

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,004

IN THE MATTER OF:

Served May 20, 2009

Investigation of Prescription of )  
Dispatch Fee Surcharge for )  
Interstate Taxicab Trips Originating )  
at Ronald Reagan Washington National )  
Airport )

Case No. MP-2009-081

This matter is before the Commission on the petition of the Metropolitan Washington Airports Authority for an order allowing taxicab drivers to pass through to passengers a \$2.50 dispatch fee for interstate trips originating in the taxicab queue at Ronald Reagan Washington National Airport, effective July 1, 2009. Alternatively, the Airports Authority requests an order allowing taxicab drivers to pass through to such passengers "whatever taxi dispatch fee is in effect at the Airport." As the Airports Authority points out, "Such an order would obviate the need for the Commission to enter a new order each time the Airports Authority changes the taxi dispatch fee."

Pursuant to the Washington Metropolitan Area Transit Regulation Compact,<sup>1</sup> the Commission is responsible for prescribing the rates, charges, regulations, and minimum insurance requirements for interstate taxicab trips between one Compact signatory and another<sup>2</sup> where the origin and destination are both within the Metropolitan District.<sup>3</sup> The Metropolitan District includes Ronald Reagan Washington National Airport.<sup>4</sup> The fare or charge for taxicab transportation may be calculated on a mileage basis, a zone basis, or on any other basis approved by the Commission.<sup>5</sup>

The Commission has authorized taxicab drivers to pass through the Reagan National dispatch fee in the form of a surcharge since

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<sup>1</sup> Pub. L. No. 101-505, § 1, tit. II, art. XI, § 1(b), 104 Stat. 1300, 1304, (1990) (codified at D.C. CODE ANN. § 9-1103.01 (2009); MD. TRANSP. CODE ANN. § 10-203 (2009); & VA. CODE ANN. §§ 56-529, 530 (2009)).

<sup>2</sup> The Compact signatories are the District of Columbia, the Commonwealth of Virginia, and the State of Maryland.

<sup>3</sup> Compact, tit. II, art. XI, § 18(a).

<sup>4</sup> *In re Jack B. Dembo*, No. MP-81-03, Order No. 2258 (Oct. 8, 1981), *aff'd on reconsideration*, Order No. 2292 (Dec. 9, 1981); *In re Airport Transport, Inc.*, No. 83, Order No. 486 (May 28, 1965), *aff'd per curiam, sub nom., Bartsch v. WMATC*, 357 F.2d 923 (4th Cir. 1966).

<sup>5</sup> Compact, tit. II, art. XI, § 18(b).

1975.<sup>6</sup> The Commission has without exception adopted a new surcharge equal to the dispatch fee each time the Airports Authority has raised it. The current surcharge of \$1.75 was adopted in Order No. 5633, served June 23, 1999.<sup>7</sup> Considering that the Airports Authority has not increased the dispatch fee since 1999, issuing an order adopting a \$2.50 surcharge might be appropriate based solely on the increase in the Consumer Price Index over the past ten years.<sup>8</sup> Issuing such an order, however, may not be necessary.

"It has been the Commission's practice since 1961 to 'prescribe the rates and charges presently in effect in the local jurisdictions as the interstate rates and charges to the greatest extent possible.'"<sup>9</sup> Today, this means that in the case of a trip in a locally-licensed taxicab, the interstate rates and charges are the same as those prescribed by the jurisdiction in which the taxicab is licensed.<sup>10</sup>

A review of the rates in local taxicab licensing jurisdictions within the Metropolitan District reveals that all but one authorize a Reagan National taxicab dispatch fee surcharge. The District of Columbia, Montgomery County, Maryland, and the Cities of Alexandria and Falls Church and Fairfax County in Virginia allow taxicab drivers to pass through the prevailing dispatch fee, whatever that fee might be.<sup>11</sup> Arlington County, Virginia, allows taxicab drivers to pass through the current dispatch fee of \$1.75.<sup>12</sup> Only Prince George's County, Maryland, does not currently provide for any pass through of the Reagan National dispatch fee.<sup>13</sup>

Although express adoption of a dispatch fee surcharge for all interstate taxicab trips originating in the taxicab queue at Reagan National in some sense promotes uniformity, a goal the Commission has embraced from time to time, furthering the goal of uniformity was not

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<sup>6</sup> See *In re Interstate Taxicab Fares Between Washington National Airport and Points in the Metropolitan District*, No. 265, Order No. 1439 (June 20, 1975) (approving Washington National Airport taxicab dispatch surcharge).

<sup>7</sup> *In re Dispatch Fee for Interstate Taxicab Trips Originating at Ronald Reagan Washington National Airport*, Order No. 5633, No. MP-99-29 (June 23, 1999).

<sup>8</sup> See [http://www.bls.gov/schedule/archives/cpi\\_nr.htm](http://www.bls.gov/schedule/archives/cpi_nr.htm).

