



2014 DEC 22 PM 5:04

OFFICE OF THE
SECRETARY

VINCENT C. GRAY
MAYOR
DEC 22 2014

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave., NW, Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:


Enclosed is the "Taxicab Vehicle License Quota Regulation Approval Resolution of 2014" as required by sections 8(a) and 20a 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 §§ 47-2829(j)(2) and 50-307(a).

The proposed rules would amend Chapter 10 to establish a quota on the number of DCTC taxicab vehicle licenses which may be used to place vehicles into service under Title 31. The proposed quota is based on information to be placed into the official record of the Commission's public proceedings from the date of the Commission's approval of the proposed rulemaking, including a market study of the District's taxicab industry which has determined that a quota of six thousand one hundred and ninety-one (6,191) vehicle licenses would optimize the taxicab industry, resulting in an average passenger wait time of five (5) minutes. The quota proposed by this rulemaking would be in the public interest and would not unduly and significantly harm the taxicab industry.

If you have any questions on this matter, please contact Jacques P. Lerner, General Counsel to the D.C. Taxicab Commission, at (202) 645-6018.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray


Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on _____.

To approved the proposed rules to limit the number of taxicab vehicle licenses (“H-Tags”) that can be issued

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited at “Taxicab Vehicle License Quota Regulation Approval Resolution of 2014”.

Sec. 2. Pursuant to sections 8(a) and 20a 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 §§ 47-2829(j)(2)) and 50-307(a), the Council approves the proposed rulemaking adopted by the D. C. Taxicab Commission to amend Chapters 10 and 99 of Title 31 of the District of Columbia Municipal Regulations to establish a limit on the number of taxicab vehicle licenses, commonly known as H-Tags, that can be issued. These limits are in the public interest of ensuring there is proper supply of taxicabs in operation to meet the consumer demands and do not unduly and significantly harm the taxicab industry in the District.

Sec. 3. Fiscal impact.

1 The Council adopts the fiscal impact statement in the committee report as the fiscal
2 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
3 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

4 Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the
5 Mayor, Chairman of the District of Columbia Taxicab Commission and the Office of Documents
6 and Administrative Issuances.

7 Sec. 5. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(a), 8(c)(2), (5), (12), (19), and 20a 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 §§ 47-2829 (j) and 50-307(a), (c)(2), (5), (12), and (19) (2012 Repl. & 2014 Supp.)), hereby gives notice of its intent to adopt amendments to chapter 10 (Public Vehicles for Hire) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules would amend Chapter 10 to establish a quota on the number of DCTC taxicab vehicle licenses which may be used to place vehicles into service under Title 31. The proposed quota is based on information to be placed into the official record of the Commission’s public proceedings from the date of the Commission’s approval of the proposed rulemaking, including a market study of the District’s taxicab industry which has determined that a quota of six thousand one hundred and ninety-one (6,191) vehicle licenses would optimize the taxicab industry, resulting in an average passenger wait time of five (5) minutes. The quota proposed by this rulemaking would be in the public interest and would not unduly and significantly harm the taxicab industry. The proposed rules would amend Chapter 99 (Definitions) to add a necessary definition.

Pursuant to D.C. Official Code § 47-2829(j)(2) (2012 Repl. & 2014 Supp.), these proposed rules will be submitted to the Council for a sixty (60) day period of review. Directions for submitting comments may be found at the end of this notice. 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*, and an approval of the rulemaking by the Council, whichever occurs later.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 1010, ISSUANCE OF VEHICLE LICENSES TO OWNERS OF PUBLIC VEHICLES FOR HIRE, is amended as follows:

New subsections 1010.21 through 1010.25 are added as follows:

1010.21 The Commission finds that a limit on the number of DCTC vehicle licenses for taxicabs, other than for vehicles identified in § 1010.25 (“quota”), is in the public interest and does not unduly and significantly harm the taxicab industry in the District, based on the information and documentation placed into the official record of the Commission’s public proceedings from the date of the Commission’s approval of the proposed rulemaking.

- 1010.22 Pursuant to § 1010.21, and following a 60-day Council review required by D.C. Code § 47-2829 (j), during which the rules have not been disapproved by the Council, the Commission establishes the following quota for calendar years 2015 and 2016 (“quota implementation period”): six thousand one hundred and ninety-one (6,191) taxicabs.
- 1010.23 During the quota implementation period, the quota shall be implemented as follows:
- (a) By not renewing the DCTC vehicle license for an inactive taxicab; and
 - (b) By ordinary attrition, including through the surrender of DCTC vehicle licenses, failures to renew DCTC vehicle licenses, and ineligibility for renewal of DCTC vehicle licenses other than ineligibility for renewal pursuant to part (a) of this subsection.
- 1010.24 During the quota implementation period, the Office shall comply with § 1010.23 by not issuing any DCTC vehicle licenses for taxicabs, except as permitted by § 1010.25, until the number of DCTC vehicle licenses for taxicabs is below ninety-five percent (95%) of the quota, at which time the Office may commence and thereafter continue issuing new DCTC vehicle licenses for taxicabs in accordance with the applicable provisions of this title and other applicable laws so long as the number of DCTC vehicle licenses for taxicabs remains at or below the quota.
- 1010.25 The quota shall not apply to a new DCTC vehicle license to be issued to:
- (a) A member of a modern taxicab association (“MTA”) which meets the requirements of § 504, for a new taxicab that is part of an approved plan for conversion of the MTA’s vehicles to one hundred percent (100%) new, best available propulsion, wheelchair accessible vehicles; or
 - (b) A taxicab company participating in the Coordinated Alternative Paratransit Service Pilot Program under Chapter 18, for a new, best available propulsion, wheelchair accessible vehicle that the company is required to purchase as a condition of participation in the program.

