

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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OFFICE OF THE D.C. TAXICAB COMMISSION

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GENERAL COMMISSION MEETING

+ + + + +

WEDNESDAY
SEPTEMBER 9, 2015

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The Commission met in Suite 2023 at
2235 Shannon Place, S.E., Washington, D.C., at
10:00 a.m., Ernest Chrappah, Acting Chairperson,
presiding.

COMMISSIONERS PRESENT:

ERNEST CHRAPPAH, Acting Chairperson
STANLEY W. TAPSCOTT, Commissioner

STAFF PRESENT:

JUANDA MIXON
JACQUES P. LERNER, ESQ., General Counsel
MONIQUE BOCOCK, ESQ., Assistant General
Counsel

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and Staff Reports.37

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Adjourn

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

2 10:28 a.m.

3 CHAIR CHRAPPAH: Good morning. Welcome
4 to the General Commission Meeting. My name is
5 Earnest Chrappah. I'm the acting Chairman of the
6 DC Taxicab Commission. And today we are located
7 in Public Hearing Room 2023 at 2235 Shannon
8 Place, S.E., Washington, D.C. Today is
9 Wednesday, September 8. It feels like I'm living
10 one day behind. But September 9, thank you for
11 that. And the time is 10:30.

12 We are intendant on addressing several
13 proposed action items, but I see a lot of new
14 faces in the crowd and looking at some of the
15 past emails and phone calls that I've received,
16 we'll change the format of today's meeting for at
17 least the short term. We'll start with the
18 Public Comment period and to allow non-registered
19 speakers additional times to share their views.
20 So, Madam Secretary, let's start with the
21 registered speakers and after, we'll go to the
22 non-registered speakers.

1 SECRETARY MIXON: Okay. When I call
2 your name, if you would come up. Make sure that
3 you sign in on the witness list there and for the
4 registered speaker, hand me your ten copies. The
5 first one is Ms. Evelyn Ruiz-Muy. And do you
6 have copies?

7 MS. RUIZ-MUY: Yes, ma'am.

8 SECRETARY MIXON: Okay. I'll take
9 them. Okay. And you will be given five minutes
10 to speak. I will start the timer when you start.

11 MS. RUIZ-MUY: My name is Evelyn Ruiz-
12 Muy. I represent Classic Cab Association. In
13 January 2013, you amended Chapter 6 of Title 31,
14 Section 609, which requires the age of taxicab.
15 You adopted a five year removal plan. 1997 and
16 older vehicles must be removed December 30, 2013.
17 1998 and 2000 vehicles must be removed December
18 30, 2014. 2001 and 2002 vehicles must be removed
19 December 30, 2015. 2003 and 2004 vehicles must
20 be removed December 30, 2016. 2005 vehicles must
21 be removed by December 30, 2017.

22 On October 8, 2014, you sent letters

1 to owners of vehicles with model years 2003 and
2 2004. You stated that you adopted again a
3 emergency rulemaking that effective January 1,
4 2015, these model years must be removed from
5 service. However, you as well adopted the waiver
6 program which is an excellent program. You
7 posted on the DCTC website the rules how to be
8 qualified for the waiver extension. You made it
9 clear that application must be submitted not
10 later than December 30, 2014, which I definitely
11 complied.

12 Note, to my disbelief, you did as well
13 accept that application for model years, models
14 2002, 2001, 2000, 1999, 1998, and 1997. Some of
15 my 2003 and 2004 got a year and some two years.
16 Again, to my disbelief the 1997, 1998, 1999,
17 2000, 2001, 2002 got the same number of years of
18 extension as my 2003 and 2004 taxicabs. In my
19 opinion, DCTC made a mistake in giving waiver
20 extension to the 2002 and older taxicabs. The
21 2005 vehicles should be given the same chance to
22 apply for the waiver extension. Applications

1 should be filed before December 30, 2015.

2 Reasons are, some 2005 vehicles that
3 are driven part-time only have 94,000 miles.
4 Most especially when the owner of the vehicle
5 bought them brand new. Some 2005 vehicles
6 already got 200,000 miles, but their engines or
7 transmissions has been rebuilt or replaced for a
8 lower mileage used parts. For example, a Ford
9 Taurus 2005 with a 3.0 V6 engine, you can replace
10 it with a 2007 used engine with the same
11 specifications and engine size. Most of the
12 time, when you go to your every six months
13 inspection and you cannot pass emissions because
14 of PO codes PO430 and PO420, you end up replacing
15 all the oxygen sensors and catalytic converters,
16 which easily cost you \$1,500 parts and labor.

17 We also need to keep in consideration
18 the updated suspension and the steering works
19 done lately. That includes tires, axels, control
20 arms, ball joints, shocks, and rack and pinions.
21 Appearance of the taxicab inside and outside,
22 good paint job, nice comfortable seats, clean

1 floors, air condition, and no foul smell. In
2 conclusion, DCTC should continue the waiver
3 program with 2005 this year, 2006 next year, and
4 2007 the following year.

5 If you made a mistake in giving the
6 waiver extensions for the 2002 and older cars,
7 1997, 1998, 1999, 2000, 2001 vehicles, please do
8 not punish the 2005, 2006, 2007 owner-operators.
9 The extension waiver is a relief, especially now
10 that the taxicab business is slow due to the
11 unfair competition and unregulated from Lyft,
12 Sidecar, and Uber. Thank you for reading or
13 listening. Have a wonderful day, everybody.

