

Minutes of the Fairfax County Consumer Protection Commission

November 19, 2013

6:30 PM Conference 4/5
Government Center
12000 Government Center Pkwy.
Fairfax, Virginia 22035
Chairman Fee, presiding

Attendance:

Commissioners: Belkowitz, Durant, Fee
Hargraves, Hine, Kazmi, Kirk, Luse, Nguyen,
Roark, Rosier

Absent:

Commissioners: Chung, Martz

Staff:

Michael S. Liberman, Director
Department of Cable and Consumer Services
John W. Burton,
Assistant County Attorney
Steve Sinclair, Chief
Public Utilities Branch
Susan C. Jones, Branch Chief,
Consumer Affairs
Susan Hafeli, Analyst
Public Utilities Branch
Henri Stein-McCartney, Chief
Regulation and Licensing Branch
Rebecca L. Makely, Chief
Mail and Administrative Services Branch
Howard Stone, Analyst
Public Utilities Branch
Carl Newcomb, Consumer Specialist II
Regulation and Licensing Branch

The meeting was called to order at 6:32 PM by Chairman Fee.

Minutes

The minutes of the October 15, 2013 meeting were approved.

Report of the Chairman

Chairman Fee mentioned that former Commissioner Paul Reagan was appointed by Governor Terry McAuliffe as his Chief of Staff.

Chairman Fee stated his computer had been hacked and hoped no one opened any emails sent out from his email address. He is currently working on the issue.

Report of the Director

Director Liberman had no matters to bring before the commission.

Commission Matters

Commissioner Kirk had no matters to bring before the commission.

Commissioner Hargraves had no matters to bring before the commission.

Commissioner Hine had no matters to bring before the commission.

Commissioner Nguyen inquired about sedan drivers not being allowed to park their sedan at their complex or driveway. Staff responded to the inquiry.

Commissioner Rosier had no matters to bring before the commission.

Commissioner Durant had no matters to bring before the commission.

Commissioner Luse had no matters to bring before the commission.

Commissioner Kazmi had no matters to bring before the commission.

Commissioner Roark had no matters to bring before the commission.

Old Business

There was no old business to discuss.

New Business

Public Hearing on the Allocation of Taxicab Certificates began at 6:40 PM.

Representatives from each applicant listed below made a presentation:

enviroCAB
Fairfax Green
Fairfax Yellow
GoGreen
Red Top
White Top

Public Witnesses:

Fairfax Area Disability Services Board
Long Term Care Coordinating Council
ENDependence Center of Northern Virginia, Inc.

Steven Sinclair, Chief, Public Utility Branch, presented the 2013 Taxicab Certificate Allocation Process which included industry and application overview, evaluation process and criteria, application evaluation, industry experience, financials, evidence of demand for excess certificates, and the allocation of certificates.

Public Hearing ended at 12:30 AM.

Commissioner Nguyen made the motion to recommend the number of certificate increase to 78. Chairman Fee seconded the motion.

A discussion ensued on whether the burden of proof was met, possible projection of shorter trips due more taxicabs, basis for the increased number of taxicabs certificates to 78, accurate numbers on the volume of trips made, allowing more new applicants to obtain certificates, and longer wait time for wheelchair-accessible vehicles.

The motion was called. Six commissioners voted in favor, four commissioners voted against. Motion passed.

Commissioner Nguyen made the motion:

The CPC recognizes that as part of the certificate allocation review process, the voluntary increase in the number of wheelchair-accessible vehicles above the minimum required in the Code is in the public interest, and recommends to the Board that 78 certificates be allocated in the 2013 review period as follows:

- Fairfax Yellow would be awarded 23 taxicab operator certificates. Fourteen of these certificates would be assigned to 2014 hybrid vehicles (including one plug-in hybrid) and nine would be assigned to 2014 wheelchair-accessible vehicles.
- Red Top would be awarded ten taxicab operator certificates. Nine of these certificates would be assigned to 2014 hybrid vehicles (including one plug-in hybrid), and one would be assigned to 2014 wheelchair-accessible vehicle.
- White Top would be awarded six hybrid taxicab operator certificates.
- enviroCAB be allocated 39 certificates with 10 vehicles wheelchair-accessible (either Ford Transit Connect or VPG MV-1 vehicles). While enviroCAB has proposed driver-owned wheelchair-accessible vehicles, if the company has not secured driver-owned vehicles within the 180 day period to put the certificates in-place, enviroCAB will be responsible of owning and leasing those vehicles.

Chairman Fee seconded the motion.

The motion was called: Five commissioners voted in favor and five commissioners voted against. The motion failed.

Commissioner Rosier made the motion:

- 38 certificates would go to enviroCAB with ten vehicles being wheelchair-accessible.
- 20 certificates to GoGreen, with three vehicles being wheelchair-accessible.
- 20 certificates to White Top.

Commissioner Kazmi seconded the motion.

A discussion ensued increasing the amount of wheelchair-accessible vehicles, adding competition, and supporting current applicants with a sound business plan.

The motion was called:

Two commissioners voted for in favor and eight commissioners voted against. The motion failed.

Commissioner Luse made the motion:

The CPC recognizes that as part of the certificate allocation review process, the voluntary increase in the number of wheelchair-accessible vehicles above the minimum required in the Code is in the public interest, and recommends to the Board that 78 certificates be allocated in the 2013 review period as follows:

- Fairfax Yellow would be awarded 23 taxicab operator certificates. Fourteen of these certificates would be assigned to 2014 hybrid vehicles (including one plug-in hybrid) and nine would be assigned to 2014 wheelchair-accessible vehicles.
- Red Top would be awarded ten taxicab operator certificates. Nine of these certificates would be assigned to 2014 hybrid vehicles (including one plug-in hybrid), and one would be assigned to 2014 wheelchair-accessible vehicle.
- White Top would be awarded six hybrid taxicab operator certificates.
- enviroCAB be allocated 39 certificates with 10 vehicles being wheelchair-accessible (either Ford Transit Connect or VPG MV-1 vehicles). While enviroCAB has proposed driver-owned wheelchair-accessible vehicles, if the company has not secured driver-owned vehicles within the 180 day period to put the certificates in-place, enviroCAB will be responsible of owning and leasing those vehicles.

Commissioner Durant seconded the motion. Seven commissioners voted in favor and three commissioners voted against. The motion passed.

Public Hearing for the Allocation of Taxicab Certificates ended at 1:20 AM.

Public Hearing for the Proposed Taxicab Fare Rate Increase began at 1:25 AM.

Steve Sinclair presented the staff report which contained background information on taxicab history, county code, taxicab industry price index, driver's association petition, current and proposed rates, evaluation factors, gasoline price trends, rate comparisons, and staff recommendation.

William Stokes and Yahya Bashan spoke on behalf of the Taxi Association of Fairfax County.

A discussion ensued on the previous rate increase, price index change, effect of increase taxicab drivers, meter testing by staff, shorter trip charges, and whether an increase of taxi rates will increase rental cost to drivers.

Commissioner Kirk made the motion to accept staff the recommendation not to increase the taxicab fare rate. Commissioner Nguyen seconded the motion. Nine commissioners voted in favor and two commissioners against. The motion passed.

The Public Hearing ended at 2:30 AM.