CHAPTER 99, DEFINITIONS, is amended as follows:

Section 9901, is amended as follows:

Subsection 9901.1, is amended to read as follows:

“Inactive vehicle license” – a DCTC vehicle license for a vehicle which has not completed at least thirty-six (36) tours of duty in the prior twelve (12) months of which at least eighteen (18) tours of duty are in a six (6) month period.

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, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, 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, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, 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*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

Legal Counsel Division



MEMORANDUM

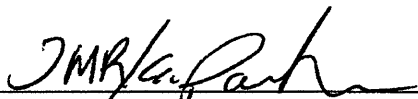
TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: December 19, 2014

SUBJECT: Certificate of Legal Sufficiency of the "Taxicab Vehicle License Quota
Regulation Approval Resolution of 2014"
(AE-14-854B)

This is to Certify that this Office has reviewed the above-referenced draft resolution and has found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 202-724-5524.



Janet M. Robins

JMR/ajp

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

LEGAL COUNSEL DIVISION



MEMORANDUM

TO: Jacques P. Lerner
General Counsel
D.C. Taxicab Commission

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

A handwritten signature in black ink, appearing to read "JMR/ajp", is written over the "FROM:" field.

DATE: December 19, 2014

SUBJECT: Legal Sufficiency Review of Proposed Resolution the "Taxicab Vehicle License Quota Regulation Approval Resolution of 2014"
(AE-14-854B)

This responds to your request that this Office conduct a legal sufficiency review of the above-referenced proposed rulemaking approval resolution (rulemaking).

The purpose of the proposed resolution is to approve a proposed rulemaking to add amend chapters 10 and 99 of Title 31 DCMR to establish Taxicab Vehicle License quota system.

We have reviewed the resolution, made technical amendments to it, and find the revised version to be legally sufficient. Accordingly, I have signed the attached Certificate of Legal Sufficiency to accompany the approval resolution's legislative package. You will need to procure a fiscal impact statement from the Office of the Chief Financial Officer as part of the legislative package.

If you have any questions with regard to this memorandum please contact Arthur J. Parker, Assistant Deputy Attorney General, Legal Counsel Division, at 724-5565, or me at 724-5524.

JMR/ajp

Attachments

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

LEGAL COUNSEL DIVISION



MEMORANDUM

TO: Jacques P. Lerner
General Counsel
D.C. Taxicab Commission

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

Handwritten signature of Janet M. Robins in cursive.

DATE: December 18, 2014

SUBJECT: Legal Sufficiency Review of Proposed Rulemaking to Amend Chapters 10 and 99 of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR), License Quotas (AR-14-854)

This responds to your request that this Office conduct a legal sufficiency review of the above-referenced proposed rulemaking (rulemaking).

The purpose of the rulemaking is to add amend chapter 5 of Title 31 DCMR to require that a taxicab company shall place into service a new wheelchair accessible vehicle which uses the most efficient propulsion available, pursuant to § 609, to replace a taxicab vehicle which has been jointly registered with a member of modern taxicab association not domiciled in the District, following such member's compliance with the requirements of § 504.13 (b), including releasing all right, title, and interest in the jointly registered vehicle to the taxicab company.

The rulemaking is issued pursuant to the authority set forth in sections 8(a), 8(c)(2), (5), (12), (19), and 20a 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 §§ 47-2829 (j) and 50-307(a), (c)(2), (5), (12), and (19) (2012 Repl. & 2014 Supp.),

This Office has reviewed the attached rulemaking and has made some edits by hand to the document. With these edits we find the rulemaking to be legally sufficient. You may submit the notice of final rulemaking directly to the Office of Documents and Administrative Issuances (ODAI) without coming back to this Office unless (1) you make changes to the text of the proposed rulemaking, or (2) you receive comments that challenge the legal sufficiency of the proposed rulemaking. We note that you have already obtained initial policy clearance from the Office of Policy and Legislative Affairs. You will also need to obtain final policy clearance and

that clearance should be transmitted to the Office of Documents and Administrative Issuances. Additionally, these rules are subject to approval by the Council pursuant to D.C. Official Code § 47-2829 (2012 Repl. and 2014 Supp.). You will need to submit, for separate legal sufficiency review, a proposed approval resolution.

If you have any questions with regard to this memorandum please contact Arthur J. Parker, Assistant Deputy Attorney General, Legal Counsel Division, at 724-5565, or me at 724-5524.

JMR/ajp

Attachments