

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in sections 8(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1) (C), (D), (E), (F), (G), (I), (J) and 50-319 (2009 Repl.), and D.C. Official Code 50-313 (2009 Repl.; 2012 Supp.); D.C. Official Code § 47-2829 (b),(d), (e), (e-1), and (i) (2012 Supp.)); section 12 of the 1919 District of Columbia Taxicab Act, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)), and Section 3 of the Taxicab Improvement Emergency Act of 2012, effective July 24, 2012 (D.C. Act 19-____; __ DCR ____) hereby gives notice of emergency and proposed rulemaking action taken on July 18, 2012, to adopt amendments to Chapter 11 (Taxicab Commission Fund Assessments) of Title 31 (Taxicab and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments will implement statutory amendments to Section 3 of the Emergency Act and section 20a of the Act that (1) convert the existing District of Columbia Taxicab Commission Fund (Assessment Fund) into the Public Vehicle for Hire Consumer Fund (Consumer Fund); (2) update the purposes for which the Consumer Fund funds may be used by the Commission; and (3) add a new subsection to establish a passenger surcharge as authorized by Section 3 of the Emergency Act, as well as the requirements for a public vehicle for hire metering system to electronically track, calculate, and collect the passenger surcharge.

This emergency rulemaking action is necessary to protect the public safety and welfare of the residents of and visitors to the District of Columbia. Specifically, the past 3-5 years have seen an exponential increase in consumer complaints about the quality and safety of District taxicab vehicles and operators. The implementation of a new Taxi Smart Meter System and Dome Lighting System, and the features associated with their installation and operation in public vehicles for hire bring will bring about a heightened level of visibility, data collection, and safety alert mechanisms that should quickly and significantly improve public safety and accountability in public transportation in the District.

This Emergency and Proposed Rule was adopted on July 18, 2012, and became effective on July 25, 2012. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on November 15, 2012, or upon earlier amendment or repeal by the Commission or upon publication of final rulemaking in the *D.C. Register*, whichever occurs first.

The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 11 of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

The title of Chapter 11 is amended to read as follows:

CHAPTER 11 PUBLIC VEHICLES FOR HIRE CONSUMER SERVICE FUND

Subsection 1100 is amended to read as follows:

- 1100.1 The purpose of this chapter is to establish procedural and substantive rules governing assessment and collection of all funds to be deposited into the Public Vehicle for Hire Consumer Service Fund as authorized by Section 3 of the Taxicab Improvement Emergency Act of 2012, effective July __, 2012 (D.C. Act 19-____; __ DCR ____) and section 20a of the District of Columbia Taxicab Commission Establishment Act of 1985, effective _____, 2012 (D.C. Law 19-__ ; D.C. Official Code § 50-320 (2009 Repl. & 2012 Supp.)) (collectively, the “Act”).
- 1100.2 The Public Vehicle for Hire Consumer Service Fund shall consist of
- (a) All funds collected from a passenger surcharge;
 - (b) All funds collected by the Commission from the issuance and renewal of a public vehicle-for-hire license pursuant to D.C. Official Code § 47-2829 (2012 Supp.), including such funds held in miscellaneous trust funds by the Commission and the Office of the People’s Counsel prior to June 23, 1987, pursuant to D.C. Official Code § 34-912(a) (2012 Supp.);
 - (c) All funds collected by the Commission from the Department of Motor Vehicles through the Out-Of-State Vehicle Registration Special Fund, pursuant to section 3a of the District of Columbia Revenue Act of 1937, effective March 26, 2008 (D.C. Law 17-130; D.C. Official Code § 50-1501.03a (2009 Repl.)); and
 - (d) All taxi operator and passenger vehicle for hire operator assessment fund fees collected by the Commission pursuant to subsections (c) and (d) of the Act.

Section 1101 is amended to read as follows:

1101 ASSESSMENT OF PUBLIC VEHICLE FOR HIRE OPERATORS

- 1101.1 Each public vehicle for hire operator licensed by the Commission shall be assessed fifty dollars (\$50) per year upon the issuance or renewal of each operator license identification (Face) card issued pursuant to D.C. Official Code § 47-2829(e) and (h) (2012 Supp.).

