

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission” or “DCTC”), pursuant to the authority set forth in Sections 8(c)(2), (3), (7), (10), and (19), and 14, 20, and 20j 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)(2), (3), (7), (10), and (19), 50-313, 50-319, and 50-329 (2014 Repl. & 2015 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 10 (Public Vehicles for Hire) and Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (“DCMR”).

This proposed rulemaking would amend Chapters 10 and 18 to allow licensed independent taxicab operators to join the CAPS-DC (now known as “Transport DC”) program, giving them an opportunity to obtain new DCTC taxicab vehicle licenses from the Office of Taxicabs (and corresponding “H” tags from the Department of Motor Vehicles) on conditions which include the purchase of wheelchair accessible vehicles that must be actively used in the program for at least three (3) years. The rules are part of the Commission’s ongoing efforts to make new DCTC taxicab vehicle licenses available, consistent with the Panel on Industry’s H-Tag Report, available at <http://dctaxi.dc.gov/page/panel-industry>, while also enabling taxicabs to continue filling the gap in wheelchair service, which is almost entirely unaddressed by other vehicle-for-hire services.

Emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), is used when necessary to preserve the peace, health, safety, welfare, or morals of District residents. This emergency rulemaking is required to: (1) immediately increase the number of wheelchair accessible vehicles participating in Transport DC, to improve the quality of service in the program, including service response time; and (2) immediately increase the number of wheelchair accessible vehicles available throughout the District, in compliance with the Establishment Act and other applicable laws.

This emergency rulemaking was adopted by the Commission on January 20, 2016 and took effect immediately. The emergency rules shall remain in effect for one hundred and twenty (120) days after the date of adoption (expiring May 19, 2016), unless earlier superseded by an amendment or repeal 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 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

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

Subsection 1010.18 is amended to read as follows:

1010.18 Each company, taxicab owner, or operator of a vehicle participating in CAPS-DC pursuant to a dispatch agreement under §§ 1010.17 or 1010.19 shall be subject to the prohibitions and penalties of §§ 1807 and 1808.

A new Subsection 1010.19 is added to read as follows:

1010.19 A new DCTC taxicab vehicle license may be issued to an applicant who possesses a current and valid DCTC taxicab operator's license provided that:

- (a) The license is used exclusively for a wheelchair accessible, best fuel vehicle purchased and placed into active service;
- (b) Notwithstanding the provisions of § 609, the vehicle is not more than two (2) model years older than the current calendar year, or such earlier model year as the Office may establish in an administrative issuance;
- (c) The applicant executes a written a dispatch agreement with a taxicab company participating in CAPS-DC, for a period of not less than three (3) years, during which the vehicle shall be in continuous 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; and
- (d) The DCTC taxicab vehicle license shall be subject to suspension or revocation if, at any time and for any reason, the vehicle or independent taxicab owner fails to comply with the provisions of subparagraphs (a), (b), or (c) of this subsection.

Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, is amended as follows:

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

Subsection 1806.8, is 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 § 505.11 or § 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.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting the 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: Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.