14 (Applause.)

15 CHAIR CHRAPPAH: Thank you, Evelyn.

16 MS. RUIZ-MUY: You're welcome, sir.

17 CHAIR CHRAPPAH: Abraham Demisse, next
18 speaker.

19 MR. DEMISSE: Good morning, Mr.
20 Chairman, and good morning, Member of the
21 Commission. My name is Abraham Demisse. I am a
22 member of D.C. Cab Drivers Seeking a Replacement

1 H-Tag. Our members are people who used to have
2 an H-Tag and therefore used to own their own
3 taxi. To begin, I would like to thank the Panel
4 on Industry for giving cab drivers a chance to
5 fully participate in the process leading up to
6 the recently released H-Tag Report. I would also
7 like to thank the Panel for acknowledging in its
8 Report that cab drivers such as the member of the
9 group I represent exist.

10 Our group, however, has several
11 concerns with the Report and its analysis. I
12 will briefly address two of our concerns today.
13 First, it appears the Panel has made the
14 assumption that everyone who wants an H-Tag also
15 seeks to be an independent cab driver. This,
16 however, is not true. Rather, while every person
17 who wants an H-Tag also want to be an owner-
18 operator of his own cab, being an owner-operator
19 is not the same as being an independent. To the
20 contrary, most of our members are paid through a
21 company, including some who are D.C. residents
22 and who therefore could have operated as an

1 independent had they so chosen.

2 Second, the Report creates a needless
3 and dangerously narrow window of eligibility for
4 an H-Tag that might become available. In
5 particular, by relying on the 2009 Taxicab
6 Commission policy, the window limits eligibility
7 for an H-Tag to people who have returned their
8 tag between July 2007 and July 2009. That
9 policy, however, Commissioner Swain had never
10 made it available to us and that is why you will
11 not find it on DCTC website or in Google search
12 for instance.

13 But even if it had been made available
14 to us, it should have never been applied to my
15 group because that policy clearly says that it's
16 a restriction on new independent cabs. And as I
17 said before, most of our members were not
18 independent when they returned their tag, nor are
19 they seeking to be independent now. In closing,
20 at a later date, we will make available to
21 Taxicab Commission a report setting out our
22 numerous concerns with the Panel's analysis in

1 greater detail. Thank you for letting me take
2 part.

3 CHAIR CHRAPPAH: Thank you. Mr.
4 Degafe?

5 MR. SETEGN: Dear DCTC Chairman, Mr.
6 Chrappah, and D.C. Taxicab Commissioners. Before
7 I present my written statement, please allow me
8 to address three issues that affect drivers and
9 companies in my opinion. Number One, it is an
10 inconsistency of the rulemaking of Title 31 every
11 time a new Chairman is appointed, which in turn
12 makes it difficult to make a sound business plan
13 short and long term by companies and drivers.
14 Which is like the retirement and the waiver, it
15 has changed three times in less than a year. And
16 the 911 dome light, it could have been done
17 during the explanation instead of just doing it
18 again and again.

19 And the other one is the
20 disproportionate representation of cab drivers in
21 the Commission and also in the offices as well.
22 There are good and well-educated professionals in

1 the taxi industry. We just don't see them in the
2 office, which is not fair.

3 And the other one is the significance
4 of this monthly meeting. And this monthly
5 meeting had been 16 times attending this meeting
6 and in none of these times whatever constructive
7 ideas presented by speakers, never been taken.
8 The only time you see the proposed rulemaking is
9 the one which it says grammar or spellings are
10 corrected. Other than that, I have never seen
11 any opinions accepted and changed or modified by
12 the Commission.

13 And let me come to my statement
14 regarding the age limits. It is to be recalled
15 that the rulemaking on taxicabs retirement date
16 was November 2014, which proposed the age of
17 taxicabs seven years. As a result, owners, both
18 independent and companies, have changed the old
19 cabs to the new as per schedules of the
20 rulemaking. Meanwhile, in short period of time,
21 DCTC has proposed another new rulemaking that
22 change the vehicle age limit to four years.

1 Surprisingly, the Commission has not
2 given any justification for these unexpected
3 changes and the bringing other new rulemaking.
4 Hence, we would like to request the Commission
5 the following major questions. What is the
6 reason to rework the rule and the proposed new
7 retirement age? Is it the environmental or
8 safety concerns? Hardware, the parameters used
9 for the previous seven year limit and which of
10 the variables altered was given one at a time
11 that the issues we'd make as we've changed?

12 According to our clause the only
13 variable changed during the spirit is the share
14 riding vehicles that are exponentially from time
15 to time. The things that are, there may be lack
16 of ID in the car that shows either in the
17 rulemaking or the vehicle retirement age relieved
18 is inefficient or a new rule, which is proposed
19 to retiring taxicabs in four years' time.

20 In this regard, we will mention one
21 study on taxi quota, which is recently
22 commissioned by DCTC and conducted by Taxi

1 Research Partners. The study is not such
2 reflecting exactly prevailing conditions in the
3 District taxi industry. Rather, researchers are
4 highlighted on the taxicab data of Boston, New
5 York taxicab industry to explain for Washington,
6 D.C. However, Washington, D.C. shouldn't be in
7 light of Boston and New York, DCTC may quote the
8 retirement age in New York is three years.

