

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF 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 amend Chapter 6 (Taxicab Parts and Equipment), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendment will: (1) implement the Taxi Smart Meter System; (2) establish a new dome light mandate; and (3) update penalties and fines.

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 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 __, 2012, or upon earlier amendment or repeal by the Commission or publication of a Notice 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 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 600, APPLICATION AND SCOPE, is amended as follows:

Subsection 600.3 is amended to read as follows:

600.3 Each motor vehicle licensed as a public vehicle for hire in the District shall comply with the regulations governing the equipment requirements, inspection of passenger vehicles for hire and standards established by the Commission.

Section 601, PARTS AND EQUIPMENT, is amended as follows:

Subsections 601.9 through 601.12 are repealed:

A new Section 604, TAXI SMART METER SYSTEM, is added to read as follows:

604.1 Effective January 1, 2013, all licensed taxicabs in the District of Columbia shall be equipped with the Commission approved Taxi Smart Meter System (TSMS) that meets the specifications listed below:

(a) Hardware Specifications:

(1) Driver Information Module (DIM):

(A) Approved vendor's 7" DIM:

- (i) Configured to DCTC specifications;
- (ii) Screen: 7" high resolution color touch screen;
- (iii) Maximum power draw of 6W from Power Control Module; and
- (iv) Integrated with DCTC's Approved vendor's Back Office Management Information System (BOMIS);

(B) Mounting Brackets:

- (i) DIM equipment is made to accommodate all vehicle types by providing various customized mounting brackets; and
- (ii) Approved vendor's offers three styles of mounting brackets that are installed on the dashboard based on the dashboard type. A universal mounting bracket can also be integrated to fit with any vehicle.

(2) Passenger Information Module (PIM):

(A) Approved vendor's 10" PIM:

- (i) Configured to Commission specifications;
- (ii) Screen: 10" high resolution color touch screen;
- (iii) Maximum power draw of 10W from Power Control Module; and

(iv) Integrated with the Commission's Approved vendor's Back Office Management Information System (BOMIS);

(B) Mounting Brackets:

(i) PIM equipment is made to accommodate all vehicle types by providing various customized mounting brackets; and

(ii) Approved vendor's mounting brackets to install the PIM in the rear of the car, depending on the vehicle type;

(3) Communications Device.

Approved vendor's wireless 3G or better CDMA Modem cellular network connection card;

(4) GPS.

Approved vendor's High Sensitivity GPS receiver with 48 channels of parallel tracking;

(5) Antenna.

Approved vendor's 3dB Gain antenna mounted on the taxicab roof for maximum sky view;

(6) Passenger Safety Button.

Integrated into PIM;

(7) Driver Safety Button.

Integrated into DIM; and

(8) Receipt Printer.

Integrated with the PIM;

(b) Integration Specifications:

(1) Authentication.

For the meter to turn on, the DIM must validate the current status (valid, revoked, or suspended) of the driver and ensure that the

driver is a valid taxicab driver via real-time checks against the Commission's BOMIS;

(2) Electronic Trip-Sheet Data Collection:

(A) The DIM must electronically collect trip-sheet data that meets the requirements of this title. The trip-sheet reporting shall make use of Global Positioning Satellite (GPS) technologies to geospatially mark pick-up, drop-off and current taxi location information. The TSMS shall collect and record trip-sheet data according to chapter 8 of this title. The following data elements shall be captured and transmitted to the DCTC BOMIS:

- (i) The date, operator's name and identification card number (i.e., Hack License Number), taxicab company, vehicle number, and license plate number;
- (ii) The time and mileage out at beginning of tour of duty;
- (iii) The time and mileage of each trip;
- (iv) The time and geospatially recorded place of origin and time and geospatially recorded place of destination of each trip;
- (v) The number of passengers and fare charged for each trip;
- (vi) The time and mileage at the end of the workday;
- (vii) Trip number;
- (viii) Taxicab number;
- (ix) Itemized fare: tolls, surcharges, and tip amount for credit/debit purchases; and
- (x) Payment type (cash, credit payments, credit card brand, or debit; and

(B) The TSMS shall print all relevant trip information to the taxi receipt which should print from the front of the cab through the PIM. The taxi receipt shall include, at a minimum, the following trip information:

