

# **Recommended Revisions to Chapter 84.1, regarding Taxicab Regulation**

**Board of Supervisors Transportation Committee  
October 4, 2016**

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Department of Cable and Consumer Services

# Regulated Taxicab Industry

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- ▶ **Fairfax County taxicab companies**
  - ▶ Five operators (certificate holders)
  - ▶ 654 taxicab certificates
    - ▶ 43 wheelchair-accessible certificates
- ▶ **Licensed taxicab drivers**
  - ▶ June 30, 2014: 878
  - ▶ June 30, 2016: 678

# Competition from TNCs

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- ▶ Virginia authorized TNC activity in early 2015
- ▶ Number of TNC drivers continues to grow
  - ▶ 12,216 registered TNC vehicles in Fairfax County as of June 30, 2016
- ▶ No local oversight of TNCs
  - ▶ Data on TNC trips, revenues and complaints not available to local regulators
  - ▶ County cannot impose requirements on TNCs, such as wheelchair-accessible service

# Board Dates

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- ▶ **October 4**
  - ▶ Presentation to BOS Transportation Committee
- ▶ **November 1**
  - ▶ Request to BOS for authority to advertise a public hearing
- ▶ **December 6**
  - ▶ BOS public hearing on recommended revisions to Chapter 84.1

# Types of Revisions

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- ▶ Structural/organizational
- ▶ Operational revisions
  - ▶ Matters that affect drivers' and companies' provision of service
- ▶ ***Regulatory framework***
  - ▶ Matters that affect authority to operate
- ▶ Deletion of obsolete or outdated provisions
- ▶ Formatting and editorial

# Structural/Organizational Revisions

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- ▶ **Redefine “operator’s certificate”**
  - ▶ Eliminate dual meanings dependent on context
  - ▶ Required changes throughout Chapter 84.1
- ▶ **Enhance reader-friendliness**
  - ▶ Address related duties or requirements together
  - ▶ Separately address issues that are currently intermingled

# Operational Revisions

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- ▶ **Taxicab age/mileage limits**
  - ▶ Increase to 10 years/500K miles
- ▶ **Vehicle outfitting**
  - ▶ Seat and floor covering to be washable but need not be non-absorbent
  - ▶ Provide for use of GPS taximeters, if/when permitted under Virginia Code
- ▶ **Inspections**
  - ▶ Annual inspections for vehicles  $\leq 6$  model years

# Operational Revisions

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- ▶ Rates and pricing
  - ▶ Authorize maximum, not firm, mileage rates
  - ▶ Revise certain personal-service fees
- ▶ Passenger comfort
  - ▶ No smoking/tobacco use during transport



# Regulatory Framework

## Entry Regulation

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- ▶ Focus on applicants, not fleet size
- ▶ In response to market changes, end practice that caps available taxicab certificates
  - ▶ Lack of authority to regulate TNCs means the county can no longer match demand and supply
  - ▶ Inability to obtain TNC data means staff cannot fully assess demand
- ▶ Retain CPC and BOS reviews and approvals prior to certificate awards
  - ▶ Allocation among applicants no longer required

## Chapter 84.1-2-5: Biennial Determination of Demand and Available Taxicab Certificates

<i><b>CURRENT (Odd-Numbered Years)</b></i>		<i><b>PROPOSED (Changes in red)</b></i>
April 15	Operators submit biennial reports to DCCS for review and analysis	Operators submit biennial reports to DCCS for review and analysis (due date of <b>May 1</b> )
April - May	<ul style="list-style-type: none"> <li>• Staff conducts analysis to determine the number of certificates needed to meet growth in demand</li> <li>• Staff presents its recommended number to CPC</li> </ul>	<b>Staff reviews filings to assess state of local regulated industry</b> , including growth or decline in demand since last period.
May	CPC considers and votes on the staff recommendation regarding number of certificates needed to meet growth in demand	<b>No CPC action required</b>
May 1 - June 30	Board acts on CPC recommendation and sets the number of certificates available to be issued (Action Item) <ul style="list-style-type: none"> <li>• Board may revise the number by subsequent Board resolution</li> </ul>	<b>No Board action required</b>
June 30	Interested persons may apply for authority to provide service and must specify the number of taxicab certificates requested <ul style="list-style-type: none"> <li>• An applicant that requests more certificates than has been determined: (1) bears the burden to establish that the public welfare will be enhanced by an award of the requested certificates; and (2) must provide “factual documented evidence” indicating the demand <i>and</i> establishing public welfare</li> </ul>	Interested persons may apply for authority to provide service and must specify the number of taxicab certificates requested <ul style="list-style-type: none"> <li>• <b>Applications accepted each June 30, not every other year</b></li> <li>• <b>No additional applicant burdens because no cap on available certificates</b></li> </ul>

# Regulatory Framework

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Transportation Advisory Commission supports staff proposal:

“The TAC endorsed the DCCS planned proposals and adopted the below resolution. . . . The resolution was adopted unanimously by voice vote.

*‘The TAC recommends that the Department of Cable and Consumer Services review County taxi certification policies and consider eliminating limits on the number of certifications that are issued.’”*

[http://www.fairfaxcounty.gov/fcdot/tac/minutes/2016/minutes\\_2016-05-17.htm](http://www.fairfaxcounty.gov/fcdot/tac/minutes/2016/minutes_2016-05-17.htm)



# Regulatory Framework

## Unused taxicab certificates

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- ▶ **Currently**
  - ▶ Automatically “null and void” if unused > 180 days
  - ▶ Null and void certificates available for redistribution
- ▶ **Proposed**
  - ▶ Extend vacancy period to 18 months
  - ▶ No need to redistribute because no cap limiting number of available certificates
- ▶ **Possible issue**
  - ▶ Addressing certificates that are currently null and void

# Questions?

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