

MEMORANDUM

July 22, 2019

TO: Transportation and Environment (T&E) Committee
FROM: ^{GO} Glenn Orlin, Deputy Director
SUBJECT: Executive Regulation 11-19 – Transportation Services Improvement Fund
PURPOSE: Develop T&E Committee recommendations

On July 15 the County Executive transmitted this proposed regulation that would amend Resolution 1-17 to establish “the procedures for the distribution of revenue from the Transportation Services Improvement Fund to owners and operators of taxicabs to offset increased costs of owning and operating accessible vehicles, and to improve or expand transportation options for persons with disabilities, eligible senior citizens, and persons of limited income.” The Executive’s transmittal memo is on ©1-2, the Fiscal Impact Statement is on ©3-5, and the proposed regulation—showing how Resolution 1-17 would be amended—is on ©6-17. Council action is tentatively scheduled for July 30.

Staff anticipated to attend the session include:

Emil Wolanin, Deputy Director, Department of Transportation (DOT)
Fred Lees, Chief, Management Services, DOT
Hannah Henn, Senior Engineer, DOT
Brady Goldsmith, Budget Analyst, Office of Management and Budget (OMB)

Background. A \$0.25 surcharge is added to each ride provided by Transportation Network Companies (TNCs), such as Lyft and Uber, and the revenue is deposited in the County’s Transportation Services Improvement Fund (TSIF). The initial purpose of the TSIF was to provide grants of up to \$15,000/vehicle to re-fit the vehicle to be wheelchair accessible. Annual revenue is in the \$2.0-2.5 million range; however, only a portion of this revenue has been spent in this way. The balance of money in the TSIF at the end of FY19 was \$1.1 million.

Last autumn the Council adopted Bill 13-18 that allows for the TSIF to fund additional expenses for other programs that serve eligible elderly, people with disabilities, and persons of limited income, but the primary purpose still is to generate a larger fleet of wheelchair-accessible vehicles (WAVs). Bill 13-18 directed that a subsequent regulation be promulgated that would make it easier for taxicab owners and operators to avail themselves of this funding. Some of the ways Regulation 11-19 would incentivize more grants are:

- *Disburse a grant of up to \$15,000 at the outset.* The current regulation stipulates that a \$15,000 grant be disbursed over five years: \$4,000 in Year 1, \$4,000 in Year 2, \$3,000 in Year 3, \$2,000 in Year 4, and \$2,000 in Year 5. The new regulation provides this capital up front.
- *To be eligible, an accessible cab must be in operation for 40 hours for at least 48 weeks per year.* The current regulation requires it be in operation for 40 hours for at least 50 weeks per year. One of the industry comments was that many drivers have families in other countries and often take extended time off to visit them.
- *Stipulate a \$10/trip guaranteed minimum fare to drivers for Call-n-Ride trips.* Many Call-n-Ride trips are very short, and taxi drivers are loath to serve them. Initially the Executive recommended a guaranteed minimum fare of \$8/trip but raised it to \$10/trip in response to comments from the industry. This reimbursement rate does not affect the customer. For example, if a customer takes a \$6 trip, only \$6 would be drawn down from his or her monthly allotment (usually \$120), but for that trip the driver would receive another \$4 from the TSIF.

DOT examined several different reimbursement options. Below is the estimated annual financial impact on the TSIF for each option based on sample data from recent, representative months of Call-n-Ride reported data:

Call-n-Ride Guaranteed Fare	Annual Cost	Average Added Revenue/Taxi
\$ 6.50	\$ 5,000	\$ 9
\$ 8	\$ 24,000	\$ 43
\$ 10	\$ 84,000	\$ 149
\$ 12	\$ 216,000	\$ 384
\$ 15	\$ 420,000	\$ 746

The information below on distribution of trip fare levels is based on sample data from March through May 2019:

Trip Cost	% of Call-n-Ride Trips
Under \$8	14.75%
Under \$10	29.87%
Under \$12	41.90%
Under \$15	56.42%
\$15 or over	43.58%

Comments. The Executive's initially proposed regulation sparked several responses from the industry (©18-48). Some of the concerns were addressed in the final version of Regulation 11-19 transmitted by the Executive. Others go beyond the scope of issues the regulation intended to address.

Council staff has two suggestions about this regulation. Regulation 1-17 stipulated that up to \$15,000/vehicle could be granted; the \$15,000 figure was based on the 2016 estimate that \$10,000-

20,000/vehicle was needed to convert a vehicle to a WAV depending on the type and extent of modifications. The \$15,000 maximum applied to the 2017-2018 period, and DOT was to update this maximum biennially, in odd-numbered years. (See the bottom of ©10 and the top of ©11.) However, the \$15,000 figure has not been updated for the 2019-2020 period, and this new regulation would freeze the reimbursement at \$15,000/vehicle. Certainly, if the cost to modify vehicles increases over time, the maximum reimbursement should reflect that higher cost. Ultimately the regulation should be revised to provide for a biennial adjustment, just as Regulation 1-17 did.

Secondly, while Bill 13-18 allows for other uses for the TSIF—such as an expanded cost or scope of Call-n-Ride, Seniors Ride Free, or grants to non-profits (e.g., the grant to the Jewish Council on Aging, addressed in Items #1-2 of today’s Committee agenda)—there is no guidance in the law or regulation as to how TSIF revenue is allocated among them. Should all funds be retained for WAVs, and unused money at the end of a fiscal year allocated to these other uses, in the subsequent fiscal year? Should a predetermined percentage be set aside for these other uses? These are just two of several possible options. Whatever the selected option is should be formalized in a regulation.

Council staff recommends approval of the Regulation 11-19, if given the assurance that the Executive will promulgate another regulation later this year that would address these two issues, and any others among those offered by the commenters that have merit. Usually the Committee would direct DOT to come back with an amended regulation to make changes desired by the Committee. However, we have received communication that the relief provided by Regulation 11-19 is needed immediately by Anytime Taxi. Hence, this alternative approach.

Exec Regs



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

JUL 15 2019

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Marc Elrich
County Executive

RECEIVED
MONTGOMERY COUNTY
GOVERNMENT

MEMORANDUM

July 15, 2019

Method 2

TO: Nancy Navarro, President
Montgomery County Council

FROM: Marc Elrich, County Executive *M. Elrich*

SUBJECT: Executive Regulation No. 11-19 – Transportation Services Improvement Fund

Transmitted is Executive Regulation 11-19 for the County Council's approval. Executive Regulation 11-19 is a revision of Executive Regulation 1-17, and establishes the procedures for the distribution of revenue from the Transportation Services Improvement Fund ("the Fund") to owners and operators of taxicabs to offset the increased costs of owning and operating accessible vehicles, and to improve or expand transportation options for persons with disabilities, eligible senior citizens, and persons of limited income. All revenue disbursements from the Fund must be used for transportation purposes specified in §53-801 of the Montgomery County Code.

Executive Regulation 11-19 was processed according to the Montgomery County Code Section 2A-15 under Method 2. Section 53-801 of the Montgomery County Code requires the County Executive to establish, by regulation, procedures for disbursing revenue from the Fund. The monies from the Fund are to be used to ensure the continued viability of accessible service throughout the County for persons with disabilities, eligible senior citizens, and persons of limited income.