9 But in truth, they understood that.
10 New York taxicabs operate in double shifts over
11 these three years will actually travel up to
12 231,000 miles --- they're on the tables, which
13 I've already presented -- but the D.C. taxis may
14 only travel about 180,000 miles by four years.
15 Alarmingly, if the four year retirement age is
16 enforced by DCTC, then the new cabs which are
17 bought with high interest loan will immediately
18 retire before the loan is paid and the drivers
19 will be liable to the cost. What does mean?

20 On the other side, almost 30 percent
21 of the taxi business is already gone and D.C. has
22 not bring in any new business, does not create a

1 favorable market conditions that can help the
2 office create a life-span of five years car loan
3 financing time. The situation would be very
4 challenging to the drivers and would push out
5 majority of those drivers who recently bought new
6 cabs, and I think that will be all the findings.

7 In addition, on Table 2, which I
8 already presented, shows that the hourly rate of
9 taxicab drivers in D.C. is below the living wage
10 level. While the normal wage is \$14.48 per hour,
11 conversely drivers earn an average of \$13.07 per
12 hour and for most operations day-to-day business
13 has been gone to share ride. So, how can
14 additional people be brought to the shoulder of
15 drivers who are struggling to survive?

16 When the time to retire cars is
17 getting shorter and shorter, they will be forced
18 to pay more money to finish their financing
19 because once it reached four years, they can't
20 operate the taxicab. They shouldn't be liable to
21 the remaining payment. This may force some
22 families to unemployment and poverty. Then we

1 kindly request DCTC to reconsider the age limit
2 and to maintain the previous rule, which is seven
3 years as stated in the Final Rulemaking. Thank
4 you.

5 CHAIR CHRAPPAH: Thank you, Mr. Degafe.
6 Mr. Abdelwahab? Going, going, gone. Ms. Carol
7 Tyson?

8 MS. TYSON: Thank you. Chairman
9 Chrappah and other distinguished members of the
10 D.C. Taxi Commission and staff, thank you for the
11 opportunity to offer public comment regarding
12 accessible vehicle for hire service in the
13 District. I am the Director of Disability Policy
14 for United Spinal Association, founded in 1946 by
15 paralyzed veterans. United Spinal is the largest
16 disability-led nonprofit organization serving and
17 representing the interests of more than a million
18 Americans living with spinal cord injuries and
19 disorders.

20 I would first like to thank the
21 Commission, taxi companies, and operators in the
22 room for their efforts to provide accessible taxi

1 service in the District. Accessible
2 transportation ensures that each and every one of
3 us and those we care about can remain active,
4 working if they so choose, and participating in
5 our communities should we find ourselves living
6 with a temporary or permanent disability. United
7 Spinal thanks the Commission for its commitment
8 to ending discrimination in the vehicle for hire
9 industry and continuation of the Anonymous Riders
10 Program.

11 Thank you for providing the Report
12 during the August public meeting. Report
13 findings, however, were startling. Persons with
14 disabilities who participated in the program were
15 passed up by drivers 30 percent of the time. We
16 would ask the Commission to take immediate steps
17 to ensure no potential riders in the District
18 need to question whether a driver will stop to
19 provide service. We note that there is now a
20 discrimination complaint form on the DCTC
21 website. Thank you. We recommend that, if it is
22 not already procedure, testers for the Anonymous

1 Riders Program be given the opportunity to file a
2 discrimination complaint if they feel it is
3 warranted.

4 We recommend also ensuring that all
5 discrimination-based complaints continue to be
6 submitted to the D.C. Department of Human Rights
7 so that District residents' and visitors' rights
8 under the D.C. Human Rights Act can be upheld.

9 We recommend adding language to the Commission
10 website and complaint form that lays out the
11 process for suspected discrimination by a private
12 vehicle for hire operator or company as well. We
13 note that passengers may file discrimination
14 complaint for public and private vehicle for hire
15 service through the Department of Human Rights.
16 Finally, we are concerned with the recent labor
17 company liable for complaints. The action sets a
18 potentially dangerous precedent given the high
19 numbers of private vehicle for hire operators in
20 the District.

21 United Spinal thanks the Commission
22 for its release of Transport D.C. Expansion Grant

1 Funds. Anecdotal accounts in the press, however,
2 report that not all vehicles are in active
3 service, it may be difficult to find willing
4 drivers. United Spinal urges the Commission to
5 consider adopting creative solution to allow
6 existing drivers who live in Maryland or Virginia
7 to apply for grants and to continue to work with
8 companies who may be having difficulty
9 identifying drivers to place accessible taxis on
10 the street.

11 To incentivize companies and
12 individual drivers to replace sedans with
13 accessible taxis, we recommend an age-out
14 requirement for accessible vehicles that is
15 equivalent if not greater than a private vehicle
16 for hire, which is I understand set at 12 years.
17 We note that currently wheelchair accessible
18 vehicle with CNG may be kept in service for 12
19 years, but there are to our knowledge no existing
20 CNG fueling stations in the District.

21 United Spinal thanks the Commission
22 for its rulemaking implementing the Vehicle for

1 Hire Innovation Amendment Act of 2014. That Act
2 contains necessary anti-discrimination provisions
3 that level the playing field for public and
4 private vehicles for hire. Thank you also for
5 making the list of companies providing wheelchair
6 accessible taxi service available on your
7 website. We have shared the list and the
8 Transport D.C. Central Dispatch number widely in
9 the community in the past month and will continue
10 to do so.

