

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8327

IN THE MATTER OF:

Served October 8, 2004

Prescription of INTERSTATE )  
TAXICAB CHARGES for District of )  
Columbia Taxicabs )

Case No. MP-2004-117

This matter is before the Commission on the petition of Robert J. Green, to amend the incidental charges for waiting time and additional passengers as prescribed by the Commission with respect to interstate transportation in District of Columbia taxicabs.

Pursuant to Title II of the Compact, Article XI, Sections 1(b) and 18, the Commission prescribes rates and charges for transportation by taxicab between a point in one signatory and a point in another signatory, where both points are within the Washington Metropolitan Area Transit District.

The Commission's practice with respect to incidental charges for interstate service in taxicabs licensed by the District of Columbia has been to adopt the incidental charges prescribed by the District of Columbia Taxicab Commission for intrastate trips -- with exceptions we have historically found necessary and appropriate to interstate rates. Keeping these incidental charges uniform for interstate and intrastate taxicab service should make their application easier to understand for taxicab operators and passengers.

**I. WAITING TIME**

On June 15, 2004, in Order No. 8091, this Commission amended certain incidental charges for interstate transportation in District of Columbia taxicabs, including waiting time charges, based on a Notice of Final Rulemaking published by the District of Columbia Taxicab Commission in the District of Columbia Register on April 23, 2004.<sup>1</sup> The notice declared that waiting time charges were being increased by "adding fifty cents (\$.50) to the wait time charge for radio dispatch service after five (5) minutes."

Prior to amendment in Order No. 8091, the incidental charges for waiting time in connection with interstate transportation in District of Columbia taxicabs were as follows:

Less than 5 min. -- No charge  
5 min. to 10 min. -- \$1.50  
10 min. to 15 min. -- \$3.00  
Each additional 15 min. or fraction -- \$5.00

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<sup>1</sup> 51 D.C. Reg. 4101 (Apr. 23, 2004).

Consistent with "adding fifty cents," Order No. 8091 amended the interstate waiting charges for District of Columbia taxicabs as follows:

Less than 5 min. -- No charge  
5 min. to 10 min. -- \$2.00  
10 min. to 15 min. -- \$3.50  
Each additional 15 min. or fraction -- \$5.50

Petitioner correctly notes that the current chart of zone charges and other charges for District of Columbia taxicabs,<sup>2</sup> issued by the District of Columbia Taxicab Commission after its April 23 rulemaking and required by 31 DCMR § 801.1 to be displayed in each District of Columbia taxicab, lists the charge for waiting time after 14 minutes, 59 seconds, as \$6.25, plus \$6.25 for each additional quarter hour or fraction thereof, not \$5.50. Inasmuch as Order No. 8091 was issued for the express purpose of adopting the waiting time charges prescribed by the District of Columbia Taxicab Commission, we agree with petitioner that the District of Columbia Taxicab Commission's subsequent implementation of the fifty-cent increase in wait time charges as reflected in the aforesaid chart should be adopted by this Commission for application to interstate transportation in District of Columbia taxicabs. In addition, our description of waiting charges shall hew more closely to the wording in the District of Columbia Taxicab Commission's chart to avoid any misinterpretation in the application of these charges.

Therefore, the charges for waiting time in connection with interstate transportation in District of Columbia taxicabs shall be amended consistent with the current chart of zone charges and other charges for District of Columbia taxicabs.

## II. ADDITIONAL PASSENGERS

Petitioner also questions the difference between this Commission's extra-passenger charge exception for children five and under and a similar exception prescribed by the District of Columbia Taxicab Commission.

First, it is important to note that the extra-passenger charge authorized by this Commission is not meant to mirror the extra-passenger charge authorized by the District of Columbia Taxicab Commission. This Commission's extra-passenger charge applies uniformly to all interstate taxicab trips within the Commission's jurisdiction, not just those conducted in District of Columbia taxicabs. "[T]he Commission has always prescribed a standard interstate extra-passenger rate which is to be charged by all taxicabs operating within the Metropolitan District regardless of the jurisdiction in which [a] taxicab may be licensed."<sup>3</sup> Accordingly, the incidental charge for extra-passengers was not among those amended by Order No. 8019.

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<sup>2</sup> 31 DCMR App. 8-2 (2004); available at <<http://dctaxi.dc.gov>> under "Taxicab Zone Maps".

<sup>3</sup> In re Interstate Taxicab Extra-Passenger Rates, No. MP-79-35, Order No. 2068 (Dec. 6, 1979); see In re Interstate Taxicab Rates, No. MP-01-23, Order No. 6226 at 3 (May 17, 2001) (finding change in uniform interstate extra-passenger charge not warranted).

We do not perceive any major differences between the two additional-passenger exceptions, in any event. The WMATC uniform interstate extra-passenger charge applies to: "Each additional passenger in [a] pre-formed party (provided, however, that one child five (5) years of age or younger shall be transported without charge for each individual of at least sixteen (16) years of age in a pre-formed party)." <sup>4</sup> The District of Columbia Taxicab Commission extra-passenger charge likewise applies to additional passengers traveling in a group, and the District of Columbia Taxicab Commission regulations similarly recognize an exception for "one child five (5) years of age or younger accompanied by an older person." <sup>5</sup> Thus, the difference between the two exceptions is that in the case of an interstate trip the older person must be at least sixteen years of age.