The purpose of Executive Regulation 11-19 is to establish a procedure for determining when and how to make distributions from The Fund to taxicab owners and operators, including setting eligibility standards, and imposing conditions of reimbursement. The proposed Regulation includes revisions to Executive Regulation 1-17 that are aimed to respond to changes in the taxi industry; make adjustments based on feedback from taxi riders, drivers, and companies on the administration and resulting benefits of the original Regulation; and to expand the opportunities to improve transportation services based on steadily increasing revenues available from the Fund.

The proposed Regulation was advertised in the February 2019 issue of the *Montgomery County Register*, with a comment period up to March 4, 2019. A summary of the

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comments received is attached. The transmitted version of the proposed Regulation has been modified to address comments and recommendations received from multiple constituency groups regarding the contents of the proposed Regulation. In general, the comments promoted increasing the level of incentives provided, both to help taxi drivers, and to encourage better service to the public.

The Department considered the comments and made the following changes:

- (A) Reduce program eligibility requirement of taxicab service provision from 50 to 48 weeks each year; and
- (B) Clarified that time periods defined for different rates of incentive payments for wheelchair trips are based on time of trip completion; and
- (C) Increased minimum guaranteed fare for Call-n-Ride from \$8 to \$10.

I recommend that the Council approve this regulation which is necessary to improve and ensure the viability of accessible taxicab services throughout the County for all residents.

AR/hh

Attachment(s)

**Fiscal Impact Statement
Executive Regulation 11-19
Transportation Improvement Fund Requirements**

1. Executive Regulation Summary:

This Regulation amends and expands upon the programs created in Executive Regulation 1-17. The purpose of this regulation is to provide guidance for distribution of monies from the Transportation Services Improvement Fund ("Fund") to taxicab owners and operators to offset the increased costs of owning and operating accessible vehicles and to provide incentives for improving or expanding transportation options for persons with disabilities, eligible senior citizens, and persons of limited income. This regulation establishes procedures under which an eligible person may apply for the use of these funds.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Based on recent history of revenues into the Fund, annual revenue will be approximately \$2,000,000 to \$2,500,000. It is the intent of the Regulation to expend all incoming revenue while maintaining a minimum fund balance.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

In response to programs defined in the prior Executive Regulation 1-17, \$126,000 was expended in FY 2018, and \$162,000 has been expended so far in FY 2019. While this is a significant increase from FY18, it is clear further incentives are needed to achieve our objectives. Proposed Executive Regulation 11-19 has been structured to significantly expand upon opportunities provided by Executive Regulation 1-17 and has been informed by outreach to the Commission on Aging, the Taxicab Services Commission, and sharing of program structures and results from other jurisdictions across the country. As such, it is anticipated that the expansion of program opportunities will increase participation, expenditures, and, as a result, better achieve the goals for the Fund as defined by the Montgomery County Council.

The intent of the regulation is to fully expend the Transportation Services Improvement Fund annual contributions. Actual collections in FY18 were \$1,900,000. Collections in FY19 through the first two quarters are \$1,100,000 million. Based on those figures, DOT projects between \$2,000,000 and \$2,500,000 by the end of FY19.

Over six years,

Revenue: \$12,000,000 - \$15,000,000

Expenditures: \$12,000,000 - \$15,000,000

4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.

N/A

5. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.

N/A

6. An estimate of the staff time needed to implement the regulation.

Approximately 40 hours a month. However, if the number of accessible taxicabs and drivers participating in the program increase significantly, the staff time needed may increase accordingly.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

The new responsibilities may delay the processing of other taxicab related documents and submissions.

8. An estimate of costs when an additional appropriation is needed.

N/A

9. A description of any variable that could affect revenue and cost estimates.

Future Maryland Public Services Commission decisions may change the fee rates per trip or limit the ability of Transportation Network Companies (TNCs) to operate in Maryland and would have a direct impact on revenues to the Fund. Expenditures would be reduced in concert.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

N/A

11. If a regulation is likely to have no fiscal impact, why that is the case.

The Regulation should have no fiscal impact because expenditures will be based on revenues.

12. Other fiscal impacts or comments.

N/A

13. The following contributed to and concurred with this analysis

Michael Pollard and Fred Lees, Department of Transportation, Office of the Director.

Brady Goldsmith, Office of Management and Budget

Richard Madaleno
Richard Madaleno, Director
Office of Management and Budget

1/22/19
Date:



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Transportation Services Improvement Fund	Number 11-19
Originating Department Department of Transportation	Effective Date

Montgomery County Regulation on:

TRANSPORTATION SERVICES IMPROVEMENT FUND REQUIREMENTS

DEPARTMENT OF TRANSPORTATION

Issued by: County Executive

COMCOR 53.801.01

Authority: Code Section 53-801

Supersedes: Executive Regulation 1-17

Council Review Method (2) Under Code Section 2A-15

Register Vol. 36, No. 2

Comment Deadline: March 3, 2019

Effective Date:

Sunset Date: None

SUMMARY: The regulation establishes the procedures for disbursing monies from the Transportation Services Improvement Fund.

ADDRESS: Director, Department of Transportation
Executive Office Building, 10th Floor
101 Monroe Street
Rockville, Maryland 20850

STAFF CONTACTS: Hannah Henn, Office of the Director, 240-777-8389

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Originating Department Department of Transportation	Effective Date

53.801.01.01 Background Information

In 2015, the Maryland General Assembly passed legislation regulating Transportation Network Companies (TNC), including ride-hailing services such as Uber and Lyft. The legislation (which is codified at § 10-401, *et seq* of the Public Utilities Article) created a new regulatory framework in which TNCs in the State must operate. In addition to its regulatory function, the legislation also authorizes a county or municipality to impose an assessment on TNC trips that originate within the county or municipality. Pursuant to the State’s enabling legislation, Montgomery County has imposed a \$0.25 assessment fee (or “surcharge”) on TNCs for each trip originating in the County. All revenue generated from the imposed assessments and disbursed by the State to the County are placed in a Transportation Services Improvement Fund (referred to hereafter as “the Fund”) and must be used for transportation purposes that are specified in § 53-801 of the Montgomery County Code.

Section 53-801 of the Montgomery County Code requires the County Executive to establish, by regulation, procedures for disbursing monies from the Fund. The monies from the Fund are to be used to ensure the continued viability of accessible service throughout the County for [people] persons with disabilities, eligible senior citizens, and [low-income residents] persons of limited income.

53.801.01.02 Purpose

The purpose of this regulation is to: [provide guidance for distribution of monies from the Fund to taxicab owners and operators to offset the increased costs of owning and operating accessible vehicles and to provide incentives for improving or expanding transportation options for eligible senior citizens and persons with limited income. This regulation establishes procedures under which an eligible person may apply for the use of these funds.]

- (a) establish programs to offset the increased costs of owning and operating accessible vehicles for which taxicab Owners and Drivers may be eligible for disbursement from the Fund;
- (b) establish incentive programs for improving or expanding transportation options for persons with disabilities, eligible senior citizens, and persons of limited income, for which taxicab Owners and Drivers may be eligible for distributions from the Fund; and
- (c) establish rules and procedures for distributing monies from the Fund to eligible applicants who desire to participate in the authorized programs.

