

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2127

IN THE MATTER OF:

Served July 11, 1980

Application of JACK B. DEMBO,)
 et al., for Increased Interstate)
 Rates for D. C. Taxicabs)

Case No. AP-80-19

By application (letter) filed May 23, 1980, Jack B. Dembo, Joseph F. Nickens, Frederick J. Conway and Irving Schlaifer ("with certain reservations") ^{1/} seek a general fare increase for interstate taxicab trips between points in the Metropolitan District. Existing fares for taxicabs licensed by the District of Columbia and the corresponding fares proposed by applicants are set forth below.

<u>Service</u>	<u>Existing Charge</u>	<u>Proposed Charge</u>
First 1/2 mile or fraction thereof	\$1.10	\$.75
Second 1/2 mile or fraction thereof	.40	.75
Each additional 1/2 mile or fraction thereof	.40	.50
Extra-passenger charge	.75 per person	1.00 for each person of the same family

^{1/} According to the letter, Mr. Dembo is affiliated with the Independent Cab Driver Association, Mr. Nickens is president of the Fraternal Order of Taxidrivers and Owners, and Mr. Conway is affiliated with the Alliance of Taxicab Businessmen. None of these persons represents himself to be an attorney and no evidence of authority to act in a representative capacity was filed. Accordingly, these persons shall be deemed to represent only themselves. Mr. Schlaifer makes no claim to represent anyone other than himself. See Rule 3 of the Commission's Rules of Practice and Procedure, especially parts 3-02 and 3-03.

Applicants believe that, when a driver transports a group and drops off passengers at two or more separate stops, he should be able to charge each passenger the full mileage fare rather than one mileage fare plus the extra-passenger charge(s). Additionally, they assert (1) that, when taxicab snow emergency rates are put into effect in the District of Columbia 2/, snow emergency rates should also apply to interstate trips; (2) that the District of Columbia rush-hour surcharge of sixty-five cents should apply to interstate trips; and (3) that, when drivers transport passengers in interstate trips to jurisdictions that prohibit acceptance of return passengers by District of Columbia taxicabs, the drivers should be allowed to charge an additional fare equal to half the normal transportation charge to defray the empty backhaul. 3/

Applicants seek to redefine the territorial jurisdiction of the Commission to include all points within 25 miles of the geographic center of the District of Columbia. They contend that the previous rate increase 4/ was insufficient and that Commission rate practices have been discriminatory toward District of Columbia taxicab drivers. Applicants request that an 'open' hearing be held where they can participate.

The Commission has the responsibility, pursuant to Title II, Article XII, Section 1(c) of the Compact, to regulate ". . . the rate or charges for transportation from one signatory to another within the confines of the Metropolitan District. . ." Unlike the taxicabs in other jurisdictions in the Metropolitan District, District of Columbia taxicabs have no meters, but operate on a zone system which is not adaptable to interstate use. On past occasions the Commission has taken notice of interstate rate increases precipitated by jurisdictions having metered taxicabs and has, on its own motion, 5/ instituted an investigation to determine whether the existing interstate rates prescribed for taxicabs licensed by the District of Columbia Public Service Commission were unreasonable or unduly discriminatory or unduly preferential either between riders or sections

2/ During a snow emergency, intrastate District of Columbia passengers are charged the regular individual fare regardless of whether or not they are traveling as a group.

3/ This would affect primarily Prince George's County, Md., and Dulles International Airport, Herndon, Va.

4/ See Order Nos. 2067 and 2080, served December 6, 1979 and January 29, 1980, respectively.

5/ See Compact, Title II, Article XII, Section 13.

of the Metropolitan District. The Commission published notice of the proceeding, solicited inquiries or comments from interested parties, and subsequently prescribed adjustments (increases) to the rate structure. The last such proceeding was about six months ago, the previous one about 9 months before that.

This proceeding is initiated at the behest of applicants, and a hearing will be scheduled in September as request by applicants. ^{6/} Applicants will be directed to publish notice of the hearing in a newspaper of general circulation in the Metropolitan District. The matters to be in issue at the hearing include the request for changes in mileage rate structure, extra-passenger charge, snow-emergency authorization, rush-hour surcharge and empty-backhaul charges. To the extent that applicants seek a change in the Commission's jurisdiction redefining the Metropolitan District, the application will be dismissed. The Commission's jurisdiction was established by the Compact, and the Commission has no authority to change it. Amendments to the Compact must be adopted unanimously by the legislatures of the signatory jurisdictions. Compact, Title I, Article IX.

Applicants will be assessed an amount preliminarily estimated to cover the cost of the proceeding pursuant to Title II, Article XII, Section 19 of the Compact. They will also be directed to submit in advance of the hearing six copies of their witness list and all documents to be introduced at the hearing including, but not limited to, traffic studies and financial data, and all underlying documentation in support of the request for increased interstate taxicab rates. Applicants should adduce evidence of how and to what extent, if any, their operating costs exceed those of metered taxicabs operating in the Metropolitan District, and should be prepared to justify their proposed changes.

THEREFORE, IT IS ORDERED:

1. That, to the extent applicants seek to change the territorial jurisdiction of the Commission, the application is hereby dismissed.

2. That the above-entitled proceeding is hereby scheduled for public hearing to commence at 9:30 a.m., Wednesday, September 17, 1980, in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006, and to continue, if necessary, on Thursday, September 18, 1980, at 9:30 a.m.

^{6/} By letter filed June 9, 1980, applicant Dembo requested that the hearing be scheduled for September 9, 1980.

3. That applicants publish once in a newspaper of general circulation in the Metropolitan District notice of this application and hearing, in the form prescribed by the staff of the Commission, no later than Friday, August 1, 1980.

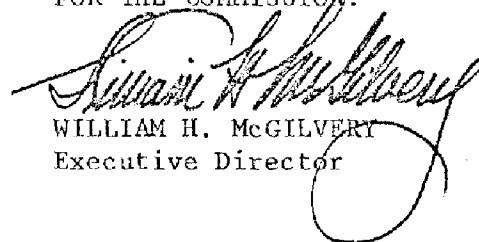
4. That applicants deliver an affidavit of said publication, executed by a representative of the selected newspaper, to the Commission no later than 12 noon, Friday, September 5, 1980.

5. That any person desiring to protest the application shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, not later than Wednesday, September 3, 1980, and shall mail a copy of such protest or notification to applicant Jack B. Dembo, 8715 Bradford Road, Silver Spring, Md. 20901.

6. That applicants are hereby assessed \$800 pursuant to Title II, Article XII, Section 19 of the Compact and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon, Friday, September 5, 1980.

7. That applicants file with the Commission six copies of all documents to be introduced at the hearing including traffic manifests, traffic studies, and financial information pertaining to self-employment income and expenses, jurisdictional cost comparisons and a list containing the names and addresses of all persons expected to be called as witnesses on applicants' behalf, no later than 12 noon, Friday, September 5, 1980.

FOR THE COMMISSION:


WILLIAM H. MCGILVERTY
Executive Director