- (i) The date;
 - (ii) The time and mileage of each trip;
 - (iii) Trip number;
 - (iv) Taxicab number;
 - (v) Driver number;
 - (vi) Itemized fare: tolls, surcharges, and tip amount (credit/debit only); and
 - (vii) Number of passengers;
- (3) Driver Information Monitor (DIM) with Text Messaging:
- (A) The Driver Information Module (DIM) must integrate with the Commission's BOMIS and receive and send messages in text format.
 - (i) The District shall be able to communicate with taxicabs in the event of an emergency; and
 - (ii) The District shall be able to streamline the process for lost property claims by communicating requests to locate lost property directly to taxicab operators;
 - (B) The Commission shall be able to send short alphanumeric messages from the BOMIS to taxicab DIMs and receive pre-programmed responses from drivers;
 - (C) The DIM shall integrate with the Commission's BOMIS to receive and distribute directed (to individual taxicabs) and global (to all taxicabs) alphanumeric text messages. Messages can be informational (one-directional) or require drivers to respond. Response-oriented messages shall be accompanied by corresponding "Yes / No" or custom response choices. The DIM shall enable responses by allowing drivers to cycle through and select response choices through a single button on the DIM screen or hardware interface. Drivers shall only be able to respond to messages when the vehicle is stationary;
 - (D) The driver Safety Button must integrate with the Commission's BOMIS allowing the driver to send a distress signal to the Commission to be passed to law

enforcement officials with the current and updated location of the vehicle; and

(4) Credit/Debit Card Acceptance.

The PIM shall be enabled to accept fare payments from all major credit/debit cards, including Visa, MasterCard, American Express, and Discover cards;

(5) Passenger Information Monitor (PIM)

(A) The PIM shall be the interactive device used to complete all fare transactions. At the end of each fare, the PIM shall display the total fare (itemizing fare, tolls, and surcharges) and include an option to pay with a credit/debit card or with cash. For credit/debit card payments the PIM shall include a contact and optional contact-less reader with the ability to add a tip to the electronic payment. For cash payments, the PIM shall display the itemized charges (excluding tip) and allow the passenger to confirm and complete the cash transaction;

(B) The PIM shall provide the primary mechanism to supply passengers with information and content. The Commission shall be responsible for rendering programming to the PIM. The PIM shall be integrated with the Commission's BOMIS to receive programming content which may include: news, announcements, advertisements, taxicab rules and regulations, fare information, public service announcements (PSA), television and movie clips, interactive maps, etc;

(C) The PIM shall display the driver's name, photo, and hack license number according to Commission specifications; and

(D) The PIM shall integrate with a Safety Button that allows the passenger to send a distress signal to the Commission's BOMIS to be passed to call center officials with the current location of the vehicle; and

(6) Accommodations for Future Enhancements.

All owner/operators are responsible for compliance with any future upgrades and specification enhancements as announced by the Commission; and

(c) Operational Specifications.

(1) Installation:

- (A) The Taxi Smart Meter System shall be installed at a District of Columbia Authorized Taxi Smart Meter System Installation Business;
- (B) It is the Taxi Smart Meter System owner's technical and financial responsibility to integrate other services such as dispatch into the TSMS;
- (C) The Commission shall pay for all costs of TSMS installations scheduled for installation through December 31, 2012;
- (D) After December 31, 2012, the taxicab owner/operator will be responsible for payment of the installation fee at the time of TSMS installation; and
- (E) If a scheduled installation appointment is missed, the taxicab installation will be rescheduled at the end of the installation process schedule. If the appointment is missed due to the intentional misconduct of or willful disregard by the taxicab owner/operator, or the taxicab owner/operator does not provide the Commission with written evidence of a legitimate reason for missing the appointment, the taxicab owner/operator shall be fined a penalty of \$500 per missed appointment; and

(2) Maintenance.

The Taxi Smart Meter System owner shall fully maintain all hardware, software, and other equipment related to the Taxi Smart Meter System. The owner shall be responsible for replacing and installing all hardware/equipment that malfunctions, is vandalized, or otherwise fails to operate during the period in which the owner maintains a contract for the TSMS system with the District of Columbia and the Commission. The owner shall be responsible for maintaining all software including, but not limited to, upgrades and security patches and shall operate a Maintenance and Troubleshooting Operation with a single point of contact for maintenance of all Taxi Smart Meter System equipment and associated software operating in the District of Columbia. The owner shall maintain a twenty-four (24)-hour, seven (7) days a

week help desk for assistance with TSMS related questions and requests for repair.

