

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 453

IN THE MATTER OF:

Served March 11, 1965

Order to Show Cause Directed)
Against William J. Hill,)
Alleged Overcharge of Taxi Fare.)

Docket No. 76

APPEARANCES:

WILLIAM J. HILL, pro se, respondent.

RUSSELL W. CUNNINGHAM, General Counsel, Washington
Metropolitan Area Transit Commission.

This proceeding was initiated by the Commission pursuant to Article XII, Section 13, of the Washington Metropolitan Area Transit Regulation Compact (Compact), upon the receipt of credible information that William J. Hill, 5049 Ayers Place, S. E., Washington, D. C., a taxicab operator doing business in the District of Columbia, did demand and collect an unlawful fare for certain interstate taxicab transportation on January 14, 1965. By Order No. 436, issued January 28, 1965, the Commission made said William J. Hill a respondent to this proceeding, and ordered a hearing be held to give said William J. Hill the opportunity to appear and show cause:

1. Why he should not be found to have wilfully and knowingly demanded and collected a fare in excess of that authorized and prescribed by Commission Orders Nos. 67 and 91.
2. Why the Commission should not seek judicial restraint against him in order to prohibit future non-compliance with the taxi rates prescribed by the Commission; and
3. Why the Commission should not seek to have the penalties prescribed in Section 18 imposed.

Order No. 436 also directed the respondent, a carrier as defined in Section 2(a), to pay to the Commission the sum of Fifty Dollars (\$50.00) for the purpose of defraying expenses of the proceeding as required by Section 19.

The hearing was held on February 24, 1965, before Delmer Ison, the presiding officer designated by the Commission.

At the hearing, Hill appeared, pro se. When asked if he was represented by counsel, the respondent replied in the negative, adding that he had nothing to say, just take him to court. Shortly thereafter, the respondent retired from the hearing room.

The Staff presented three (3) witnesses. The first, Mr. C. Richard Jones, testified that on January 14, 1965, a party of five, including himself, engaged a taxicab in front of 1875 Connecticut Avenue, Washington, D. C., to transport them to the river entrance of the Pentagon, located within the Commonwealth of Virginia. He identified the driver of the taxicab as William J. Hill. Upon arrival at the Pentagon, Driver Hill levied a charge of \$1.25 per passenger, or a total of \$6.25 for the trip. Mr. Jones stated that Mr. Hill arrived at this charge by figuring \$1.10 each to the Lincoln Memorial and \$.15 each from there to the Pentagon.

Mr. Jones stated that he objected to the charge. He then filed a written complaint to this Commission. Lastly, he stated that Hill had not made any effort to refund to him the difference between the amount authorized to be charged and the amount levied.

The second Staff witness, William McGilvery, testified that he was assigned to the Engineering Department of the Commission and that one of his duties is investigating complaints of taxicab fare overcharges. He stated that the Commission had received a written complaint from Mr. Jones. The distance travelled was measured and found to be 4-1/3 miles, he stated, and, under the rate of fare prescribed by this Commission in its Orders Nos. 67 and 91, the fare for five persons riding that distance together as a party should be calculated at \$.50 (Fifty Cents) for the first mile, \$.20 (Twenty Cents) for each additional half-mile or fraction thereof, and \$.20 (Twenty Cents) for each person in the party in excess of one. The appropriate fare would be \$2.70, he testified. Mr. McGilvery related that he wrote to Mr. Hill informing him of the complaint, and requesting Mr. Hill to contact him. Mr. Hill called him, he stated, and said that the fare prescribed was unfair and that the Commission would hear from his lawyer.

The third Staff witness, Gregory Mills, testified that he was assigned to the Commission's Engineering Department, and one of his duties is to investigate taxicab complaints. He stated that he had investigated a prior complaint of an excessive taxicab charge by the same William J. Hill, filed on October 7, 1963, by an L. D. Borland. Mills stated that that transportation was by taxicab from 1625 I Street, N. W., Washington, D. C., to the Pentagon. Mills further stated that he had personally informed respondent Hill, at that time, of the fares prescribed by the Commission in Orders Nos. 67 and 91, the proper method of charging fares for taxicab transportation from one signatory of the Compact to another, and that the respondent Hill had agreed to refund the amount of the overcharge.

The record further shows that the respondent Hill has not complied with the assessment levied in Order No. 436.

Jurisdiction to regulate the rate of charge for taxicab transportation from one signatory to another is conferred upon this Commission by Section 1(c), Article XII of the Compact, which is an interstate agreement between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. The Congress of the United States directed the District of Columbia to enter into the agreement, and gave the Compact its consent and approval in Public Law 86-794 (74 Stat. 1031), as amended by Public Law 87-767 (76 Stat. 764).

Pursuant to that statutory mandate, the Commission prescribed such rates by Orders Nos. 67 and 91.

The proper fare the respondent Hill should have charged the complainant Jones and party was that described by Witness McGilvery, as the passengers were a "party" and travelled to the same destination; therefore, the fare should have been computed as required under Regulation (f)(1), Order No. 91.

The Compact requires that the carrier complained of be given notice of the complaint and a hearing at which it can defend itself. The respondent declined to offer any defense to the allegations made against him. His refusal to charge the taxicab fares prescribed, coupled with his declination to offer any cause for non-compliance, can only lead to the conclusion -- and the Commission so finds -- that the said William J. Hill has wilfully and knowingly violated Orders Nos. 67 and 91. His refusal to make the assessment levied in Order No. 436 is, we find, a knowing and wilful violation of that Order. A cease and desist order will herein issue, requiring the respondent to charge only the lawful rates prescribed by the Commission for the transportation of passengers by taxicab from one signatory to another.

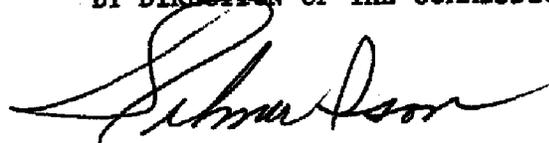
Because of respondent's past acts, and his complete and utter disregard of orders of this Commission, we find that Hill has been engaged, and is about to engage, in acts and practices, that is demanding and collecting taxi fares other than those prescribed by the Commission, which constitute and will constitute a violation of orders issued under the provisions of the Compact. The public interest requires that this unlawfulness not be tolerated. Therefore, the Commission will bring an action immediately to enjoin such acts and to enforce compliance with the Compact and its orders thereunder. Further, the Commission will seek immediate invocation of the penalties prescribed in Section 18(d) of the Compact.

THEREFORE, IT IS ORDERED THAT:

1. William J. Hill, 5049 Ayres Place, S. E., Washington, D. C., be, and he is hereby, directed to cease and desist from demanding and/or collecting any fare or rate of charge other than prescribed by this Commission for the transportation of passengers by taxicab from one signatory to the Compact to another within the confines of the Metropolitan District.

2. This Order become effective on Friday, March 12, 1965.

BY DIRECTION OF THE COMMISSION:



DELMER ISON
Executive Director