

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,560

IN THE MATTER OF:

Served September 5, 2008

Petition of DULLES AIRPORT TAXI,)
INC., Trading as WASHINGTON FLYER,) Case No. MP-2008-125
for an Airport Access Fee Surcharge)

This proceeding was initiated on April 28, 2008, in Order No. 11,313, for the purpose of considering a request to permit Washington Flyer taxicab drivers to add a surcharge of \$2.50 to the fare for each interstate taxicab trip originating at Washington Dulles International Airport.

The Commission has jurisdiction over the rates, charges, regulations, and minimum insurance requirements for interstate taxicab trips in vehicles seating nine or fewer persons, where both the origin and destination are within the Metropolitan District.¹ The Metropolitan District includes Dulles Airport.²

Interstate taxicab rates prescribed by the Commission shall be reasonable.³ 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.⁴ This language is broad enough to include an airport access fee surcharge.⁵

Dulles Airport Taxi, Inc., (DAT), is one of three companies operating a taxicab concession at Dulles Airport under the trade name "Washington Flyer." DAT filed a petition requesting that the Commission issue an order authorizing a \$2.50 surcharge for each interstate taxicab trip in a Washington Flyer taxicab. According to the petition, the Metropolitan Washington Airports Authority, (MWAA), which operates Dulles Airport, has begun charging a \$2.50 access fee each time a Washington Flyer taxicab enters and exits the Dulles passenger loading zone through the airport's taxicab dispatch system.

Order No. 11,313 established a thirty day comment period after noting that the Commission has authorized taxicab drivers to pass

¹ Pub. L. No. 101-505, § 1, tit. II, art. XI, §§ 1(b), 18(a), 104 Stat. 1300, 1304, 1308, (1990) (codified at D.C. CODE ANN. § 9-1103.01 (2007); MD. TRANSP. CODE ANN. § 10-203 (2007); & VA. CODE ANN. §§ 56-529, 530 (2007)).

² Compact, tit. II, art. I.

³ Compact, tit. II, art. XI, § 18(a).

⁴ Compact, tit. II, art. XI, § 18(b).

⁵ See *In re Dispatch Fee for Interstate Taxicab Trips Originating at Ronald Reagan Washington National Airport*, No. MP-99-29, Order No. 5633 (June 23, 1999) (increasing dispatch fee surcharge).

through to passengers a similar access fee paid to MWAA for taxicab trips originating at Ronald Reagan Washington National Airport (National Airport) since 1975.⁶ Two parties filed comments: co-concessionaire Dulles Taxi Systems, Inc., (DTS), and MWAA.

DTS supported the proposed \$2.50 surcharge on the ground that the Dulles access fee is analogous to the National Airport access fee. However, MWAA stated that it had addressed the economic impact of the \$2.50 access fee upon drivers of Washington Flyer taxicabs by reducing the stand dues drivers can be charged by Washington Flyer taxicab companies.

Given MWAA's comments, this Commission was unable to conclude in Order No. 11,444 that petitioner, DAT, had carried its burden of demonstrating the case for adopting a Dulles Airport access fee surcharge.⁷ However, the Commission permitted DTS and DAT 30 days to respond to MWAA's comments.⁸ DTS and DAT have yet to respond.

Accordingly, DAT's petition for a \$2.50 Dulles Airport access fee surcharge is hereby denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

⁶ See *In re Interstate Taxicab Fares*, No. 265, Order No. 1439 (June 20, 1975) (approving pass-through of National Airport taxicab fee).

⁷ *In re Airport Access Fee Surcharge*, No. MP-2008-125, Order No. 11,444 (July 1, 2008).

⁸ *Id.*