

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1314

IN THE MATTER OF:

|                                 |   |                       |
|---------------------------------|---|-----------------------|
| Proposed Increase in INTERSTATE | ) | Served March 26, 1974 |
| RATES for Taxicabs Domiciled in | ) |                       |
| the District of Columbia        | ) | Application No. 819   |

On March 22, 1974, Irving Schlaifer (Schlaifer) filed a supplement to his petition for reconsideration of Order No. 1305, served February 22, 1974. Schlaifer's original petition was denied by Order No. 1313, served March 21, 1974. The supplemental pleading contains arguments concerning the nature of the proceeding, the equality of treatment accorded Schlaifer's rate proposal, the responsibility for adducing evidence, the establishment of a minimum hourly net take home pay for taxicab operators, and the charge for each passenger in excess of one.

Schlaifer complains that ". . . WMATC seems to have adopted a double standard . . ." by requiring proceedings for increases in interstate rates for District of Columbia taxicab operators and "automatically" approving interstate rates approved by local 1/ regulatory authorities in Maryland and Virginia. We cannot agree. The Commission adheres to the single standard of prescribing all interstate rates on a mileage basis. It is the fact, beyond this Commission's control, that the local intrastate rates are established upon different bases 2/ which Schlaifer perceives as a "double standard" on the part of the Commission.

In this regard our approach to determining the local interstate taxicab rates was the subject of proceedings in our Docket No. 3, and was decided in Order No. 67 served October 9, 1961. It was then determined that the interstate rates would be established at the same level as the

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1/ Within the Washington Metropolitan Area Transit District as defined by the Compact, Title I, Article I.

2/ The District of Columbia prescribes local taxicab rates on a zone basis, whereas the various Maryland and Virginia jurisdictions have adopted the mileage basis.

local intrastate rates for any jurisdiction utilizing the mileage basis, except that a uniform interstate charge of 20¢ per passenger for each passenger in excess of one was adopted. The instant proceeding does not involve the prescription of interstate rates for taxicabs licensed and regulated by local Maryland and Virginia jurisdictions. Nor did Schlaifer or any other person suggest that the proceeding be so enlarged. In fact, the Commission itself enlarged upon the scope of the original petition which sought increased interstate rates only for members of applicant, United Brotherhood of D. C. Taxicab Drivers. We perceive no reason to reconsider our method of determining interstate taxicab rates as originally stated in Order No. 67, and as followed in Order No. 1305.

Schlaifer claims that because his rate proposal was not received "first", it was not put "on an equal footing" with the Brotherhood proposal. In Order No. 1305, the Schlaifer proposal is spelled out in detail, discussed, compared in tables with the present rates, Brotherhood's proposal, and the rates of Maryland and Virginia jurisdictions, and thoroughly and thoughtfully considered. It cannot be said that the Schlaifer proposal has not been accorded equal treatment.

Schlaifer alleges that ". . . the burden of proof or evidence should not be placed upon the shoulders of the original applicant. This evidence should be in the hands of WMATC." We cannot agree. The burden of proof or evidence is upon the person requesting a change in the current rate structure. The Compact does not place upon us the duty of proving that each and every application that is filed with us is or is not reasonable. Rather, the burden of establishing such facts as are necessary to show the reasonableness of a proposal is placed upon the person seeking the change.

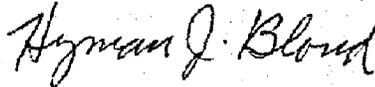
Schlaifer asserts that his proposal ". . . has as its goal \$5.00 per hour net take home pay", and charges that the Commission has not ". . . select/ed/ the rates that would make it possible to achieve this goal". Firstly, this ignores that the vast bulk of a taxicab operator's revenues are received from intrastate operations over which this Commission has no jurisdiction. Secondly, Schlaifer has presented no evidence that this is a reasonable goal, or that his proposal would achieve this goal, or that the Brotherhood proposal would not, or, for that matter, that present fares would not.

Lastly, Schlaifer suggests, "If the WMATC is determined that the D. C. cab operators can only charge 20¢ for each passenger in excess of one, then it should order all of the cabs in its jurisdiction to do likewise." We agree. The uniform 20¢ per extra passenger party rate for interstate taxicab service has been in effect since 1961.

We have considered all matters pressed in the supplemental pleading to the petition for reconsideration but they do not warrant action contrary to that which we now direct.

THEREFORE, IT IS ORDERED that the supplemental pleading to the petition for reconsideration, filed by Irving Schlaifer on March 22, 1974, be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:



HYMAN J. BLOND  
Executive Director