53.801.01.03 Regulation

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- (a) Applicants must use an application form provided by the Department, complete the form fully, and agree to all terms contained in the application.
- (b) [All questions on the form must be fully answered.] The application must provide that a person who makes a false statement to any questions on the application form will be denied disbursement from the Fund, and that funds already disbursed based on false information must be returned to the County.
- (c) A person who makes a false statement to any questions on the application form will be denied reimbursement from the Fund.]
- [(d)](c) Applicants must submit all required documentation to the Department to qualify for the distribution or reimbursement from the Fund.
- (d) The Fund provides many programs of opportunity for reimbursement or distribution of monies to eligible applicants. In order for an eligible applicant to qualify for any reimbursement or distribution of monies from the Fund, the applicant must have satisfied all reporting requirements required by this Regulation or the County Code. The County must not disburse any monies from the Fund to an applicant if the applicant is not in compliance with the reporting requirements of any program provided for in this Regulation in which the applicant has participated.
- (e) Fleets and Associations seeking disbursements from the Fund must provide dispatch system data to the Montgomery County Department of Transportation (MCDOT) as necessary to verify reported trip information.
- (f) Fleets and Associations participating in programs defined in this Regulation must work with Montgomery County Department of Transportation to disseminate program information and opportunities related to the Fund to drivers.
- (g) The application must provide that a recipient of monies disbursed from the Fund must agree to return those monies to the County if the recipient's PVL or Taxicab Driver Identification Card is revoked, suspended, or denied by the County within five years of disbursement from the Fund.

53.801.01.04 Definitions

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- (a) **Accessible Taxicab** - means a taxicab that [the Department has authorized to transport passengers with disabilities] is a wheelchair accessible vehicle that the Department has authorized to transport passengers with disabilities.
- (b) [**Passenger Vehicle License** – means a County-issued license to provide taxicab service using a specified motor vehicle.] **Association** – means individual licensees who join together to form a business entity to provide taxicab service utilizing a single trade name consisting of a minimum of six licenses.
- (c) [**Owner** – means an individual or entity that:
 - (1) is listed with the state motor vehicle agency as holding legal title to a specific motor vehicle;
 - (2) acts as the agent of the registered owner for all purposes, including acceptance of liability, payment of judgments and other legal obligations, and receipt of any legal notice of process.]

Department – means the Montgomery County Department of Transportation (MCDOT).

- (d) **Driver** – means an individual authorized to operate a taxicab under Chapter 53 of the Montgomery County Code who has been issued a Montgomery County Taxicab Driver Identification Card.
- (e) **Fleet** - means any entity that holds in its own name six or more licenses.
- (f) **License** – means a Passenger Vehicle License issued by Montgomery County.
- (g) **Licensee** – means an individual or fleet to whom the Director of the Montgomery County Department of Transportation (MCDOT) has issued a Passenger Vehicle License (PVL) to provide taxicab service.
- (h) **Owner** – means a Licensee who has been issued and holds a valid PVL to provide taxicab services in Montgomery County with a specified motor vehicle, and:
 - (1) is listed with the state motor vehicle agency as holding legal title to the specific motor vehicle for which the PVL was issued;
 - (2) is a conditional vendee or lessee of the vehicle for which the PVL is issued that is the subject of an agreement for conditional sale or lease, if the conditional vendee or lessee



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has assumed liability, and is authorized to pay judgments and accept any legal notice or service of process, with respect to the vehicle; or

(3) acts as the agent of the registered owner for all purposes, including acceptance of liability, payment of judgments and other legal obligations, and receipt of any legal notice of process.

(i) Passenger Vehicle License (PVL) – means a County-issued license to provide taxicab service using a specified motor vehicle.

53.801.01.05 Reimbursements and Distributions

[Reimbursements in this regulation are based on the increased costs incurred by Drivers and Owners of Accessible Taxicabs. These reimbursements are broken down into two categories: Vehicle Ownership and Maintenance, Vehicle Operating/Driver Expenses and will be reimbursed as outlined below.]

In this Regulation, reimbursements and distributions are based on:

- (a) the increased costs incurred by Drivers and Owners of Accessible Taxicabs;
- (b) the need to incentivize operation of Accessible Taxicabs;
- (c) the desire to maintain an adequate number of licensed Drivers providing Accessible Taxicab services; and
- (d) the need to incentivize taxi services for Call-n-Ride customers requiring short trips.

These reimbursements and distributions are broken down into three categories: a) Accessible Taxicab Ownership, b) Accessible Taxicab Operating/Driver Expenses, and c) Taxicab Service Incentives, and will be disbursed from the Fund as provided below. All disbursements are subject to the availability and appropriation of monies in the Fund.

(a) Accessible Taxicab Ownership [and Maintenance]

Background

The cost to purchase a larger vehicle and convert it to an Accessible Taxicab is significantly more than that of a standard sedan. In 2016, it was estimated that the cost to convert a vehicle was between \$10,000 and \$20,000 depending on the type of vehicle and extent of the modifications. Additionally, the cost to maintain these vehicles is higher due to the additional systems associated



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with the lifts and increased wear on brakes and transmissions. The Fund will reimburse a portion of these costs to encourage the operation of Accessible Taxicabs in the County.

[The Montgomery County Department of Transportation (MCDOT) will determine the appropriate amount to reimburse the vehicle owners as compensation for the higher initial costs and ongoing maintenance costs. The reimbursement is calculated based on the costs of purchasing, retrofitting, and maintaining a vehicle as an Accessible Taxicab. The reimbursement for this category is calculated to offset the cost of a vehicle conversion and additional accessible service maintenance costs over the service life of the vehicle. These rates are to be reviewed by MCDOT every odd-numbered year. The rate established for 2017-2018 is \$15,000 per eligible vehicle to be distributed in five annual payments: Year 1- \$4,000, Year 2- \$4,000, Year 3- \$3,000, Year 4- \$2,000, and Year 5- \$2,000.]

[To receive the initial disbursement, the Owner must complete and submit a reimbursement application along with documentation of: (1) the purchase of an Accessible Taxicab on or after January 1, 2016, that is not more than three model years old, or (2) the conversion of a vehicle not more than three model years old to an Accessible Taxicab on or after January 1, 2016.]

[To receive subsequent annual disbursements, the Owner must complete and submit a reimbursement application along with documentation demonstrating that the Accessible Taxicab has been in operation a minimum of 40 hours per week for at least 50 weeks in the year since the previous disbursement. MCDOT will verify the operation prior to disbursement.]

[The maximum reimbursement amount is \$15,000 per vehicle even if the Accessible Taxicab is sold or transferred to a different owner. If an Accessible Taxicab is sold prior to the original owner receiving the entire \$15,000 the new owner may apply for the remaining eligible disbursement on an annual basis that is also conditioned upon a demonstration that the Accessible Taxicab has been in operation a minimum of 40 hours per week for at least 50 weeks in the year since the previous disbursements.]