11 We support the Commission's continued
12 marketing of the Transport D.C. Program. We
13 continue to recommend a broad public awareness
14 campaign that lets District residents and
15 visitors who are chair users know that taxi
16 service is now an option. Higher demand will
17 ensure trips for drivers who are stepping up to
18 fill the gap in equitable service.

19 Finally, United Spinal notes the
20 findings of the Panel on Industry regarding the
21 release of H-Tags. We support the release of
22 nearly 200 additional tags and recommend that

1 these tags be for the operation of accessible
2 vehicles given the significant need for
3 accessible service. At the most, 1.5 percent of
4 the public vehicle for hire fleet is accessible,
5 while zero percent of the private vehicle for
6 hire fleet is accessible to people with
7 significant disabilities.

8 United Spinal thanks the Commission
9 for its continued efforts and dedication to
10 ensuring accessibility to vehicle for hire
11 service in the District. We will continue to
12 work in partnership with all stakeholders and
13 advocate for an accessible fleet, both public and
14 private, that will benefit drivers and all who
15 visit, live in, and work in the District. Thank
16 you.

17 CHAIR CHRAPPAH: Thank you, Ms. Tyson.
18 Mr. Royale Simms, next speaker.

19 MR. SIMMS: Thank you, Commission. My
20 name is Royale Simms. I represent the Washington
21 D.C. Taxi Operators Association, associated with
22 Teamsters Local 922. I wanted to speak about the

1 H-Tag Report before you adopt it today. And I'm
2 appreciative of the opportunity to make public
3 comments before the vote. The Report had several
4 findings along with history of the H-Tag 4-20.
5 It states that it began in July 2009. However,
6 there are conflicting press releases from the
7 D.C. Taxicab Commission as to the date.

8 On July 1, 2012, the DCTC announced
9 the process for taxicab operators seeking vehicle
10 registration and tags and new vehicle
11 registration and tags on the website to complete
12 the one-stop form with the DCTC before completing
13 the registration process with the DMV. This was
14 a clear signal that registration was still open.
15 We did a FOIA, we saw tags in 2010, 2011 still
16 coming out of the DMV and the DCTC. So was the
17 moratorium in place in 2009? This is a critical
18 question for our members because our members had
19 H-Tags before and most of them turned them in, in
20 2011.

21 The Report recommends expanding the
22 years for eligibility 24 years before the

1 moratorium began, but in actuality the date of
2 the actual start I think is very vague. Our
3 suggestion is that eligibility for H-Tag and
4 priority is given to drivers three years after
5 and three years before the 2009 date. That would
6 capture most drivers who once were owner-
7 operators who want to be owner-operators again
8 and give them the same status that they once had.

9 Also mentioned in the Report is the
10 relationship of drivers with companies in co-
11 titled relationship. The Panel on Industry
12 Report finds that if the driver and the company
13 can negotiate, the tag can stay with the driver.
14 In actuality though, the moratorium prevents this
15 transaction from taking place. So if there's a
16 driver who has a good relationship with the
17 company and the company says, we'll release
18 ourselves from the title, this driver is eligible
19 to register the vehicle in D.C. He can move in,
20 become a resident, he can find another
21 relationship with a new company that offers some
22 better terms.

1 There's a government obstacle in the
2 way of completion of that registration and that's
3 the moratorium. Our suggestion is that the DCTC
4 would accept an exception form for that
5 transaction. So if co-titled vehicles where
6 drivers obtain a release, allow the drivers to
7 bring in a release and given them the exception
8 for a registration. We think that would solve
9 two major issues with H-Tag.

10 We were very concerned with the
11 statistics regarding the living wage for drivers.
12 In the Report, they use the figure \$190 per week
13 for rent. When we looked at the 2014 industry
14 study report, that figure was \$180. So, in 16
15 months -- I'm sorry, nine months between November
16 2014 report and this H-Tag Report, rent has on
17 average went up \$10. This cost doesn't include
18 the PSP transaction fee or any fees that it cost
19 to process money. So in actuality, a lot of the
20 drivers will be making significantly less than a
21 living wage and many closer to minimum wage.

22 Something has to be done about that.

1 It may be the influx of drivers driving up
2 demand, driving up cost. We all know that the
3 DCTC currently has an open driving licensing
4 system, with a testing system that is not what
5 the citizens of the District deserve. We would
6 encourage the DCTC to create a more rigorous
7 standard in order for drivers to get licensed.
8 As it stands now, that's not what we have. And
9 maybe that will also increase demand or rents and
10 decrease the cost to drivers. Thank you.

11 CHAIR CHRAPPAH: Thank you, Mr. Simms.
12 Ms. Eartha Clark? Mr. Mohammad Rahman? Madam
13 Secretary, do we have any unregistered speakers?

14 SECRETARY MIXON: Yes. I know that we
15 have at least one. So Chairman -- two, we'll
16 provide a short period -- I see three, I feel
17 like an auctioneer now.

18 (Laughter.)

19 MS. MIXON: But I see four, so
20 Chairman, we'll provide a short period of time.
21 You will have two minutes. I'm going to keep you
22 to two minutes. So if you will come up, announce

1 your name, spell it for the record, write it down
2 there, sign in. Then I will start. So we'll
3 start with the gentleman who's standing, then
4 we're going to go to the lady in the green here.
5 Sir, with the glasses -- who raises -- okay,
6 that's you, yes. You in the blue. And then
7 we're going to go to Mr. Medghalchi. So I do see
8 those four.