<sup>9</sup> *In re Interstate Taxicab Rates & Charges*, No. MP-05-132, Order No. 9065 at 3 (Oct. 18, 2005) (quoting *In re Interstate Taxicab Rates*, No. 3, Order No. 67 at 2 (Oct. 9, 1961)).

<sup>10</sup> See *In re Emergency Prescription of Interstate Taxicab Rates & Charges for District of Columbia Taxicabs*, No. MP-08-082, Order No. 11,287 (Apr. 18, 2008) (quoting Order No. 9065 and adopting DC meter rates and charges).

<sup>11</sup> See ALEXANDRIA, VA., CODE § 9-12-132; 31 DCMR § 801.6(j); FAIRFAX COUNTY, VA., CODE § 84.1-6-3; FALLS CHURCH, VA., CODE § 34.1-15; MONTGOMERY COUNTY, MD., EXECUTIVE REGULATION NO. 30-08.

<sup>12</sup> See ARLINGTON COUNTY, VA., CODE § 25-14(g).

<sup>13</sup> See PRINCE GEORGE'S COUNTY, MD., CODE § 20-160.

the reason for adoption of the dispatch fee surcharge,<sup>14</sup> and as the Commission said recently with respect to a uniform extra-passenger charge and uniform snow emergency charge, such uniformity "conflicts with the goal of prescribing 'the rates and charges presently in effect in the local jurisdictions as the interstate rates and charges to the greatest extent possible.'"<sup>15</sup>

Local officials are in the best position to determine an appropriate fare system for the taxicabs they regulate.

Each of the local rate setting jurisdictions is especially familiar with the requirements of both the users and providers of taxicab service in the local market. Each carefully establishes its rates through appropriate proceedings. Where practicable, the Commission simply adopts these local rates as the interstate rates. This practice has been followed since our order No. 67, served October 9, 1961.

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.... We believe that revenues and expenses are given adequate consideration at the local level by authorities more acutely in tune with sub-regional conditions and requirements. From a regulatory point of view, an effort should be made to neither unduly restrain nor enhance the rate scheme which the local jurisdiction has determined to be appropriate.<sup>16</sup>

The Commission therefore proposes terminating the current Reagan National Dispatch fee surcharge, effective July 1, 2009, and discontinuing the practice of expressly approving or disapproving a surcharge each time the Airports Authority increases the Reagan National dispatch fee. Instead, the Commission would interpret its interstate taxicab rate orders to encompass a Reagan National dispatch fee surcharge to the extent permitted by local taxicab licensing jurisdictions. As the local taxicab rate schemes are currently constituted, taxicab operators licensed by the District of Columbia, Montgomery County, the Cities of Alexandria and Falls Church, and Fairfax County would receive an automatic rate adjustment, from \$1.75 per trip to \$2.50 per trip, for interstate trips originating at the Reagan National taxicab queue, effective July 1, 2009. Taxicab operators licensed by Arlington County and Prince George's County would not. In fact, taxicab operators from Prince George's County would experience a rate decrease. Taxicab operators from these latter two jurisdictions, however, would be free to petition their licensing

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<sup>14</sup> See Order No. 1439 at 6 (discussing difference in rates for trips from the airport compared to trips to the airport).

<sup>15</sup> *In re Interstate Taxicab Rates and Charges*, No. MP-05-132, Order No. 9240 at 7, 9 (Jan. 6, 2006) (quoting Order No. 67 at 2).

<sup>16</sup> Order No. 11,287 at 2-3 (emphasis added).

authorities for a \$2.50 surcharge that if granted would apply to interstate trips in the Metropolitan District under the Commission's new interpretation.

We will issue public notice of this proceeding and establish a period for receiving comments.

THEREFORE, IT IS ORDERED:

1. This proceeding is hereby initiated under Title II of the Compact, Article XI, Section 18.

2. Commission staff shall cause notice of this proceeding to be published in a newspaper of general circulation in the Metropolitan District and posted to the Commission's website no later than ten days after the date of this order.

3. Any person desiring to file comments in this proceeding shall submit them in writing within thirty days of the date of this order by emailing them to [info@wmatc.gov](mailto:info@wmatc.gov), faxing them to 301-588-5262, or mailing them to 8701 Georgia Avenue, Suite 808, Silver Spring, MD 20910-3700.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.  
Executive Director

PUBLIC NOTICE

The Washington Metro. Area Transit Comm'n is seeking comments on a proposal to defer to local taxicab licensing jurisdictions on the issue of whether taxicab drivers should be permitted to pass through a Reagan National dispatch fee on interstate trips in the Washington Metro Area. Comments are due June 5, 2009. Comments may be emailed to [info@wmatc.gov](mailto:info@wmatc.gov), faxed to 301-588-5262, or mailed to 8701 Georgia Avenue, Suite 808, Silver Spring, MD 20910-3700.