[Awards from the Fund may not exceed the amount the applicant paid to purchase and or retrofit the vehicle. Awardees of federal, state or private grants in the form of monies, a vehicle or combination thereof towards the acquisition of an Accessible Taxicab are only eligible to receive reimbursement from the Fund for costs incurred to purchase or retrofit the vehicle, such that the total value of the grants and reimbursements does not exceed the cost to purchase and retrofit the vehicle.]

Funding Opportunities

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In order to address the higher initial costs and ongoing maintenance costs of Accessible Taxicabs, up to \$15,000 per eligible vehicle may be available for reimbursement as set forth in this Regulation. Except as set forth in this Regulation, an Owner is not eligible for a disbursement from the Fund for the purchase of an Accessible Taxicab or the conversion of a vehicle into an Accessible Taxicab if a previous disbursement was made from the Fund for the purchase or conversion of that particular vehicle.

To be eligible for reimbursement of up to \$15,000, the Owner must complete and submit a reimbursement application along with documentation of: (1) the purchase of an Accessible Taxicab on or after January 1, 2016, that is presently not more than three model years old, or (2) the conversion of a vehicle that is presently not more than three model years old to an Accessible Taxicab on or after January 1, 2016. An Owner who applies for capital reimbursement under this program must agree that the PVL associated with the Accessible Taxicab will be required to be associated with an Accessible Taxicab for all subsequent renewals of the PVL.

As part of the reimbursement application, the Owner must agree that following reimbursement, and on a quarterly basis, the Owner must demonstrate that the Accessible Taxicab has been in operation for a minimum of 40 hours per week for at least 48 weeks (or equivalent thereof) each year for five years immediately following payment. The Owner must agree that if these required hours of operation are not met and demonstrated by manifests or data deemed acceptable by MCDOT's Taxicab Unit, that the Owner will be required, upon demand by the County, to return the disbursed funds to the County, and the County may take legal action against any recipient in violation of program requirements.

Prior Disbursements made to an Owner under Regulation No. 1-17 adopted on July 25, 2017 by Council Resolution No. 18-878.

Regulation No. 1-17 provided that an Owner who converted a vehicle into an Accessible Taxicab was eligible for up to \$15,000 that would be distributed over five years provided that the Owner demonstrated that the Accessible Taxicab was in service for a minimum of 40 hours per week for at least 50 weeks for the prior year. Regulation No. 1-17 provided reimbursement according to the following schedule: Year 1- \$4,000, Year 2- \$4,000, Year 3- \$3,000, Year 4- \$2,000, and Year 5- \$2,000. An Owner who has received a disbursement pursuant to Regulation No. 1-17 is eligible for a lump sum payment up to the balance of the \$15,000 that would have otherwise been distributed over five years. By way of example, an Owner who has received \$4,000 is eligible for an immediate distribution of the remaining \$11,000 balance. The Owner must apply for the balance of the lump-sum payment of up to \$15,000. The Owner must continue to keep the Accessible Vehicle in service for a minimum of 40 hours per week for at least 48 weeks (or equivalent thereof) each year for five years immediately following the initial disbursement made to the Owner pursuant to Regulation No 1-17. The Owner must agree that if these required hours



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of operation are not met and demonstrated on a quarterly basis by manifests or data deemed acceptable by MCDOT's Taxicab Unit, that the Owner will be required, upon demand by the County, to return the disbursed funds to the County, and the County may take legal action against any recipient in violation of program requirements.

(b) **[Vehicle] Accessible Taxicab Operating/Driver Expenses**

Background

The [Driver's] cost to operate an Accessible Taxicab is significantly higher than non-accessible taxicabs because Accessible [Vehicles] Taxicabs tend to be larger and less fuel-efficient than that of the industry standard vehicle, the Toyota Prius. The fuel component of this reimbursement is calculated based on the difference in gas mileage between the Toyota Prius and a typical minivan or an equivalent vehicle, and the average cost of gasoline. Additionally, there are [multiple expenses] often higher costs associated with providing accessible passenger service that are not reflected in a standard taxicab meter rate [the County will reimburse drivers for providing. These costs include the additional costs of operation due to greater travel times and the load and unload time associated with picking up a passenger who is wheelchair bound]. These costs include the greater travel distances Accessible Taxicabs experience at the time of dispatch to the service pickup location due to the lower density of Accessible Taxicabs throughout the County, as well as additional time to safely load and unload passengers in wheelchairs.

[For the calendar year 2017, the reimbursement paid to drivers of Accessible Taxicabs for the increased fuel costs and driver expenses combined will be \$0.10 per mile for every mile that the vehicle travels while in service. Additionally, MCDOT will reimburse drivers for dispatched and transported passenger wheelchair trip pickups at a rate of \$10 per trip. MCDOT will review the reimbursement rates every calendar year.]

[Disbursements will be made monthly, subject to the availability and appropriation of monies in the Fund. To receive a disbursement, the Driver must complete and submit a reimbursement application along with a signed manifest documenting all trips provided in the previous month. The driver must highlight all dispatched and transported passenger wheelchair trip pickups listed on trip records submitted to MCDOT. MCDOT will verify the trip records with the affiliated Fleet's record.]

Funding Opportunities

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The reimbursement available to Drivers of Accessible Taxicabs for the increased fuel costs will be \$0.10 per mile for every mile that the vehicle travels while in service, whether or not a passenger is in the vehicle, and regardless of passenger type.

Wheelchair Trips

The County will reimburse Drivers of Accessible Taxicabs who successfully transport passengers requiring wheelchair service at a rate of \$15 per trip completed during the hours of 6:00 a.m. to 11:59 p.m., and \$20 per trip completed from 12:01 a.m. to 5:59 a.m.

Disbursements for mileage and wheelchair trip provision will be made monthly. To receive a disbursement, the Driver must complete and submit a reimbursement application along with a signed manifest documenting all trips provided in the previous month, with any wheelchair trips clearly identified. The applicant must highlight all dispatched and transported passenger wheelchair trip pickups listed on trip records submitted to MCDOT. MCDOT may verify the trip records with the affiliated Fleet or Association's record. MCDOT may verify mileage claims by examination of vehicle equipment or other available data.

(c) Taxicab Service Incentives

Background

Despite the funding opportunities provided by Regulation No. 1-17 adopted on July 25, 2017 by Council Resolution No. 18-878, Owners and Drivers have not availed themselves of such opportunities. In order to entice more Owners and Drivers into purchasing, retrofitting and driving Accessible Taxicabs, and to provide improved transportation services for persons with disabilities, eligible senior citizens, and persons of limited income, additional incentives must be offered to reach the goal set forth in § 53-506(e) of the County Code and improve and expand service options as set forth in § 53-801(d)(2) of the County Code.

Funding Opportunities

Insurance

For Accessible Taxicabs operating a minimum 48 weeks per year and 40 hours per week, or an equivalent thereof as demonstrated by manifests or data deemed acceptable by MCDOT's Taxicab Unit, Licensees may apply to be reimbursed for costs to purchase a third-party policy of insurance meeting the minimum amounts required by § 53-224(a) of the Montgomery County Code. The Licensee must apply for reimbursement and demonstrate the expenditure for a third-party policy of insurance meeting the minimum amounts required by § 53-224(a) of the Montgomery County Code. If the Licensee demonstrates that the Accessible Taxicab has



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operated for a minimum of 48 weeks per year and 40 hours per week (or equivalent thereof), the Licensee may be approved to be reimbursed \$1,000 per year for the actual costs spent on purchasing a policy of insurance for the Accessible Taxicab. Licensees are eligible for reimbursement at the time they can demonstrate adequate levels of Accessible Taxicab service for one year prior to the date of reimbursement.

