

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY 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 19-403; 59 DCR 9116) hereby gives notice of emergency rulemaking action taken on September 19, 2012, to amend Chapter 8 (Operation of Taxicabs) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendment will allow for the collection by the Commission of the passenger surcharge that was authorized by Section 3 of the Taxicab Improvement Emergency Act of 2012 and to authorize additional charges for special events.

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 three to five years have seen an exponential increase in consumer complaints about the quality and safety of District taxicab vehicles and operators. The Emergency Act provided for the creation of the Public Vehicle for Hire Consumer Service Fund, in large part to be funded by the passenger surcharge. Without the immediate commencement of collection of the passenger surcharge, the Commission will be unable to carry out the purposes of the Fund, including (1) operating and administering programs, investigations, proceedings, and inspections; (2) establishing a program to provide taxicab fare discounts for low-income senior citizens aged 65 and older and persons with disabilities; and (3) providing grants, loans, incentives and other financial assistance 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 Emergency Act. Moreover, this emergency rulemaking will ensure that a sufficient number of public vehicles for hire will be available when needed for events that will occur in the near future by authorizing special fare add-ons to compensate for increased traffic congestion during these events.

The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on _____, 2012, or upon earlier amendment or repeal by the Commission or upon publication of final rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

A new Section 604.5 is added, to read as follows:

604.5 Until such time the TSMS vendor under contract to the District of Columbia commences performance under the contract, each Owner/Operator shall, if approved by the Commission:

- (a) Establish with the Commission a standing account with an initial deposit of two hundred dollars (\$200.00) for each public vehicle for hire owned by the owner, regardless of whether the vehicle is driven by an employee of the owner or rented by the owner to a licensed public vehicle for hire driver. The account shall provide for the payment to the Commission of the passenger surcharge required to be collected by each licensed driver from each payable fare pursuant to this Title. The account will be debited for the amount of the surcharge for each fare required to be paid by a bona fide passenger for a trip in a public vehicle for hire. For purposes of this Section, the Commission will assume that each owner's public vehicle for hire will record two hundred (200) fare paying trips per month and will deduct from each account the sum of one hundred dollars at the end of each month. Each owner shall ensure that there is a minimum of one hundred dollars (\$100.00) in each of the owner/operator's accounts at all times. For convenience, each owner may provide the Commission with a valid credit/debit card or account information from a bonafide checking/savings account from which the monthly amount shall be debited. Each owner providing a credit/debit card number or a checking/savings account number shall be responsible for ensuring that the Commission has, at all times, a valid credit/debit card number or a valid savings/checking account number. Any balance remaining in an account shall be refunded to the owner/operator when the vehicle is no longer registered as a public vehicle for hire in the District of Columbia; provided, however, that an owner who replaces a licensed vehicle with another licensed vehicle may transfer the account of the old vehicle to the new vehicle.
- (b) At the owner's option, have installed in each taximeter a computer chip that will allow for the wireless transmission of all meter data to another personal electronic device, so as to allow the Commission to "read" the meter and reconcile the actual paying trip data with the automatic withdrawal from the individual standing accounts. The actual trip information shall be utilized by the Commission to reconcile the automatic withdrawals from each account. Each account will then be credited or debited based upon the actual meter data. If the account is further debited, the owner shall be required to add additional funds to the account so that the account contains the minimum amount set forth in this Subsection.

Chapter 8, OPERATION OF TAXICABS, of title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the District of Columbia Municipal Regulations is amended as follows:

The following new subsections are added, to read as follows:

- 801.13 During a special event or, holiday, as declared by the Chairperson of the Commission, a public vehicle for hire may add an additional charge, as determined by the Chairperson. The charge shall be in addition to the time and distance fare as shown on the meter. For purposes of this Section, a special event or holiday shall include the following:
- (a) An official holiday that is celebrated in the District of Columbia;
 - (b) A post-season sporting event;
 - (c) A convention or other large gathering taking place in the District of Columbia; and
 - (d) A Presidential inaugural celebration.
- 801.14 The charge may, but is not required to be, collected by the public vehicle for hire operator during the dates and times established in a public announcement by the Chairperson no later than seven (7) days prior to the holiday or special event giving rise to the additional charge. The public announcement shall be widely disseminated by the Commission to both the print and electronic media and shall be posted on the Commission's website. No additional charge shall be collected other than during the dates and times established by the Chairperson. No additional charge shall be in effect for greater than seventy-two (72) hours.
- 801.15 Whenever the additional charge is in effect, the public vehicle for hire operator shall inform a passenger upon entering the vehicle that the additional charge is in effect and explain how the additional charge will affect the fare. Additionally, the Passenger Information Module shall display information concerning the additional charge upon the passenger(s) entering the vehicle.
- 801.16. Any complaints or disputes concerning the additional charge shall be directed to the Commission in accordance with Section 1013 of this Title. The Passenger Information Module (PIM) shall display the process for the filing of a complaint with the Commission.

Copies of the emergency 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.