9 CHAIR CHRAPPAH: So that's four? All
10 right. Thank you.

11 SECRETARY MIXON: Okay. So state your
12 name and spell it.

13 MR. AKLOG: My name is Abede Aklog, A-
14 B-E-D-E A-K-L-O-G. I am a member of the 2009
15 D.C. Group. Our members are people who took and
16 passed the first half of the licensing exam
17 commonly given at UDC on or before the year 2009.
18 First, I'd like to say thank you to the Panel on
19 Industry for creating this space that allowed cab
20 drivers to express their opinion. I must,
21 however, be frank and say that our group has some
22 concerns with the Report.

1 The Report barely relates who among
2 those who took and passed the UDC exam in 2009 or
3 earlier may get an H-Tag. This limit, which
4 appears in Report as a two year between July 2007
5 and July 2009 is both unfair and unnecessary
6 because it does not take into consideration the
7 people who fall outside of these dates who were
8 not allowed to finish the process because of
9 DCTC's own internal disarray. Additionally, this
10 narrow window does not take into account that
11 prior the agency gladly took our money and lets
12 us pay for the exam and take the exam. It never
13 told us it had no intention of letting us
14 complete the process. For this reason, you
15 should not shut out who were misled by the
16 agency.

17 Lastly, by creating this two year window,
18 the Panel on Industry has placed the problem with
19 an agency that was grossly mismanaged on our
20 shoulders. The problem posed by then
21 Commissioner Swain, however, are not our burden
22 to carry and should not be pushed into the

1 markets because the agency could not or would not
2 do its job. In coming week, we'll make available
3 in greater detail our report. Thank you.

4 CHAIR CHRAPPAH: Thank you.

5 SECRETARY MIXON: Okay. Next, ma'am in
6 the green. Okay. Thank you, ma'am. If you
7 would say and spell your name for the record
8 please?

9 MS. WILLIAMS: My name is Felecia
10 Williams. It's spelled F, as in Frank, E-L-E-C-
11 I-A Williams. I am a D.C. owner and operator of
12 a D.C. taxicab. I'm here today to debut the D.C.
13 Taxicab App that I have developed. I've
14 developed an app because Uber came into town and
15 just took our money. We cab drivers were not
16 making any money. The app that I've created is
17 live, it's on the Android and the iPhone as we
18 speak right now. I wanted to give a PowerPoint
19 presentation, but I couldn't get an LCD
20 projector. But I did print out screens of the
21 app and I'll pass it around so people can see it.

22 I'm praying that the DCTC will accept

1 the app for taxicab drivers to start making money
2 now. I slashed the fares so that Uber will have
3 to, just, like, I don't know, they're going to
4 have to increase their fares to keep up with the
5 taxicab drivers. Because I'm in allegiance with
6 the taxicab drivers and I made sure, by me being
7 a retired math teacher, I did the math and I did
8 the median and the mean in order to make sure
9 that fares are slashed so that Uber and the
10 taxicab drivers can have a level playing field.
11 I think that with this app, we will definitely
12 have a level playing field.

13 I put on the app special features.
14 After analyzing it, I put an female cab only
15 button on the app so that female cab drivers can
16 -- for female passengers that want female cab
17 drivers, they can go on the map and pick female
18 cab drivers. I guess I'm biased because I am a
19 female cab driver, so I did put a female cab only
20 button on there. Which I did that because of the
21 passengers. By me being a female cab driver for
22 over 30 years, passengers kept saying, there's no

1 female cab drivers out here and I figured that
2 was a way for them to see that we do have female
3 cab drivers on the street.

4 I also put a safety feature on the app
5 for people that's catching a cab, because you
6 don't have to look for a car, you don't have to
7 look for a taxicab. There's a notification alert
8 that says, be ready for the passengers so the
9 passengers will know to be ready because you're
10 on your way.

11 SECRETARY MIXON: Thank you.

12 MS. WILLIAMS: And then I also --

13 SECRETARY MIXON: Two minutes.

14 MS. WILLIAMS: Okay. Let's go -- I'm
15 sorry, I put let's go on there.

16 CHAIR CHRAPPAH: Okay. Felecia, thank
17 you. Thank you for the initiative and also
18 sharing your efforts with us.

19 MS. WILLIAMS: Thank you. Can I put
20 this up there?

21 CHAIR CHRAPPAH: Certainly.

22 MS. WILLIAMS: Thank you.

1 SECRETARY MIXON: Okay. Yes. Thank
2 you, Ms. Williams. Watch the cords.

3 MS. WILLIAMS: Okay. Thank you.

4 SECRETARY MIXON: Okay. Yes, sir. So,
5 yes, again, if you would state and spell your
6 name for the court reporter, then you may start.

7 MR. SWAILES: Okay. My name is Edward
8 Swailes. And Edward is spelled as it sounds and
9 the last name is S, as in Sam, W-A-I-L-E-S. And
10 I am a cab driver and also a resident of D.C.
11 And I first of all wanted to say I do appreciate
12 the opportunity here to speak briefly. There's
13 much more extended things I'd like to say, but
14 what I'm going to do is go back to some thoughts
15 that I submitted earlier and revise those in
16 terms of -- on the Report about expanding the H-
17 Tag.