Fees to MCDOT

For Accessible Taxicabs operating a minimum 48 weeks per year and 40 hours per week, or an equivalent thereof as demonstrated by manifests or data deemed acceptable by MCDOT's Taxicab Unit, Licensees are eligible to be reimbursed for the payment of certain fees as set forth in this Regulation.

- (1) PVL Renewal Fee: Licensees may apply for reimbursement from the Fund for their annual PVL renewal fee after demonstrating the provision of accessible service in the Accessible Taxicab for the year following the PVL renewal.
- (2) PVL Transfer Fee: For a PVL transfer that involves changing the vehicle associated with that PVL from a sedan to an Accessible Taxicab, the new Licensee may apply to MCDOT, at the time of fee payment, for reimbursement from the Fund for the PVL transfer fee. A Licensee who applies for reimbursement of the PVL Transfer Fee must agree that the PVL will be required to be associated with an Accessible Taxicab, and that all subsequent renewals of that PVL will be for an Accessible Taxicab.
- (3) Application and Initial License Fee for Newly Issued Licenses: If the Department issues new Licenses for Accessible Taxicabs, an applicant for the License who is found qualified to compete for a PVL by the Department may, after being found qualified, apply for reimbursement of the application fee, irrespective of whether the applicant is actually issued a License. An applicant who is issued a PVL for an Accessible Taxicab may apply to MCDOT, at the time of fee payment, for reimbursement from the Fund for costs to pay the initial license fee.

Call-n-Ride Guaranteed Fare

Background

Call-n-Ride customers requiring taxicab transportation for shorter trips are less attractive trips for taxi dispatch because of the low resulting fare, but Call-n-Ride customers may have no alternative to transportation by taxi, including trips across relatively short distances.



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Funding Opportunity

To encourage timely and more reliable service to Call-n-Ride customers, MCDOT will round up any Call-n-Ride fare to \$10, resulting in an \$10 guaranteed fare to taxicab Drivers for both accessible and non-accessible Call-n-Ride trips, and regardless of taxicab vehicle type. The difference between the meter rate charged to the Call-n-Ride customer and the \$10 guaranteed fare will be paid to Drivers monthly and be based on the Driver's trip manifest and any standard verifications conducted by the Call-n-Ride program staff.

53.801.01.06 Reimbursement Transparency

Reimbursements from the Fund will be reported annually by the Department of Transportation's Taxicab Services Section.

53.801.01.07 Application and Requirements

All applications and required documentation shall be on forms and in a format approved by the Director of MCDOT.

53.801.01.08 Minimum Fund Levels and Prorated Disbursements

All disbursements from the Fund are subject to the availability and appropriation of adequate funding.

[The Fund must maintain a balance (the "Required Balance") that is 5% greater than the projected disbursement for the following 90 days.] MCDOT may halt or temporarily freeze the application process for any or all reimbursement opportunities included in this Regulation if projected financial obligations for previously-approved applicants meet or exceed funds already transferred from the State to the Fund.

53.801.01.09 Misuse of Funds

Any recipient of a disbursement under this regulation who uses the monies for any purpose other than as permitted by the County hereunder must refund all monies received within seven (7) days of a County demand for a refund. Any recipient who misuses a disbursement is barred from participating in this program and is subject to [all legal] any action[s] that may be brought in law or in equity, including all actions and penalties contained in Chapter 53 of the Montgomery County Code.

53.801.01.10 Reimbursement Not to Exceed the Purchase Price of the Accessible Taxicab



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Reimbursement from the Fund to purchase an Accessible Taxicab or retrofit the vehicle into an Accessible Taxicab may not exceed the amount the applicant actually paid to purchase or retrofit the vehicle. Awardees of federal, state or private funding grants towards the procurement of an Accessible Taxicab are ineligible to receive reimbursement from the Fund for costs incurred to purchase or retrofit the vehicle, such that the total amount of grants and reimbursements exceeds the purchase price of the vehicle.

[53.801.01.10] 53.801.01.11 [Senior and Limited Income] Transportation Enhancements

At the end of each calendar year, the Director will review the Fund balance to determine what portion of the Fund may be used to improve or expand transportation options for persons with disabilities, eligible senior citizens or persons with limited income.

[53.801.01.11] 53.801.01.12 Effective Date

This Regulation becomes effective when the Council adopts a resolution approving the Regulation or on a later date specified in the Regulation. If the Council does not approve or disapprove the proposed Regulation within 60 days after receiving it, or by any subsequent deadline set by resolution, the Regulation is automatically approved.

Approved:

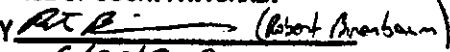


Marc Elrich, County Executive

7/12/19

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY

BY  (Robert Branbaum)
DATE 6/25/2019

Henn, Hannah

From: Sean O'Reilly <sor@mindspring.com>
Sent: Monday, February 11, 2019 4:14 PM
To: Ojwang, Hellen; louisondetobagne@gmail.com; Charles Kauffman; 'Francis Creighton'; 'Robert Alexander'; 'Belay Teklehayimanot'; 'Afework Kidane'; 'Reza Raoofi'; 'Becaye Traore'; 'Joyce R. Plaxen'; Roshdieh, Al; Hucker, Thomas; Emerson, Sean; jroseplaxen@gmail.com
Cc: Pollard, Michael; James, Denise; Lees, Fred; Grauman, Paul; Macarthur, Charles; Henn, Hannah
Subject: RE: Proposed Transportation Services Improvement Fund Regulation

The unnecessarily narrow focus, as presented, for the uses of the TSIF is not particularly helpful for the majority of taxicab business owners. The idea that the industry only consists of the users of services neglects the critical reflection that those services have to be provided by those who may not elect to or be properly able to provide such services. The transportation of the handicapped might be more appropriately tasked to modified buses and drivers provided by the County at the expense of voters who support such legislation. The following points should be taken into consideration before enacting the proposed legislation as it is presently written.

1. Wheelchair accessible vehicles, despite the high idealism and voter stickiness in terms of feel good legislation, is a poison pill for the industry. Anyone would think that there were legions of handicapped waiting for these services. The market is probably smaller than advocates are suggesting and there seems to be little real data on the actual number of handicapped who need these services. There is, without a doubt, a segment of the population that needs help but to make the entire taxi industry compliant in this regard is a classic case of misguided idealism. **The actual size of the handicapped population that would use these services needs to be clearly identified.** Language that says more people will use it *if offered* is a dodge in lieu of real facts.
2. The County needs to properly assign services to the right industry. The taxicab industry should not be taxed with serving the handicapped unless the industry is going to be better supported across the board by the Dept of Transportation and subsidizing vehicles that the industry does not want is not the way to go. **The reality is that the County should be taxing the wealthy in Montgomery County to support the handicapped with dedicated non-taxi, small bus or van service.**
3. The Taxicab services commission has repeatedly asked that the **TSIF be used to reduce fees for PVL transfers and other licensing costs for non-handicapped vehicles.** This must be included in any proposed and future legislation.

