

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,485

IN THE MATTER OF:

Served November 17, 2023

Petition for Amendment of)
Interstate Charges for WASHINGTON)
FLYER Taxicabs)

Case No. MP-2023-091

This matter is before the Commission on a petition filed by the Metropolitan Washington Airports Authority (MWAA or Airports Authority) requesting that the Commission increase a per trip surcharge to the authorized interstate fare on trips to and from Washington Dulles International Airport (Dulles Airport) in Washington Flyer taxicabs from \$3.00 to \$5.00.

The Commission last amended the base interstate rates for Washington Flyer taxicabs in 2014.¹ In 2016 the Commission approved a \$2.65 surcharge on each interstate trip in a Washington Flyer taxicab originating or terminating at Dulles Airport, which took effect January 1, 2017.² In 2019, the Commission approved an increase in the per-trip surcharge from \$2.65 to \$3.00, which took effect May 14, 2019.³

I. JURISDICTION

Under the Washington Metropolitan Area Transit Regulation Compact,⁴ (Compact), the Commission is responsible for prescribing the rates, charges, regulations, and minimum insurance requirements for interstate taxicab trips in the Washington Metropolitan Area Transit District (Metropolitan District),⁵ including interstate trips to and from Dulles Airport.⁶

The Commission's interstate taxicab jurisdiction applies when the taxicab: (a) has a seating capacity of 9 persons or less, including

¹ *In re Interstate Rates and Charges for Wash. Flyer Taxicabs*, No. MP-14-004, Order No. 14,773 (May 20, 2014), amended by Order Nos. 14,789 (May 23, 2014) & 15,072 (Sept. 19, 2014).

² *In re Interstate Charges for Wash. Flyer Taxicabs*, No. MP-16-129, Order No. 16,720 (Dec. 2, 2016).

³ *In re Interstate Charges for Wash. Flyer Taxicabs*, No. MP-18-121, Order No. 18,156 (May 9, 2019).

⁴ Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990), amended by Pub. L. No. 111-160, 124 Stat. 1124 (2010) (amending tit. I, art. III) (codified at D.C. CODE ANN. § 9-1103.01 (2023); MD. CODE ANN., TRANSP. § 10-203 (2023); & VA. CODE ANN. § 33.2-3000 (2023)).

⁵ Compact, tit. II, art. XI, §§ 1, 18.

⁶ Compact, tit. I, art. I.

the driver; and (b) provides transportation from one signatory to another within the Metropolitan District.⁷

The Metropolitan District includes: the District of Columbia; the cities of Alexandria and Falls Church of the Commonwealth of Virginia; Arlington County and Fairfax County of the Commonwealth of Virginia, the political subdivisions located within those counties, and that portion of Loudoun County, Virginia, occupied by the Dulles Airport; Montgomery County and Prince George's County of the State of Maryland, and the political subdivisions located within those counties; and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of those counties, cities, and airports.⁸

For the purpose of prescribing interstate taxicab rates, charges, regulations, and minimum insurance requirements, the Metropolitan District also includes that portion of Anne Arundel County, Maryland, occupied by the Baltimore-Washington International Thurgood Marshall Airport, (BWI), except that this expansion of the Metropolitan District to include BWI does not apply to transportation conducted in a taxicab licensed by the State of Maryland or a political subdivision of the State of Maryland or operated under a contract with the State of Maryland.⁹

II. PROPOSAL

On-demand taxicab service at Dulles Airport is currently available exclusively from a taxicab company operating under the Washington Flyer brand name pursuant to contract with MWAA. On October 1, 2023, a new concession contract to furnish Washington Flyer taxicab took effect. According to the MWAA petition:

On October 1, 2023, as provided in the new taxicab contracts that take effect that day, the per-trip fee collected from Washington Flyer taxicab drivers at Dulles Airport will increase from \$3.00 to \$5.00 bringing parity between the per-trip fees charged to taxicabs at Dulles Airport and other ground transportation pass thru fees to access both Dulles and Reagan National Airports.

The Airports Authority is self-sufficient and must fund the operation of Dulles Airport from aviation sources of revenue and non-aviation revenue sources such as user fees, contracts, rents, and other fees associated with the use of our airport facilities. The fees derived from Washington Flyer taxicabs support the Dulles Airport taxicab dispatch system and related ground transportation expenses such as public safety costs and road maintenance. Notably, Washington Flyer taxicabs routinely utilize on-airport

⁷ Compact, tit. II, art. XI, §§ 1(b), 2, 3(f).

⁸ Compact, tit. I, art. I.

⁹ Compact, tit. II, art. XI, § 2.

roadways and the Dulles International Airport Access Highway.

MWAA's proposal would authorize Washington Flyer drivers to collect from passengers the full \$5.00 per-trip fee assessed at Dulles Airport.