The "at least sixteen (16) years of age" language was adopted in 1981 in Order No. 2213. <sup>6</sup> The reason for adopting this language was that if a non-fare-paying child was required to surrender his or her seat to a fare-paying passenger, the accompanying person would have to be capable of carrying a five year old safely on his or her lap, and the presumption that a sixteen year old is physically capable of doing that was deemed reasonable at the time. <sup>7</sup> With the subsequent passage of mandatory seat belt laws, such a scenario should not arise today. <sup>8</sup> On the other hand, amending a charge that applies to all taxicabs operating within this Commission's jurisdiction would be beyond the scope of this proceeding and would not be appropriate without giving all taxicab operators and all licensing jurisdictions an opportunity to comment.

For the forgoing reasons, petitioner's request to amend the uniform interstate extra-passenger charge shall be denied without prejudice.

THEREFORE, IT IS ORDERED:

1. That this proceeding is reopened pursuant to Commission Rule No. 26.
2. That the incremental charge for waiting time in excess of fifteen minutes in connection with interstate transportation in District of Columbia taxicabs shall be amended to \$6.25 for each additional fifteen minutes or fraction.

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<sup>4</sup> Order No. 8091 app. A.

<sup>5</sup> 31 DCMR § 801.10.

<sup>6</sup> In re Interstate Taxicab Rates, No. MP-81-01, Order No. 2213 (Apr. 13, 1981).

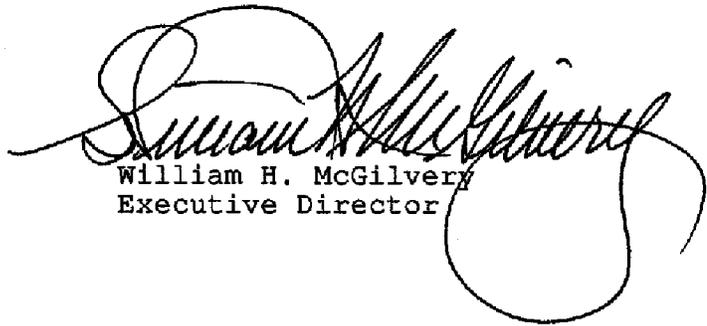
<sup>7</sup> Id. at 6-8.

<sup>8</sup> See e.g., D.C. CODE ANN. § 50-1802(b)(3) (2004) (driver shall insure that children 16 years of age and under have preference to seating positions with seat belts over persons more than 16 years of age); see also 31 DCMR § 607.1 (DC taxicab operators shall comply with mandatory seat belt law).

3. That the request to amend the uniform interstate extra-passenger charge shall be denied without prejudice.

4. That the rates and charges for transportation of passengers in interstate service between points in the Metropolitan District in taxicabs licensed and regulated by the District of Columbia are hereby prescribed as set forth in Appendix A to this order, effective Sunday, October 10, 2004, at 12:01 a.m.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND GUNS:



William H. McGilver  
Executive Director

Appendix A to Order No. 8327  
Effective Sunday, October 10, 2004, at 12:01 a.m.

INTERSTATE TAXICAB RATES  
FOR TAXICAB SERVICE WITHIN THE  
WASHINGTON METROPOLITAN AREA TRANSIT DISTRICT  
(in taxicabs licensed and regulated by the District of Columbia)

\$2.65 First 1/2 mile or part fraction  
.80 Each additional 1/2 mile or fraction thereof  
1.00 Each additional passenger in a pre-formed party  
(provided, however, that one child five (5) years of age  
or younger shall be transported without charge for each  
individual of at least sixteen (16) years of age in a  
pre-formed party)

Hand baggage, including large bags of groceries or articles of similar size, in excess of one piece per passenger shall be charged for at the rate of 50¢ for each such piece. Briefcases and parcels of comparable size shall not be considered as hand baggage.

Trunks or similar large articles shall be charged for at the rate of \$2.00 each. A trunk is herein described as a piece of baggage having a minimum dimension or cubic content in excess of 32 inches by 18 inches by 9 inches or 3 cubic feet, respectively.

The charge for personal service<sup>1</sup> shall be \$2.00; taxicab service in response to a telephone call, \$2.00 in addition to all other authorized charges; dismissal of a taxicab without using it after response to a telephone call, \$1.50 in addition to the charge for responding.

The charge for waiting time<sup>2</sup> shall be:

Up to 4 min., 59 sec. -- No charge  
5 min. up to 9 min., 59 sec. -- \$2.00  
10 min. up to 14 min., 59 sec. -- \$3.50  
Upon waiting 15 min. -- \$6.25 each 15 min. or fraction

There shall be a surcharge of \$1.00 per trip for trips commencing between 7 a.m. and 9:30 a.m. and between 4 p.m. and 6:30 p.m., Monday through Friday, except District of Columbia or federal holidays.

There shall be no additional charge for service during snow emergency periods.

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<sup>1</sup> A personal service is defined as any service requested by a passenger which requires the taxicab driver to leave the vicinity of the taxicab.

<sup>2</sup> Waiting time shall include time consumed while the taxicab is waiting and available to the passenger at the place to which it has been called. No charge shall be made for premature response to a call. Waiting time shall also apply to stops en route when made at a passenger's request.