

DISTRICT OF COLUMBIA TAXICAB COMMISSION**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chairperson of the District of Columbia Taxicab Commission (“Chairperson”), pursuant to the authority set forth under section 105 of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2023; D.C. Official Code § 50-381(a) (2008 Supp)), Mayor’s Order 2009-104, dated June 15, 2009, and Mayor’s Order, 2007-231, dated October 17, 2007, hereby gives notice of the adoption, on an emergency basis, of a new section 219 and amendments to section 220 of Chapter 2 in Title 31 of the District of Columbia Municipal Regulations (“DCMR”).

The emergency rulemaking is needed to establish procedures and criteria to be applied by the D.C. Taxicab Commission in reviewing and adjusting rates for the continued implementation of the time and distance metered taxicab system (“taximeter system”) established in the District of Columbia on May 1, 2008. Emergency action is necessary to provide procedures for reviewing the rate structure for the taximeter system, which affects the welfare of the District residents who utilize the taximeter system and the operators and owners of taxicabs who provide taximeter services.

The emergency rulemaking was adopted on June 23, 2009 and became effective immediately. The emergency rules will expire 120 days from the date of adoption or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever comes first.

The Chairperson also gives notice of the intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

A new Section 219 of Chapter 2 in Title 31 is added as follows:**219 CRITERIA AND PROCEDURES FOR RATE MAKING FOR THE TAXIMETER SYSTEM**

- 219.1 Effective June 15, 2009, the Commission was delegated the Mayor’s authority to review and adjust rates (“rate making”) necessary for the implementation of the time and distance metered taxicab system (“taximeter system”) in the District of Columbia under Section 105(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006, 120 Stat. 2023, D.C. Official Code § 50-381(a).
- 219.2 The Commission’s Panel on Rates and Rules (“Panel”) shall be responsible for undertaking periodic reviews of the rate structure for the taximeter system and making recommendations to the Commission on whether a modification or adjustment in rate structure is warranted, and if determined to be warranted, recommend the amount of the modification or adjustment.

- 219.3 Pursuant to §106.1 of this title, action to adopt any rate increase or adjustment shall require a majority vote of the Commissioners present and voting at a meeting, which meets the quorum requirement provided in §104.1 of this title.
- 219.4 Any rate making by the Commission shall adhere to and be subject to the requirements of the D.C. Administrative Procedures Act, effective October 21, 1968, 82 Stat. 1206, D.C. Official Code § 2-305.
- 219.5 The Commission may not take any of the following actions without the prior consent of the Mayor:
- (a) Implement a rate increase in less than one (1) year from a prior rate increase;
 - (b) Implement any single rate increase over five percent (5%), rounded up to the nearest nickel (5 cents), above the prior rates;
 - (c) Modify the structure of the “regular metered rate of fare” provided in §§801.3 through 801.5 of this title, effective May 1, 2008; and
 - (d) Establish any additional “extra charges or surcharges” or modify the “extra charges or surcharges” applicable to the taximeter system as provided in §801.6 of this title, effective May 1, 2008, including but not limited to adding a fuel surcharge authorized in §801.6(m) of this title or modifying the charges applicable to group riding as determined in §801.7 of this title or shared riding as determined in §801.10 of this title.
- 219.6 Prior to any rate making, the Panel shall undertake a review of the taximeter system rate structure which shall include an opportunity for public comment. The Panel shall at a minimum take the following actions:
- (a) Hold two (2) public hearings at locations accessible to all District residents for which thirty (30) day notice is provided in the *D.C Register*; and
 - (b) Provide an opportunity for the public to submit views orally or in writing at the public hearings.
- 219.7 In determining under §219.2 of this section whether a rate adjustment is warranted, and if so, the amount of such an adjustment, the Panel and the full Commission shall take the following actions:

- (a) Consider the rates of taximeter systems in surrounding jurisdictions, the cost of operating a taximeter system, and the public use of the taximeter system in the District; and
- (b) Balance equitably the interest of owners and operators of taxicabs, taxicab companies and associations, and dispatch services in procuring a reasonable rate of return on investment and adequate compensation for labor provided against the public interest in maintaining a taximeter system which is affordable and accessible to a broad cross section of the public.

219.8 The provisions in this section apply to any determination regarding rates made by the full Commission whether the rate making proceeding is initiated by the Commission, the Panel, or through an individual petition under § 221.1 of this chapter.

Section 220 is amended as follows:

220.1 The provisions of §§ 219, 220-256, and 299 shall govern rate making proceedings before the Panel.

Sections 220.2 and 220.3 are repealed.

Any person desiring to file written comments on the Chairperson's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should be filed with Leon Swain, Chairperson, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address or visiting the Commission's website at dctc@dc.gov.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING****Z.C. Case No. 09-07****Map Amendment – 2269 Cathedral Avenue, N.W.**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code §§ 6-641.01) and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), hereby gives notice of the adoption, on an emergency basis, of the an amendment to the Zoning Map as incorporated in the Zoning Regulations (Title 11, DCMR).

Through its adoption of the amendment, the Commission immediately included the unzoned property at 2269 Cathedral Avenue, N.W. (Square 2210, Lot 803) in the R-4 District.

This action is being taken on an emergency basis because the subject property, though privately owned, is not now, and has not been since the inception of zoning in the District, included in any zone district. A one-family dwelling was constructed on the property in 1910 and the property has been in use as a one-family dwelling since that time. Subsection 106.7 of the Zoning Regulations provides that ‘no building permit shall be issued ... nor shall any property in private ownership be used for any purpose until after the Zoning Commission has designated zoning for the property’.

The absence of zoning effectively prevents any enlargement of this dwelling, although such expansion would be permitted as of right, by special exception, or through variance relief on all other private properties. Having been made aware of this circumstance by the current property owners, the Commission believes it necessary to immediately zone the property. In this case, the R-4 Zone District would permit the enlargement of the dwelling envisioned by the petitioners, but subject to a special exception review being concurrently undertaken by the Commission.

The Commission also gives notice of its intent to take final rulemaking action to amend the Zoning Map as incorporated in the Zoning Regulations (Title 11, DCMR) to designate the subject property in the R-4 District in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register* or thirty (30) days following referral of this amendment to the National Capital Planning Commission, whichever occurs last.

The emergency rulemaking action will expire on October 16, 2009, which is the 120th day after the adoption of the rulemaking action, or upon publication of a Notice of Final Rulemaking in the *Register*, whichever occurs first.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be field with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.