- 1101.2 The assessment levied pursuant to § 1101.1 shall be paid by each public vehicle for hire operator licensed by the Commission in addition to the annual license fee authorized pursuant to D.C. Official Code § 47-2829(e) and (h) (2012 Supp.).
- 1101.3 The Commission shall collect the assessment levied at the time of the issuance or renewal of the operator license identification (Face) card of each public vehicle for hire operator.
- 1101.4 The Commission shall have deposited into the Public Vehicle for Hire Consumer Service Fund all assessments collected from public vehicle for hire operators licensed by the Commission.
- 1101.5 On an annual basis, or at other times as determined by the Commission, the Commission shall request that the Office of the Chief Financial Officer provide a written report to the Commission of all monies collected and deposited in the Fund.

Section 1102 is amended to read as follows:

1102 PUBLIC VEHICLE FOR HIRE CONSUMER SERVICE FUND USES

- 1102.1 Monies in the Public Vehicle for Hire Consumer Service Fund shall be used by the Commission to pay costs incurred by the Commission, including, but not limited to, the costs of:
- (a) Operating and administering programs, investigations, proceedings, and inspections;
 - (b) Improving the District's taxicab fleet;
 - (c) Administering the Fund;
 - (d) Establishing a program to provide taxicab fare discounts for low-income senior citizens aged 65 and older and persons with disabilities; and
 - (e) Providing grants to owners of licensed taxicabs legally operating and incorporated in the District to incentivize the purchase and use of alternative-fuel vehicles and wheelchair-accessible vehicles, directing licensed taxicabs to underserved areas, and to offset costs associated with meeting the mandates of the Act.
- 1102.2 A proceeding, as referenced in Section 1102.1(a), includes, but is not limited to, any administrative action, process, adjudication, or rulemaking pending before, or initiated by, the Commission or any of its panels.

1102.3 A Commission or panel investigation may include, but is not limited to, an investigation into any of the following subjects:

- (a) Rate studies;
- (b) Review of the taximeter or Taxi Smart Meter System;
- (c) Public education and awareness;
- (d) Education of taxicab operators and owners;
- (e) Enforcement activities; or
- (f) Discrimination in the taxicab industry.

A new section 1103 is added to read as follows:

1103 PASSENGER SURCHARGE

1103.1 Each trip provided in a public vehicle for hire licensed by the Commission that has had a Taxi Smart Meter System installed in the vehicle which system is fully operational shall be assessed a fifty cents (\$0.50) per trip passenger surcharge pursuant to the Act.

1103.02 For purposes of this subsection, the term “trip” means any taxi service provided by a public vehicle for hire licensed by the Commission to one or more passengers at the same time which originated in the District.

1103.03 All funds collected pursuant to this section shall be deposited into the Public Vehicle for Hire Consumer Service Fund.

1103.4 This section shall become effective upon the implementation by the Commission of a public vehicle for hire Taxi Smart Meter System that at a minimum:

- (a) Provides automatic tracking mechanism to track the number of trips a public vehicle for hire operator has provided;
- (b) Establishes a link from the automatic tracking mechanism to an electronic account assigned to the public vehicle for hire operator;
- (c) Provides that the account periodically calculates the amount of money payable to the Public Vehicle for Hire Consumer Service Fund for passenger surcharges;

- (d) Provides that the account periodically electronically remit the monies owed to the Public Vehicle for Hire Consumer Service Fund for passenger surcharges; and
- (e) Where a passenger uses a credit or debit card to pay for a fare, provides that the passenger surcharge is electronically deposited directly into the Public Vehicle for Hire Consumer Service Fund

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Edward Rich, Interim General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by postal mail or hand delivery to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, D.C. 20020, Attn: Edward Rich, Interim General Counsel and Secretary to the Commission, not later than thirty (30) days after the publication of this notice in the *D.C. Register*.