4. The misguided thinking that went into the legislation that requires that all future taxicabs be wheelchair accessible needs to be repealed, so a consideration for alternative uses of the TSIF must also be considered as part of long-term planning for the uses of the fund.
5. One such use of the TSIF would be to make direct payments to cab company owners for the "administrative taking" that occurred with the County not early enforcing its own regulations (as found in Chapter 53) against unlicensed taxi service BEFORE the state changed the meaning of taxi service not to include TNCs.
6. Members of the County Council need to stop thinking about what makes them look good in the eyes of voters and do the right thing for the industry, users **and** the voters. This requires thinking outside the box and narrow parameters of self-interest.
7. The potential **collusion** between County officials, the State of Maryland and the TNCs should probably be investigated before any use of the TSIF is concluded.
8. The prior use of TSIF funds by the Department of Transportation to support operations should also be investigated for propriety.
9. The taxicab industry stands at the cusp of massive changes due to technology. The time has come to stop-playing around with stop-gap legislation and intellectual frippery, and junk Chapter 53 of the Transportation Code as the starting point for fresh thinking.

Sean O'Reilly, CEO and Founder



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Charles Kauffman
Attorney at Law
5101 River Road
Bethesda MD 20816
301 4676 9336
Charleskauffman7@gmail.com

February 13th 2019

Director, Department of Transportation
Executive Office Building, 10th Floor
101 Monroe Street
Rockville MD 20850

Re: Comments on Disbursing Monies from Transportation Services Improvement Fund, Number 11-19, DOT

Sir:

I endorse the increase of the minimum fare for Call-N-Ride trips to \$15.

However, The following comments are submitted by the undersigned as an individual and not on behalf of an office, board, commission or association of which I am affiliated.

Despite substantial Public and TSIF funding, parsimonious use of the TSIF and snaillike reaction to competitive changes in the taxi industry have failed to provide sufficient financial incentives for operators of wheelchair accessible vehicles to engage and operate wheelchair accessible taxis. Many wheelchair accessible vehicles sit idle in parking lots although PVL's are required to be paid. Meanwhile TNC's (Uber and Lyft) gobble up greater market share while simultaneously contributing to the TSIF. Door to door taxi service is vital in Montgomery County. Montgomery County's Taxi Industry has greatly suffered competitively from TNC's (particularly Uber and Lyft). Yet the DOT has clung tenaciously and unimaginatively to an 1930's archaic monopolistic paradigm.

A substantial customer base for taxi services exists among seniors, handicapped and low income groups. These vital services have traditionally been generously funded by a combination of government, charitable and customer payments. Despite substantial expenditures, service to these groups is inadequate. The Transportation Services Improvement Fund was established to provide funding for both capital and operational enhancement of wheelchair accessible services. The \$3 million balance was devoured in 2018 by the County Executive. Since then the County Council has acted to protect the fund from future raids and collections will exceed of \$1 million per year.

A study in August 2018 by a Sub-Committee of the Taxicab Services Commission provided workable recommendations for use of the TSIF which would have created some additional operator incentives providing a living wage. These were ignored and this homogenized proposal by the DOT, herein designated as TSIF 11-19, is a mixture of archaic 1930's strictures controlling PVL's which fund the DOT's Taxicab servicing staff. Uber and Lyft have rendered this a failed paradigm and the PVL's are valueless. The DOT and the Taxicab Services Commission are just prolonging the Respite Program of Montgomery's Taxi industry.

A PLAN TO RESCUE MONTGOMERY COUNTY'S TAXI INDUSTRY

The object of this plan is to provide door-to-door robust taxi service to seniors, low income and disabled; provide a living income for drivers; encourage seniors to forego driving and utilize "taxi" services; expand the options for medical related trips beyond the boundaries of Montgomery County to major medical facilities within reasonable driving range.

This plan also produces additional streams of income to the Montgomery County taxi industry.

I. TAXICAB SERVICES COMMISSION

Completely separate the Taxicab Services Commission from DOT as was done in DC [DC Vehicle for Hire DCVH]. The independent Taxicab Services Commission would be responsible for handicapped, senior, and low income services and would administer TSIF funds. TSC would innovate technology to compete with Uber and Lyft. If necessary supplemental financing could be provided by the County. Funding described in 1 and 2 below would supplement the TSIF. Board members and a Chair would meet weekly and be paid on the same basis as the Montgomery County Planning Board.

II. FUNDING

1. Tax every taxi \$.25 per TRIP to contribute to fund (excluding Uber and Lyft which already contribute). This will add to the TSIF Fund and assure continued and future financing without imposing undue burdens on operators or passengers.
2. Consolidate all funding for existing County and private Contributions to programs such as Abilities Ride, JCA Accessaride, etc. and place in the TSIF.

III. ONE STOP DISPATCH SERVICE

3. Create a One-Call Dispatch system - democratically and systematically assigning specific type of service (wheelchair, accompanied, etc.) Required. Arrange payments to providers according to the type of service provided.

IV. USER ACCOUNTS

4. Create a user account registration program – for Montgomery County seniors, low income and handicapped. This service would require pre registry of users,
5. Create an incentive plan for seniors to forego driving privileges by establishing private “taxi accounts” which can be replenished by sales of existing vehicles, worried family members etc.
6. Government Vouchers – End use of all limousines and vehicles except fire, police and emergency County Vehicles, use taxi vouchers.

V. CONCERNS

1. The requirement for 100 per cent wheelchair accessible fleets is neither necessary nor realistic. For across the board taxi service – let the market decide. However, a specialized handicapped service were established as a separate entity then for that group the 100 per cent requirement might be applicable. This needs study.
2. The financing proposal by DOT would appear to allow vehicles to be operated from 5 to 8 years which might be beyond the extended useful life of a taxi.
3. The contribution of \$15,000 could open the door to gratuitous subsidization of the growth of fleets and individual owners might be overwhelmed competitively. What is needed is a controlled program helping small entrepreneurs to become owners while not subsidizing growth of large fleets.
4. The allocation of \$.10 per mile is inadequate. Subcommittee recommended \$.50 pm. This sum needs implementation and testing.
5. Some compensation should be allocated for those who recently purchased PVL's – if they are to be discontinued.
6. If PVL's are continued, prices should be mitigated to reflect market and competition. Transfer fees should be limited to a reasonable percentage of the current market or purchase price.

Respectfully submitted,

CHARLES KAUFFMAN

February 28, 2019

VIA EMAIL ONLYal.roshdieh@montgomerycountymd.gov

Al R. Roshdieh, Director
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Rockville, Maryland 20850

Re: Proposed Montgomery County Regulation 11-19
Transportation Services Improvement Fund

Dear Mr. Roshdieh,

As you know, this Firm represents Regency Taxi ("Regency") with respect to proposed Executive Regulation 11-19 concerning the Transportation Services Improvement Fund. Thank you again for meeting with us on Monday regarding the taxi industry's concerns. The fleets are interested in participating in the programs outlined in the proposed regulation, and promoting these programs to the drivers.