18 And the first thing I want to say is,
19 I think that as a Commission, one of the
20 allegiances or the first duties I would think
21 would be to the residents of Washington, D.C.
22 And seeing that this is a program that is some

1 way at least affects us in terms of job creation
2 as well as the services being provided to the
3 passengers. At the top of the list, what I'm
4 recommending is to say that in some kind of way,
5 whatever this H-Tag expansion does, it should
6 cover those three points.

7 Some way for the residents of
8 Washington, D.C. to be able to participate and
9 use this as a way of job creation in our
10 community as well as being able to provide the
11 services that are needed, particularly in areas
12 which have been less served by the taxicab
13 industry. And pointing that out and some of the
14 competition that we talk about and I think we
15 probably as a cab industry, participants know
16 that there is a competition with Uber and Lyft
17 and these other places. And they're doing
18 exactly that. I mean, they're going to the
19 underserved areas, they're requesting drivers,
20 they're providing the service, people are using
21 the apps. Which is another market share that
22 we're now losing.

1 And as a part of -- as opposed to
2 talking about renters, owners, the Commission,
3 residents, non-residents, I think that the
4 industry should look at some way to be able to
5 unify itself to come up with a plan that
6 addresses the competition which is the Ubers, the
7 Lyfts, even the shared bicycle, all that is
8 taking people who would normally would catch a
9 cab in other areas, not other areas, but other
10 ways to get around in town.

11 A couple things I heard before me and
12 I'm going to say these real quickly because I
13 thought they were good points. One was the
14 gentleman who talked about the test --

15 SECRETARY MIXON: And I'll --

16 MR. SWAILES: That was two minutes?

17 SECRETARY MIXON: -- stop you as well.
18 Actually, yes that was two minutes. So Chairman
19 --

20 MR. SWAILES: Well, I just say hello
21 and goodbye.

22 (Laughter.)

1 CHAIR CHRAPPAH: Thank you, Mr. Edward
2 Swailles. And I want to mention that we want to
3 be respectful of the time people commit to coming
4 here, but at the same time, there are other
5 opportunities to hear what you have to say. I
6 encourage you all to take a closer look at our
7 website, dctaxi.dc.gov, go to the bottom right-
8 hand side, there is a link that says, Tell Us
9 What You Think, Feedback. And it's not just a
10 traditional feedback. This is something that I
11 want you to take a closer look for a number of
12 reasons.

13 One, you can share your ideas with us
14 in a very transparent way. It doesn't go to some
15 email and only the Commission knows about it. It
16 is public and others can also comment on it so
17 that if you have good ideas, there will be a
18 robust conversation. Cut out the middleman, go
19 to the website, put in your ideas, put in your
20 feedback and topics, and have others comment on
21 it. Because you will realize that most of the
22 time, the issues you have, there are different

1 ways of solving that and when others, your
2 colleagues or even the public, comment on it, the
3 ideas that come out of that process will be more
4 refined. Next speaker?

5 SECRETARY MIXON: Okay. Mr.
6 Medghalchi? And again, if you would spell your
7 name for the record and then start.

8 MR. MEDGHALCHI: Massoud Medghalchi, M-
9 --A-S-S-O-U-D M-E-D-G-H-A-L-C-H-I.

10 SECRETARY MIXON: Thank you.

11 MR. MEDGHALCHI: Thank you for the
12 opportunity to testify before you again. I have
13 a question. Does your recommendation for the H-
14 Tags have any number right now? Do you have any
15 estimates on -- because I cannot quite decipher
16 through the recommendation what it's going to
17 entail as far as the number of tags that are
18 going to go out. Do you have any numbers in
19 mind?

20 CHAIR CHRAPPAH: The Commission does
21 not address questions in this format. This is
22 not a question and answer period.

1 MR. MEDGHALCHI: Okay.

2 CHAIR CHRAPPAH: There's a channel and
3 if you email us or even go to the website, use
4 the feedback option, I promise you, you will get
5 an answer.

6 MR. MEDGHALCHI: Okay. And I do,
7 again, want to emphasize something, regardless of
8 what you hear here, whenever you try to close a
9 system, there are going to be people clamoring to
10 get in. That happens everywhere all the time.
11 If you did it ten years ago, this would have
12 happened. If you do it ten years from now, this
13 will happen. At some point, sanity has to be
14 brought into this system. It is long overdue.

15 However, you still -- people need to
16 understand this. We're not asking for closure of
17 people to come into this system. We wanted to
18 keep it open. That was the tradition and that's
19 what we will stick with. What we were asking
20 for, people that were against the H-Tags, was
21 because of so many people flooding into the
22 business through Uber, Lyft, which was basically

1 our premise of the argument too many people
2 slices the pie too many ways, there's no more
3 business for anyone. It's just like you go to an
4 accounting firm, they need five accountants, they
5 don't load it up with 20. There's no open door
6 policy in that way.

7 You'd have the open door policy
8 through attrition. As attrition happens, people
9 will come in and replace those people. We have
10 no problem with that. We're not trying to create
11 a market for the tags, keep it open. But right
12 now, we have dropped, by E.C. report, we've
13 dropped below even our poverty line at \$13 and
14 change. What do you think is going to happen
15 when you add cabs? Thank you.

