

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c) (1), (2), (3), (7), (10), (12), (16), and (19), 14, 20f, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986, as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 (“Vehicle-for-Hire Act”), effective March 10, 2015 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(1), (2), (3), (7), (10), (12), (16), and (19), 50-313, 50-325, and 50-329 (2012 Repl. & 2014 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 10 (Public Vehicles for Hire), Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) and Chapter 99 (Definitions) of Title 31 (Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

An emergency and proposed rulemaking was adopted by the Commission on April 8, 2015. The emergency rulemaking took effect immediately and remained in effect for one hundred and twenty (120) days. The emergency and proposed rulemaking was adopted by the Commission was published in the *D.C. Register* on June 5, 2015 at 62 DCR 008127. The Commission did not receive any comments during the comment period, which expired on July 5, 2015; however, a substantive change is being made which necessitates a second proposed rulemaking.

This second proposed rulemaking for Chapters 10 and 18 would allow taxicab companies required by the Establishment Act to have six percent (6%) of their fleets wheelchair accessible by December 31, 2014, to meet this requirement by obtaining new DCTC taxicab vehicle licenses from the Office of Taxicabs on the condition that the new vehicles be actively used in the CAPS-DC (now Transport DC) program for a period of not less than three (3) years. The amendments would require these new wheelchair accessible vehicles to operate in accordance with the operating requirements of the CAPS-DC program.

This second emergency rulemaking for Chapters 10 and 18 is necessary because there is an immediate need to preserve and promote the safety and welfare of the District’s taxicab industry and serve the needs of the mobility impaired community by: (1) immediately increasing the number of wheelchair accessible vehicles participating in the CAPS-DC (now Transport DC) program to minimize delays in wheelchair service for program customers; and (2) immediately increase the level of compliance with the Establishment Act’s requirements for minimum percentages of wheelchair accessible vehicles in the fleets of taxicab companies.

This second emergency rulemaking was adopted by the Commission on August 12, 2015 and took effect immediately. This second emergency rulemaking shall remain in effect for one hundred and twenty (120) days after the date of adoption (expiring on December 10, 2015), unless earlier superseded by an amendment, repealed by the Commission, or the publication of final rulemaking, 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 of

proposed rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31, VEHICLES FOR HIRE, is amended as follows:

Section 1010, ISSUANCE OF DCTC VEHICLE LICENSES, is amended as follows:

New subsections 1010.17 and 1010.18 are amended to read as follows:

1010.17 A new DCTC taxicab vehicle license (non-transferable) may be issued to a taxicab company seeking to comply with the wheelchair accessible vehicle phase-in requirements of § 501.10 (other than a taxicab company approved to participate in CAPS-DC), provided that:

- (a) The license is used exclusively for a new wheelchair accessible, best fuel vehicle purchased and immediately placed into active service upon the Office's approval or within sixty (60) days of the Office's approval of a company's modification of its compliance plan submitted under § 501.13 if applicable;
- (b) The company executes a written agreement to enter into a dispatch agreement with a taxicab company participating in CAPS-DC, for a minimum period of three (3) years, during which the vehicle shall be in active service and available for dispatch in accordance with all of the applicable operating requirements of §1806, a copy of which shall be filed with the Office prior to placing the vehicle into service; and
- (c) The DCTC taxicab vehicle license shall be subject to suspension or revocation if, at any time and for any reason, the vehicle or the company fails to comply with the provisions of subparagraphs (a) or (b) of this subsection.

1010.18 Each company and each operator of a vehicle participating in CAPS-DC pursuant to a dispatch agreement under § 1010.17 shall be subject to the prohibitions and penalties of §§ 1807 and 1808.

Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31, VEHICLES FOR HIRE, is amended as follows:

Section 1800, APPLICATION AND SCOPE, is amended as follows:

Subsection 1800.1, is amended to read as follows:

1800.1 This chapter establishes licensing and other requirements applicable to taxicab companies ("companies"), operators, and vehicles, that are approved under this

chapter to provide paratransit taxicab service, including wheelchair accessible service, as a participant in the Coordinated Alternative to Paratransit Services – DC Pilot Program (CAPS-DC), to ensure the safety of passengers and operators, to protect consumers, and for other lawful purposes within the authority of the Commission.

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

Subsections 1806.8 – 1806.10 are amended to read as follows:

- 1806.8 Each company shall maintain with the Office a current and accurate inventory of all active operators and vehicles approved for and providing CAPS-DC service, including all vehicles associated with the company pursuant to a dispatch agreement under § 1010.17, updated in such manner and at such times as determined by the Office, with the following information:
- (a) For each operator: name, cellular telephone number, DCTC operator’s license number, and an indication of whether the operator has completed the wheelchair service training pursuant to § 1806.6, and, if so, the date of completion; and
 - (b) For each vehicle: year, make, model, color, PVIN, tag number, and an indication of whether the vehicle is wheelchair accessible.
- 1806.9 Each company, including a company participating in CAPS-DC pursuant to a dispatch agreement under § 1010.17, shall ensure that:
- (a) Each operator:
 - (1) Possesses a current and valid DCTC operator’s license; and
 - (2) If the operator is operating a wheelchair accessible vehicle, the operator has a wheelchair service certification, as required by § 1806.6, and has been issued an AVID operator’s license.
 - (b) Each vehicle:
 - (1) Is in compliance with all applicable provisions of this title, including: vehicle licensing requirements; uniform color scheme requirements in Chapter 5; and equipment requirements in Chapter 6 (including the requirements for a modern taximeter system (MTS) unit and a uniform dome light);

- (2) If it is a wheelchair accessible vehicle, is operated only by an operator trained to provide wheelchair service, as required by this chapter;
- (3) If it is a wheelchair accessible vehicle, other than a WMATA van, or a wheelchair accessible vehicle that was associated with the company prior to its approval to participate in CAPS-DC, meets all applicable provisions of this chapter for use in CAPS-DC; and
- (4) Has an MTS unit which complies with § 603, which has been configured to report CAPS-DC trip data in the format directed by the Office, allowing the Office to identify CAPS-DC trips.

1806.10 The rates and charges, and acceptable forms of payment, for each CAPS-DC trip shall be in accordance with the following requirements:

- (a) The fare for a CAPS-DC trip shall be the flat rate of thirty three (33) dollars, plus any gratuity which a passenger chooses to add to the total fare, payable as follows:
 - (1) Not more than five (5) dollars of the CAPS-DC fare shall be paid by the passenger by any means allowed by Chapter 8, including a payment card or cash; and
 - (2) The remaining fare shall be paid by District.
- (b) No passenger surcharge shall be collected from a passenger for a CAPS-DC trip.

Subsection 1806.15 is amended to read as follows:

1806.15 Each CAPS-DC trip shall be between a MetroAccess approved location or facility in the District and another location in the District, or vice-versa.

A new subsection 1806.20 is added to read as follows:

1806.20 In addition to vehicles acquired pursuant to § 1806.3 (a) and (b), a company shall dispatch any vehicle associated with the company pursuant to a dispatch agreement under § 1010.17.

Chapter 99, DEFINITIONS, of Title 31, VEHICLES FOR HIRE is amended as follows:

Section 9901 is amended as follows:

“Coordinated Alternative to Paratransit Services” – a pilot program to provide paratransit service, including wheelchair accessible service, to eligible patients.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, 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, 2235 Shannon Place, S.E., Suite 3001, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.