Attached is a "redline" version of the proposed regulation containing Regency's suggested revisions and comments. We understand that the other fleets, Action, Sun, and Orange join in these comments. We intend to present similar comments to the Montgomery County Council when they consider the proposed regulation.

Also attached are slides indicating the projected impact of the Call-n-Ride \$8 "minimum fare" program as opposed to Regency's proposed \$15 "minimum fare" program. As outlined in these slides and in Comment #6, raising the subsidy to \$15 per ride and expanding the program to Medicaid rides would substantially offset the administrative burden of applying for the subsidy and incentivize drivers to give customers what they need and want: increased service levels and customer service.

To the extent that you have concerns about the availability of funds in the Transportation Services Improvement Fund to cover this type of program or any of the proposals in the new regulation, Montgomery County should consider raising the sur-charge on TNCs as was recently done in the District of Columbia. See <https://wamu.org/story/18/06/26/ride-hailing-tax-increase-passes-d-c-council-lower-tax-rate-proposal-works/>.

In addition, at our recent meeting, we requested information related to the current balance of the Transportation Services Improvement Fund, as well as the data that the Department used to formulate the suggestion of an \$8 minimum fare for Call-n-Ride. Please let us know when we should expect to receive this information.


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We are available to meet with you and your staff at your convenience to discuss any of the attached

Very truly yours,

SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.

By:


Lawrence A. Shulman

Enclosures

- Copy: Mr. Fred Lees (via email only)
Ms. Hannah Henn (via email only)
Mr. Matthew Mohebbi (via email only)
Mr. David Mohebbi (via email only)
Mr. Reza Raoofi (via email only)
Mr. Robert Alexander (via email only)
Mr. Dwight Kines (via email only)



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Subject Transportation Services Improvement Fund	Number 11-19
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Department of Transportation
Montgomery County Regulation on:

TRANSPORTATION SERVICES IMPROVEMENT FUND REQUIREMENTS

Issued by: County Executive
 Regulation No. 11-19
 COMCOR 53.801.01
 Authority: Code Section 53-801
 Supersedes: Executive Regulation 1-17
 Council Review Method (2) Under Code Section 2A-15
 Register Vol.
 Comment Deadline: March 3, 2019
 Effective Date:
 Sunset Date: None

SUMMARY: The regulation establishes the procedures for disbursing monies from the Transportation Services Improvement Fund.

ADDRESS: Director, Department of Transportation
Executive Office Building, 10th Floor
101 Monroe Street
Rockville, Maryland 20850

STAFF CONTACTS: [Michael Pollard, Director Office, 240-777-5852]
Hannah Henn, Office of the Director, 240-777-8389

53.801.01.01 Background Information

In 2015, the Maryland General Assembly passed legislation regulating Transportation Network Companies (TNC), including ride-hailing services such as Uber and Lyft. The legislation (which is codified at § 10-401, *et seq* of the Public Utilities Article) created a new regulatory framework in which TNCs in the State must operate. In addition to its regulatory function, the legislation also authorizes a county or municipality to impose an assessment on TNC trips that originate within the county or municipality. Pursuant to the State's enabling legislation, Montgomery County has imposed a \$0.25 assessment fee (or "surcharge") on TNCs for each trip originating in the County. All revenue generated from the imposed assessments and disbursed by the State to the County are placed in a Transportation Services Improvement Fund (referred to hereafter as



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"the Fund") and must be used for transportation purposes that are specified in § 53-801 of the Montgomery County Code.

Section 53-801 of the Montgomery County Code requires the County Executive to establish, by regulation, procedures for disbursing monies from the Fund. The monies from the Fund are to be used to ensure the continued viability of accessible service throughout the County for [people] persons with disabilities, eligible senior citizens, and [low-income residents] persons of limited income.

53.801.01.02 Purpose

The purpose of this regulation is to: [provide guidance for distribution of monies from the Fund to taxicab owners and operators to offset the increased costs of owning and operating accessible vehicles and to provide incentives for improving or expanding transportation options for eligible senior citizens and persons with limited income. This regulation establishes procedures under which an eligible person may apply for the use of these funds.]

- (a) establish reimbursement programs to offset the increased costs of owning and operating accessible vehicles for which taxicab Owners and Drivers may be eligible for reimbursement from the Fund;
- (b) establish incentive programs for improving or expanding transportation options for persons with disabilities, eligible senior citizens, and persons of limited income, for which taxicab Owners and Drivers may be eligible for distributions from the Fund; and
- (c) establish rules and procedures for distributing monies from the Fund to eligible applicants who desire to participate in the authorized programs.

53.801.01.03 Regulation

- (a) Applicants must use an application form provided by the Department, complete the form fully, and agree to all terms contained in the application.
- (b) [All questions on the form must be fully answered.] The application must provide that a person who makes a false statement to any questions on the application form will be denied disbursement from the Fund, and that funds already disbursed based on false information must be returned to the County.



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[(c) A person who makes a false statement to any questions on the application form will be denied reimbursement from the Fund.]

[(d)](c) Applicants must submit all required documentation to the Department to qualify for the distribution or reimbursement from the Fund.

(d) The Fund provides many programs of opportunity for reimbursement or distribution of monies to eligible applicants. In order for an eligible applicant to qualify for any reimbursement or distribution of monies from the Fund, the applicant must have satisfied all reporting requirements required by this Regulation or the County Code. The County must not disburse any monies from the Fund to an applicant if the applicant is not in compliance with the reporting requirements of any program provided for in this Regulation in which the applicant has participated.

(e) Fleets and Associations seeking disbursements from the Fund must provide dispatch system data to the Montgomery County Department of Transportation (MCDOT) as necessary to verify reported trip information.

(f) Fleets and Associations participating in programs defined in this Regulation must work with Montgomery County Department of Transportation to disseminate program information and opportunities related to the Fund to drivers.

(g) The application must provide that a recipient of monies disbursed from the Fund must agree to return those monies to the County, on a pro-rated basis, if the recipient's PVI or Taxicab Driver Identification Card is revoked, suspended, or denied by the County within five years of disbursement from the Fund.

Commented [1001]: Any refund should be pro-rated by the number of months left in the 60 month term.

53.801.01.04. Definitions

- (a) **Accessible Taxicab** - means a taxicab that [the Department has authorized to transport passengers with disabilities] is a wheelchair accessible vehicle that the Department has authorized to transport passengers with disabilities.
- (b) **[Passenger Vehicle License** - means a County-issued license to provide taxicab service using a specified motor vehicle.] **Association** - means individual licensees who join



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together to form a business entity to provide taxicab service utilizing a single trade name consisting of a minimum of six licenses.

- (c) **Owner** – means an individual or entity that:
 - (1) is listed with the state motor vehicle agency as holding legal title to a specific motor vehicle;
 - (2) acts as the agent of the registered owner for all purposes, including acceptance of liability, payment of judgments and other legal obligations, and receipt of any legal notice of process.]

Department – means the Montgomery County Department of Transportation (MCDOT).

