

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), (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 (D.C. Law 6-97), as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 (“Vehicle-for-Hire Act”), effective March 10, 2015 (D.C. Law 20-197; 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. & 2015 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 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking allows taxicab companies required by the Establishment Act to have six percent (6%) of their fleets wheelchair accessible on and after December 31, 2014, to satisfy this requirement by obtaining new DCTC taxicab vehicle licenses from the Office of Taxicabs on the condition that each license be used only for a new wheelchair accessible vehicle actively used in the Transport DC program (formerly CAPS-DC) for a period of not less than three (3) years.

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 (expiring August 6, 2015). The emergency and proposed rulemaking 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 was made by the Commission which necessitated a second proposed rulemaking. A second emergency and proposed rulemaking was adopted by the Commission on August 12, 2015. The second emergency rulemaking took effect immediately and remained in effect for one hundred and twenty (120) days (expiring December 10, 2015). The second emergency and proposed rulemaking adopted by the Commission was published in the *D.C. Register* on October 30, 2015 at 62 DCR 014127. The Commission did not receive any comments during the comment period, which expired on November 29, 2015. No changes were required and none have been made.

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:

New subsections 1010.17 and 1010.18 are added 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 DCMR, TAXICABS AND PUBLIC 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, 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 DCMR, TAXICABS AND PUBLIC 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.