- 604.2 Any owner/operator that opts to purchase the Taxi Smart Meter System independently must do so from the approved vendor. The independently purchased TSMS system must meet all specification set forth in § 604.1 above.
- 604.3 Each Owner/Operator shall:
- (a) Execute a Bi-Party Agreement with the Taxi Smart Meter System vendor/business; and
 - (b) Establish a standing account with an initial security deposit of one hundred dollars (\$100.00) with the Taxi Smart Meter System vendor/business which provides for the deposit of payments for fares earned and the collection of the fifty cent (\$.50) consumer service surcharge required by these regulations.
- 604.4 Before any Owner/Operator, including any newly licensed operator, is authorized to operate a taxicab with the Taxi Smart Meter System, the owner/operator shall complete required training on the Taxi Meter System from the Taxi Smart Meter System owner.
- 604.5 A Taxi Smart Meter System shall only be acquired from and installed by a Taxi Smart Meter System vendor/business authorized by the Commission to provide and install the Taxi Smart Meter System.
- 604.6 No taxicab shall be equipped with more than one taximeter or Taxi Smart Meter System, except where specifically approved by Commission in writing.
- 604.7 At the option, and cost, of the Taxi Smart Meter System vendor, the taximeter previously installed in a taxi may be integrated into the Taxi Smart Meter System where the vendor determines that the existing meter is compatible with the Taxi Smart Meter System installation.
- 604.8 If the Taxi Smart Meter System vendor determines that the existing meter in a taxi is incompatible with the Taxi Smart Meter System installation, the owner/operator must accept the replacement meter for integration into the Taxi Smart Meter System and the owner/operator shall retain possession of his or her original meter.
- 604.9 Each Taxi Smart Meter System shall be tested once per year by a Taxi Smart Meter System business licensed by the Commission. The annual inspection of any taxicab owned by or affiliated with a Taxi Smart Meter System business shall not be conducted by that business. The annual inspection shall be identical to the inspection process identified in § 1324.1 of this title.

- 604.10 Each new Taxi Smart Meter System unit submitted for approval to the Commission by the manufacturer, its licensed representative, or the taximeter business shall be subject to a testing period.
- 604.11 Drivers shall comply with the following requirements:
- (a) A driver shall not drive a taxicab unless the Taxi Smart Meter System is in good working condition;
 - (b) A driver shall not pick up or transport a passenger unless the Taxi Smart Meter System is properly equipped with paper for the printing of receipts; and
 - (c) A driver while on duty shall not operate a taxicab unless the dome light displays "For Hire" when the Taxi Smart Meter System is not in use, and the display is "Dark" when the Taxi Smart Meter System is in use transporting a passenger.
- 604.12 Tampering with the taximeter, Taxi Smart Meter System, or dome light is prohibited.
- (a) A driver shall not operate a taxicab in which the Taxi Smart Meter System has been tampered with, broken, or altered in any manner. The operation of a taxicab with a broken Taxi Smart Meter System shall give rise to a rebuttable presumption that the driver knew of the tampering or alteration and operated the taxicab with such knowledge.
 - (b) A driver shall not tamper with, repair or attempt to repair, or connect any unauthorized device to the Taxi Smart Meter System, cable connection, or electrical wiring thereof, or make any change in the vehicle's mechanism or its tires which would affect the operation of the Taxi Smart Meter System.
 - (c) A driver shall not tamper with the dome light or any of the interior lights or connections except to replace a defective bulb or fuse. The dome light of a taxicab shall be automatically controlled by the operation of the Taxi Smart Meter System so that the dome light displays "For Hire" when the Taxi Smart Meter System is not in use and available to pick up passengers, and "For Hire" shall go "dark" when the Taxi Smart Meter System is in use transporting a passenger. The operation of a taxicab with an unauthorized dome light shall give rise to a rebuttable presumption that the driver knew of the unauthorized dome light and operated the taxicab with such knowledge.
 - (d) A taxicab driver/owner/operator shall not place tires or wheels of a different size, or "off-size" tires, on the taxicab without reinspection and

recalibration of the Taxi Smart Meter System. A taxicab driver, owner, or operator shall not operate a taxicab with tires inflated outside the manufacturer's recommended level, whether "under" or "over inflated".

- (e) Except as is otherwise the responsibility of the Taxi Smart Meter System owner, a taxicab owner/operator shall be held responsible for replacement or replacement cost for Taxi Smart Meter System equipment which is lost, stolen, destroyed, abused, altered, or otherwise made inoperable for the purpose for which it was purchased and installed, while in the owner/operator's possession. In addition to any fine the owner/operator must replace, at its expense, the Taxi Smart Meter System and shall be suspended from operating until the replacement Smart Taxi Meter System is properly installed.

- 604.13 The Taxi Smart Meter System must be immediately surrendered to the authorized Taxi Smart Meter System installer when the vehicle is removed from service as a licensed taxi in the District of Columbia, whether the removal is voluntary or involuntary.
- 604.14 The Taxi Smart Meter System installer must immediately notify the Commission in writing when a Taxi Smart Meter System is surrendered to the authorized Taxi Smart Meter System installer when the vehicle is removed from service as a licensed taxi in the District of Columbia, whether the removal is voluntary or involuntary.
- 604.15 Effective January 1, 2013, any licensed taxicab in the District of Columbia that has not been equipped with the Commission approved Taxi Smart Meter System is not authorized to be operated as a licensed public vehicle for hire in the District of Columbia and will be ticketed and towed off of the public streets as an unlicensed vehicle.
- 604.15 Effective January 1, 2013, any taxi vehicle added to the taxi fleet in the District of Columbia shall be equipped with the Commission approved Taxi Smart Meter System that meets the specifications listed in § 604.1. Further, the costs of the TSMS, including installation of the meter and TSMS, are the responsibility of the owner/operators.
- 604.16 Effective January 1, 2013, all costs to install, transfer, or replace (except where covered under vendor warranty or insurance) Taxi Smart Meter System equipment will be the financial responsibility of the owner/operator.