16 SECRETARY MIXON: Okay. Thank you.

17 CHAIR CHRAPPAH: Thank you, Mr.

18 Massoud.

19 SECRETARY MIXON: And then, the last
20 person that we are going to call, who was
21 registered, but he's going to have to read his
22 statement very quickly, Mr. Abdelwahab Hassan.

1 MR. HASSAN: Good morning everybody,
2 and sorry for being late. I surrendered my H-Tag
3 on October 2013 because I had engine problems.
4 First, there was no written warning that if I
5 surrender my tag, I will not get it back. And
6 this policy should not be like a secret threat,
7 especially that I decommissioned many cars before
8 and was able to get a new H-Tag without any
9 problem.

10 And DCTC November 23, 2010 policy
11 states like this. Due to pending regulation
12 updates, regulatory updates and ongoing industry
13 inspections and the restructuring, the following
14 Commission policy changes on accepting certain
15 application will be in effect until September 13,
16 2011. The DCTC will continue the suspension of
17 the issuance of new "independent" taxicab vehicle
18 number. From this we can see clearly the policy
19 specifically mentioned independent vehicle
20 numbers, not to regular H-Tag who are affiliated
21 with a company. Two, this policy should have
22 ended in September 13, 2011 and should not have

1 been automatically extended to all H-Tags.

2 Also, the Report ignores to define the
3 policy regarding anyone who wants to surrender
4 his or her tag voluntarily and illegally forced
5 people to pay insurance for non-existent cars out
6 of fear of losing their tags forever and
7 intentionally reducing the cabs by attrition.
8 The Report to choose to take away our tags to
9 give it in a lottery and thus opening a way for
10 corruption to happen through unknown doors.

11 Finally, I would like to commend the
12 Chairman opinion for returning to the open
13 licensing policy and leveling the competitive
14 field with current competition instead of losing
15 their credibility and eventually driven out off
16 the field since they are increasing by the day
17 and the taxi is decreasing. I have to fight very
18 difficult fight two years now to get only my tag
19 that I get. Thank you.

20 CHAIR CHRAPPAH: Thank you very much.
21 We'd now move to the section where we correct or
22 provide some factual data based on the

1 commentaries provided at a previous meeting.
2 Before getting to that, a couple of things I've
3 heard throughout the meeting today. One is
4 business is slow, there's unfair competition.
5 People are not seeing ideas provided at this
6 forum being translated ultimately into
7 regulation. And also, the taxi business is gone
8 or has decreased by 30 percent. And also,
9 drivers living in Virginia and Maryland need an
10 opportunity to participate in the Transport D.C.
11 Grants Program. We'll address all of this next
12 week because several of these statements are
13 factually inaccurate.

14 And I'll address one in the interest
15 of time and then I'll have our Madam Secretary
16 address the comments from the previous meeting.
17 With respect to the Transport D.C. Program, there
18 is an avenue for every licensed taxi driver to
19 participate. Of the four grant programs
20 available, there is one at least that it think
21 drivers should consider seriously. And that is
22 the opportunity to get free disability

1 sensitivity and wheelchair accessibility vehicle
2 operation training. That doesn't take into
3 consideration where you live. So that is one
4 opportunity that all operators should take
5 seriously because at some point, it's likely to
6 become a requirement.

7 The second is that we are in a
8 transportation ecosystem where private vehicles
9 for hire and public vehicles for hire all have a
10 role to play and that the existing regulatory
11 structure and also the law passed by the Council.
12 So I encourage you to refrain from statements
13 that the private vehicles for hire are not
14 regulated, because that's simply not true. At
15 this point, Madam Secretary, could you go about
16 the fact check from the previous meetings?

17 SECRETARY MIXON: Yes. Thank you,
18 Chairman. Someone said that Uber has taken 60
19 percent of the business away. Our findings show
20 that trips are on the increase. Specifically, in
21 2013, we show 291,000 trips a week. In 2014,
22 308,000 trips a week. And in 2015 so far,

1 313,000 trips a week. So this shows an eight
2 percent increase from 2013 to 2015.

3 Also, a speaker said that you cannot
4 trust the DDS, the TNC. For this, you need to
5 refer to the Vehicle for Hire Act Amendment --
6 excuse, Vehicle for Hire Amendment Innovation Act
7 of 2014, which was passed by the Council and
8 which also helps to regulate us. If you have any
9 specific questions, as Chairman said, we now have
10 the feedback feature on our website. So please
11 do engage with us, engage with our legal
12 department.

13 Another speaker said that the average
14 trip is \$10 or less. This is not consistent with
15 the trip data that we have. We have it showing
16 between \$15 and \$20, with our patterns of trips.
17 Once again, if you have questions about this,
18 please do engage with us.

19 Another speaker asked if the Chairman
20 can vote. Indeed he can, he is a Commissioner,
21 so the Chairman votes on everything that is up
22 for vote. Another speaker mentioned that we

1 didn't -- he wanted to know if we eliminated our
2 paper manifest. No, we have not. Drivers have a
3 choice of either paper or electronic manifest to
4 use. And then there was a discussion about
5 refusal to halt. And we do want you to know that
6 we have a process. Number one, guilt is not
7 automatic when you are stopped. And secondly, we
8 do have due process. If an investigation shows
9 that the driver is at fault, the infraction
10 stands. So we seek either resolution or closure
11 to this.

12 And then, are there any comments on
13 what I said, Commissioners? I state everything
14 correct? Okay. So I do thank you for listening
15 to me. And again, as Chairman said, we are
16 listening to you intently and we do want to
17 correct anything that is inaccurate. Thank you.

