of this notice in the *D.C. Register*.