Section 605, CRUISING LIGHTS, is amended as follows:

The section heading is amended to read as follows:

605 DOME LIGHTS AND TAXI NUMBERING SYSTEM

Subsections 605.1 through 605.10 are amended to read as follows:

- 605.1 Effective January 1, 2013, all licensed taxicabs in the District of Columbia shall be equipped with the Commission-approved Dome Lights and Taxi Number System that meets the specifications listed below:
- (a) The Dome Light shall display the taxicab vehicle number assigned by the Commission in the center of the dome on the front and back of the dome light;
 - (b) The Dome Light shall be connected to the engine and will remain on at all times when the car's engine is on;
 - (c) Roof Light Housing shall be aluminum: H – 4.75" x W – 17"; Thickness – 0.125";
 - (d) Roof Light Housing Case Cover shall be aluminum: H 6.5" x W – 18"; Thickness – 0.125";
 - (e) Front and Back Covering (Lettering) shall be Black Plastic ID Acrylic Crystallite;
 - (f) Center Letter Font Size: 3";
 - (g) End Letter Font Size: 2";
 - (h) The Dome Light shall include liquid crystal diode lights that are guaranteed to last at least five (5) years;
 - (i) The Center Light shall be orange and connected to the engine; and
 - (j) The End Lights shall be white, only when the driver is seeking a passenger, and connected to the Meter.
- 605.2 The required dome light shall only be installed by Dome Light Installation businesses authorized by the Commission to install the approved dome light.
- 605.3 The Commission shall identify qualified dome light Installation businesses through a Request for Information or Qualification (RFI or RFQ) process.
- 605.4 The Commission shall establish a new taxicab numbering system with the installation of the new dome lights. Each new dome light will identify the newly

assigned taxicab number assigned by the Commission to that specific taxicab vehicle.

- 605.5 The Taxi Vehicle Numbering system on the dome is not intended to replace a taxicab company's, association's, or fleet's taxicab fleet numbering system provided in § 503 of this title. However, the taxi vehicle numbering system on the dome will replace the current independent numbers assigned to independently operated taxicabs (Black or White) as provided in § 505.7 of this title.
- 605.6 The dome light of a taxicab shall display "For Hire" at all times when the taxicab is available for hire and the "For Hire" light shall go "dark" when the taxicab is not available for hire because he or she is carrying a passenger, he or she is on call, or he or she is off duty not intending to take on passengers.
- 605.7 Whenever a taxicab operator removes his or her vehicle from service and is proceeding to a place of his or her choosing without intending to take on passengers, the "For Hire" light shall go "dark."
- 605.8 Whenever a taxicab is responding to a dispatch call or proceeding to a prior arranged transport, the "For Hire" light shall go "dark."
- 605.9 No taxicab shall be operated unless its dome light is in proper working condition.
- 605.10 Repealed.

Section 608, INSPECTION OF TAXICABS, is amended as follows:

Subsections 608.1 through 608.4 are amended to read as follows:

- 608.1 All taxicab vehicles shall be inspected semi-annually or at other times as required by the Commission for the following:
- (a) Safe operating condition and compliance with District of Columbia motor vehicle regulations with respect to the condition of the body and fenders, cleanliness, repairs, and other mechanical parts relating to both the exterior and interior condition of the taxi vehicle; and
 - (b) Broken or damaged taximeters or Taxi Smart Meter System.
- 608.2 Any Hack Inspector, police officer, or other authorized agent of the District may inspect and test the meter and Taxi Smart Meter System, lights, brakes, steering assembly, tires, equipment, horn, or any other device required by Title 18 DCMR and the Commission's rules and regulations at any time a taxicab is on the public streets or public space.

- 608.3 Any Hack Inspector, police officer, or other authorized agent of the District may order the removal of an unsafe or improperly equipped taxicab from any public street or space to one of the official District Inspection Stations for reinspection, notwithstanding the fact that the taxicab displays an approved inspection sticker, or to an authorized Meter or Taxi Smart Meter System installation vendor/business authorized by the Commission for inspection or repairs.
- 608.4 No person shall drive, move, or permit the operation or use of any taxicab which is mechanically unsafe, improperly equipped, or otherwise unfit to be operated, including failure to have an operating meter and Taxi Smart Meter System. Such vehicles shall be towed off the public streets.

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 mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Edward Rich, Interim General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*.