III. TAXICAB RATE POLICY AND METHODOLOGY

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.¹⁰ 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.¹¹

Washington Flyer taxicabs, on the other hand, are licensed by the Commonwealth of Virginia, and Virginia does not prescribe intrastate rates and charges for Washington Flyer taxicabs that the Commission might adopt for use on interstate trips.¹² The Commission instead sets interstate meter rates for Washington Flyer taxicabs by reference to the prevailing local meter rates.¹³ The Commission has found comparability with local rates to be the "essential element" in devising an appropriate interstate rate structure for Washington Flyer taxicabs.¹⁴ Incidental charges (i.e., waiting time, snow emergency, tolls) are similarly set by reference to prevailing charges set by all local taxicab licensing jurisdictions in the Metropolitan District.¹⁵

Non-Flyer taxicab drivers are currently permitted to pass through airport dispatch fees on interstate trips to the extent their respective licensing jurisdictions approved such treatment.¹⁶ Currently, the District of Columbia, Montgomery County, Maryland, and the Cities of Alexandria and Falls Church and Counties of Arlington and Fairfax in Virginia allow taxicab drivers to pass through the current Reagan National Airport dispatch fee of \$3.00.¹⁷ Only Prince George's County, Maryland, does not provide for pass through of the Reagan National Airport dispatch fee.¹⁸

¹⁰ Order No. 18,156 at 3.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *In re Dispatch Fee Surcharge for Interstate Taxicab Trips Originating at Ronald Reagan Wash. Nat'l Airport*, No. MP-09-081, Order No. 12,062 at 4-5 (June 26, 2009).

¹⁷ See ALEXANDRIA, VA., CODE § 9-12-132(a)(9) (2023); ARLINGTON COUNTY, VA., CODE § 25.1-12(I) (2023); D.C. Mun. Regs. tit. 31, § 801.7(c)(2)(D) (2023); FAIRFAX COUNTY, VA., CODE § 84.1-6-3(c)(7) (2023); FALLS CHURCH, VA., CODE § 46-15(a)(7) (2023); MONTGOMERY COUNTY, MD., COMCOR § 53.17.01.01(H) (2023).

¹⁸ See PRINCE GEORGE'S COUNTY, MD., CODE § 20-160 (2023).

Subject to the requirement set out in Article XI, Section 18 of the Compact that taxicab rates prescribed by the Commission shall be reasonable, the Commission has previously accorded deference to MWAA's determination of appropriate rates for Washington Flyer Service,¹⁹ as it has with taxicab rate schemes approved by other local jurisdictions.

IV. DISCUSSION

The Commission has authorized Washington Flyer taxicab drivers to pass through the Dulles Airport access fee in the form of a surcharge since 2017 and increased the surcharge to match the Dulles Airport per-trip fee on the previous occasion MWAA petitioned the Commission to do so.²⁰ Similarly, from 1975 to 2009, the Commission issued a series of rulings beginning with initial implementation of a taxicab dispatch fee at Reagan National Airport collected by MWAA and its predecessor. Those rulings authorized pass-through treatment of the initial dispatch fee as a surcharge, and increased the surcharge to match each time the dispatch fee was increased.²¹

The Commission therefore proposes adopting a modified version of MWAA's proposal that would replace a fixed-dollar reference to the surcharge with language setting the amount of the surcharge at the amount of the Dulles Airport per-trip fee currently in effect. This pass-through treatment of the Dulles Airport per-trip fee would eliminate the future need for the Commission to expressly approve an increase in the surcharge amount each time MWAA increases the corresponding per-trip fee, and reduce regulatory lag in enacting surcharge increases.

V. INVITATION FOR COMMENTS

The Commission invites comments on whether to amend the authorized interstate taxicab rates and charges for Washington Flyer taxicab service within the Metropolitan District, currently set out in the appendix to WMATC Order No. 18,156, as follows:

¹⁹ See Order No. 18,156 at 4 (accorded deference when approving MWAA proposal to increase the per-trip surcharge from \$2.65 to \$3.00); Order No. 16,720 at 5-6 (accorded deference when enacting \$2.65 per trip surcharge proposed by MWAA); Order No. 14,773 at 5-6 (granting MWAA petition for pass through treatment of tolls).

²⁰ See Order No. 16,720; Order No. 18,156.

²¹ See *In re Interstate Taxicab Fares Between Wash. Nat'l Airport and Points in the Metro. Dist.*, No. 265, Order No. 1439 (June 20, 1975) (adopting \$0.50 surcharge); *In re Dispatch Fee for Interstate Taxicab Trips Originating at Wash. Nat'l Airport*, No. MP-90-11, Order No. 3506 (May 22, 1990) (increasing surcharge to \$1.00); *In re Dispatch Fee for Interstate Taxicab Trips Originating at Wash. Nat'l Airport*, No. MP-94-15, Order No. 4308 (June 1, 1994) (increasing surcharge to \$1.25); *In re Dispatch Fee for Interstate Taxicab Trips Originating at Ronald Reagan Wash. Nat'l Airport*, No. MP-99-29, Order No. 5633 (June 23, 1999) (increasing surcharge to \$1.75); Order No. 12,062 (increasing surcharge to \$2.50 and effective January 1, 2010, adopting locally prescribed airport dispatch fee surcharges).

Trip Surcharge:

There shall be a ~~\$3.00~~ surcharge on each trip originating at or terminating at Washington Dulles International Airport equal in amount to any airport dispatch or per-trip fee collected from the taxicab operator. Only one surcharge may be collected per trip irrespective of the number of passengers in the vehicle.

THEREFORE, IT IS ORDERED:

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

2. That Commission staff shall cause notice of this proceeding to be posted immediately to the Commission's website.

3. That any person may file written comments in this proceeding within 21 days of the date of this order by emailing them to taxi-rates@wmatc.gov, or delivering them to 1010 Wayne Avenue, Suite 1240, Silver Spring, MD 20910-5624.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS LACKEY AND RICHARD:



Jeffrey M. Lehmann
Executive Director