

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(1), (2), (3), (4), (5), (7), (10), (12), (13), (17), (18), (19); 14, 20, 20a and 20f of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(1), (2), (3), (4), (5), (7), (10), (12), (13), (17), (18), (19), 50-313, 50-319, 50-320 and 50-325 (2012 Repl. & 2013 Supp.)) hereby gives notice of its intent to amend Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules would implement two minor changes to the Coordinated Alternative to Paratransit Services – DC (“CAPS-DC”) Pilot Program between the D.C. Government and the Washington Metropolitan Area Transit Authority (WMATA), established by Title 31 DCMR Chapter 18. First, the rules implement disposal requirements for WMATA vans following use in the CAPS-DC program, and second, the rules clarify the priority order of service and applicable fares for CAPS-DC passengers, wheelchair accessible passengers, and other passengers.

The proposed rules for Chapter 18 were approved by the Commission for publication on August 6, 2014 and were published in the *D.C. Register* on August 22, 2014 at 61 DCR 8813. No comments were received during the comment period which ended on September 21, 2014. No substantive changes have been made. Minor changes have been made to correct grammar and typographical errors, to provide clarity, or lessen the burdens established by the proposed rules.

The Commission voted to adopt this rules as final on October 8, 2014, and they will become effective upon publication in the *D.C. Register*.

The Commission amends WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, as follows:

Section 1806, TAXICAB COMPANIES AND OPERATORS – OPERATING REQUIREMENTS, is amended as follows:

Subsection 1806.5 is amended to read as follows:

1806.5 Companies participating in CAPS-DC shall comply with the following provisions concerning vehicles:

- (a) Each company shall add a vehicle to its fleet which complies with part (b) each time the company completes three thousand (3,000) CAPS-DC trips.
- (b) Each vehicle added pursuant to part (a) shall be a new wheelchair accessible vehicle which has a side or rear entry and a ramp which meets ADA requirements, and has one of the following sources of propulsion:

- (1) Compressed natural gas (CNG);
 - (2) Gasoline-electric hybrid;
 - (3) Diesel or bio-diesel;
 - (4) Liquid propane; or
 - (5) Ethanol (E85).
- (c) A WMATA van shall not be replaced until on or after October 1, 2015., At the time a WMATA van is eligible to be replaced, it shall be replaced consistent with any additional terms and conditions imposed by the Commission based on total participation in the pilot program during Fiscal Year 2015, on District-wide demand for wheelchair service, on the need for wheelchair accessible vehicles in future programs targeted to serve underserved areas of the District, and on other lawful and appropriate considerations under the Act. A WMATA van eligible for transfer from a company to a third party shall be transferred only in compliance with all terms and conditions of the grant provided by the Office for its acquisition.
- (d) A company that fails to comply with the requirements of paragraphs (a)-(c) shall be subject to suspension or revocation of its CAPS-DC approval, and may be required to refund to the Office any grant provided to the company for the acquisition of WMATA vans.

Subsection 1806.13 is amended to read as follows:

1806.13 Each company shall provide service using its WMATA vans in accordance with the following requirements:

- (a) WMATA vans shall be used to provide service in the following descending order of priority to the extent permitted by all applicable laws:
 - (1) A CAPS-DC passenger, for which the fare shall be consistent with § 1806.10;
 - (2) Any passenger requesting a wheelchair accessible vehicle, for which the fare shall be consistent with the provisions of Chapter 8; and
 - (3) Any other passenger, for which the fare shall be consistent with the provisions of Chapter 8.
- (b) When a WMATA van is used to provide a group ride which meets the requirements of § 801.8 from a hotel located in the District to an airport,

an additional charge of one dollar (\$1.00) per ride (not per passenger) shall be added to the total fare.