18 CHAIR CHRAPPAH: All right. Now, we'll
19 go to the final leg of today's meeting.
20 Typically, we call out the action items at the
21 beginning of the meeting, we give a brief
22 synopsis for those who have not had the

1 opportunity to read it from our website, but
2 today based on the number of Commissioners in
3 attendance, we are not going to call any action
4 item out for vote. But what I'll do is ask our
5 General Counsel, Jacques Lerner, to briefly
6 describe the intent and purpose of each of these
7 seven action items that would otherwise have been
8 voted on today.

9 MR. LERNER: Item 1 is a Notice of
10 Emergency and Proposed Rulemaking, which would
11 amend the dome light rules to allow owners to add
12 a Call 911 message to the dome light at their
13 expense. While this is not the Commission's way
14 of endorsing the effectiveness of that message,
15 it would give owners additional options for how
16 they want the light to function. They would have
17 to pay for that modification, but that
18 modification would become available. It's not
19 available now, but under this rulemaking, it
20 would be.

21 Item 2 would amend Chapter 5. It
22 would enact on an emergency basis just one

1 provision of the proposals that were approved for
2 publication at the July meeting to expedite the
3 deployment of safety devices in all vehicles. So
4 that's already a pending proposed rule. This
5 would take that one line, one provision, and
6 adopt it on an emergency basis to expedite the
7 safety devices, including a device for driver
8 safety.

9 Item 3, this would repeal the
10 transferrable licenses, which at this moment
11 create opportunities to hold license indefinitely
12 without regard to licensing policy and give
13 holders of those license the ability to stockpile
14 licenses, which would have the ability to distort
15 the market and, again, place those licenses
16 outside licensing policy.

17 Item 4, this is a second Emergency
18 Rulemaking. It would reauthorize the emergency
19 rules that were adopted at the May 2015 meeting
20 pending the adoption of proposed rules. The
21 primary purposes are to expedite the formation of
22 the co-op and, very importantly, ensure that

1 there is a legal entity available to receive the
2 app, which is in testing at this time. That's an
3 important requirement to be on the receiving end
4 of the licensing.

5 Item 5, this is an Emergency and
6 Proposed Rulemaking. This is actually a new --
7 this would be a new Emergency and Proposed
8 Rulemaking to enhance and improve PSP standards.
9 It would do a number of things, including
10 imposing a uniform licensing date. Right now,
11 they're licensed for 12 months, but they would
12 all be licensed on the same date and they would
13 be based on -- the licensing would be based, it's
14 already able to be based under the existing rules
15 this way, but it would clarify that it would be
16 based -- a determination of the number of PSPs
17 would be based on the outcome of an audit that
18 would be conducted every year. Which is at this
19 point very close to completion for this year's
20 approvals.

21 It would also, importantly, repeal the
22 provisions for driver surcharge accounts, which

1 actually appear in Chapter 8. The Agenda had
2 said, I believe, Chapter 5 for a different item,
3 but it's actually Chapter 8 that those provisions
4 would be removed from the existing regulations.

5 Item 6, which is not a rulemaking,
6 would be a proposed vote to rescind the approval
7 of Final Rulemaking which was done at the May 13,
8 2015 meeting for Chapters 8 and 11. In any
9 event, it was -- the recommendation is that the
10 Commission -- the recommendation would be from
11 the Office of Taxicabs to -- actually, I'll just
12 begin again. The written statement was more
13 accurate and helpful here.

14 On May 13, 2015, the Commission voted
15 to approve publication of Final Rulemaking for
16 Chapters 5 and 11, decreasing certain
17 administrative fees. The rulemaking would have
18 reduced fees on hack license and face card, the
19 per vehicle registration, and taxicab, limousine,
20 and black car face card and those various fees.
21 In August 2015, a fiscal impact analysis was
22 conducted by the Office of the Chief Financial

1 Officer, which showed the DCTC and the Office of
2 Taxicabs does not currently have the budget
3 capacity to implement these reductions.

4 Therefore, the Office of Taxicabs is proposing
5 that the Commission's vote on May 13, 2015 to
6 adopt Final Rulemaking for Chapters 5 and 11 be
7 rescinded.

8 And the last matter, the last action
9 item, is a vote to accept the August 28, 2015
10 Final Report of the Panel on Industry findings
11 and recommendations on DCTC policy on the
12 issuance of new vehicle licenses for taxicabs,
13 more commonly known as the H-Tag Report. The
14 Report is online and the public is able to
15 comment on it at this time. The vote is simply
16 to accept the Report. There was a statement that
17 somehow this was an adoption. In fact, all the
18 Commission would be doing, if it was able to vote
19 on action items, which it cannot, would be to
20 accept the Report. Just to simply take it,
21 acknowledge it, and that's it.

22 CHAIR CHRAPPAH: Thank you, Counsel.

1 At this time, there is no further item on the
2 Agenda. I would like to thank all of you for
3 attending and also those who took the time to
4 prepare written testimonies. This is very
5 helpful and we look forward to continue our
6 relationship and help to improve the industry.
7 Thank you. Meeting adjourned.

8 (Whereupon, the above-entitled matter
9 was concluded at 11:25 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Commission Meeting

Before: DC Taxicab Commission

Date: 09-09-15

Place: Washington, DC

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