- (d) **Driver** – means an individual authorized to operate a taxicab under Chapter 53 of the Montgomery County Code who has been issued a Montgomery County Taxicab Driver Identification Card.
- (e) **Fleet** - means any entity that holds in its own name six or more licenses.
- (f) **License** – means a Passenger Vehicle License issued by Montgomery County.
- (g) **Licensee** – means an individual or fleet to whom the Director of the Montgomery County Department of Transportation (MCDOT) has issued a Passenger Vehicle License (PVL) to provide taxicab service.
- (h) **Owner** – means a Licensee who has been issued and holds a valid PVL to provide taxicab services in Montgomery County with a specified motor vehicle, and:
 - (1) is listed with the state motor vehicle agency as holding legal title to the specific motor vehicle for which the PVL was issued;
 - (2) is a conditional vendee or lessee of the vehicle for which the PVL is issued that is the subject of an agreement for conditional sale or lease, if the conditional vendee or lessee has assumed liability, and is authorized to pay judgments and accept any legal notice or service of process, with respect to the vehicle; or
 - (3) acts as the agent of the registered owner for all purposes, including acceptance of liability, payment of judgments and other legal obligations, and receipt of any legal notice of process.



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(i) Passenger Vehicle License (PVL) – means a County-issued license to provide taxicab service using a specified motor vehicle.

53.801.01.05 Reimbursements and Distributions

[Reimbursements in this regulation are based on the increased costs incurred by Drivers and Owners of Accessible Taxicabs. These reimbursements are broken down into two categories: Vehicle Ownership and Maintenance, Vehicle Operating/Driver Expenses and will be reimbursed as outlined below.]

In this Regulation, reimbursements and distributions are based on:

- (1) the increased costs incurred by Drivers and Owners of Accessible Taxicabs;
- (2) the need to incentivize operation of Accessible Taxicabs;
- (3) the desire to maintain an adequate number of licensed Drivers providing Accessible Taxicab services; and
- (4) the need to incentivize taxi services for Call-n-Ride customers requiring short trips.

These reimbursements and distributions are broken down into three categories: a) Accessible Taxicab Ownership, b) Accessible Taxicab Operating/Driver Expenses, and c) Taxicab Service Incentives, and will be disbursed from the Fund as provided below. All disbursements are subject to the availability and appropriation of monies in the Fund.

(a) Accessible Taxicab Ownership [and Maintenance]

Background

The cost to purchase a larger vehicle and convert it to an Accessible Taxicab is significantly more than that of a standard sedan. In 2016, it was estimated that the cost to convert a vehicle was between \$10,000 and \$20,000 depending on the type of vehicle and extent of the modifications. Additionally, the cost to maintain these vehicles is higher due to the additional systems associated with the lifts and increased wear on brakes and transmissions. The Fund will reimburse a portion of these costs to encourage the operation of Accessible Taxicabs in the County.



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[The Montgomery County Department of Transportation (MCDOT) will determine the appropriate amount to reimburse the vehicle owners as compensation for the higher initial costs and ongoing maintenance costs. The reimbursement is calculated based on the costs of purchasing, retrofitting, and maintaining a vehicle as an Accessible Taxicab. The reimbursement for this category is calculated to offset the cost of a vehicle conversion and additional accessible service maintenance costs over the service life of the vehicle. These rates are to be reviewed by MCDOT every odd-numbered year. The rate established for 2017-2018 is \$15,000 per eligible vehicle to be distributed in five annual payments: Year 1- \$4,000, Year 2- \$4,000, Year 3- \$3,000, Year 4- \$2,000, and Year 5- \$2,000.]

[To receive the initial disbursement, the Owner must complete and submit a reimbursement application along with documentation of: (1) the purchase of an Accessible Taxicab on or after January 1, 2016, that is not more than three model years old, or (2) the conversion of a vehicle not more than three model years old to an Accessible Taxicab on or after January 1, 2016.]

[To receive subsequent annual disbursements, the Owner must complete and submit a reimbursement application along with documentation demonstrating that the Accessible Taxicab has been in operation a minimum of 40 hours per week for at least 50 weeks in the year since the previous disbursement. MCDOT will verify the operation prior to disbursement.]

[The maximum reimbursement amount is \$15,000 per vehicle even if the Accessible Taxicab is sold or transferred to a different owner. If an Accessible Taxicab is sold prior to the original owner receiving the entire \$15,000 the new owner may apply for the remaining eligible disbursement on an annual basis that is also conditioned upon a demonstration that the Accessible Taxicab has been in operation a minimum of 40 hours per week for at least 50 weeks in the year since the previous disbursements.]

[Awards from the Fund may not exceed the amount the applicant paid to purchase and or retrofit the vehicle. Awardees of federal, state or private grants in the form of monies, a vehicle or combination thereof towards the acquisition of an Accessible Taxicab are only eligible to receive reimbursement from the Fund for costs incurred to purchase or retrofit the vehicle, such that the total value of the grants and reimbursements does not exceed the cost to purchase and retrofit the vehicle.]

Funding Opportunities



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In order to address the higher initial costs and ongoing maintenance costs of Accessible Taxicabs, up to \$15,000 per eligible vehicle may be available for reimbursement as set forth in this Regulation. Except as set forth in this Regulation, an Owner is not eligible for a disbursement from the Fund for the purchase of an Accessible Taxicab or the conversion of a vehicle into an Accessible Taxicab if a previous disbursement was made from the Fund for the purchase or conversion of that particular vehicle.

To be eligible for reimbursement of up to \$15,000, the Owner must complete and submit a reimbursement application along with documentation of: (1) the purchase of an Accessible Taxicab on or after January 1, 2016, that is presently was not more than three model years old at the time of purchase, or (2) the conversion of a vehicle that is presently was not more than three model years old at the time of conversion to an Accessible Taxicab on or after January 1, 2016. If the Accessible Taxi is more than 3 model years old at the time of application, the subsidy may be pro-rated over the remaining useful life of the vehicle. An Owner who applies for capital reimbursement under this program must agree that the PVL associated with the Accessible Taxicab will be required to be associated with an Accessible Taxicab for all subsequent renewals of the PVL for the remainder of the five year term or the remaining useful life of the vehicle.

As part of the reimbursement application, the Owner must agree that following reimbursement, and on a quarterly basis, the Owner must demonstrate that the Accessible Taxicab has been in operation for a minimum of 40 hours per week for at least 50 weeks (or equivalent thereof) each year for five years immediately following payment. The Owner must agree that if these required hours of operation are not met and demonstrated by manifests or data deemed acceptable by MCDOT's Taxicab Unit, that the Owner will be required, upon demand by the County at the Director's discretion, to return the disbursed funds to the County for the year or part of the year that the required hours of operation are not met, and the County may take legal action against any recipient in violation of program requirements.

Prior Disbursements made to an Owner under Regulation No. 1-17 adopted on July 25, 2017 by Council Resolution No. 18-878.

Regulation No. 1-17 provided that an Owner who converted a vehicle into an Accessible Taxicab was eligible for up to \$15,000 that would be distributed over five years provided that the Owner demonstrated that the Accessible Taxicab was in service for a minimum of 40 hours per week for at least 50 weeks for the prior year. Regulation No. 1-17 provided reimbursement according to the following schedule: Year 1- \$4,000, Year 2- \$4,000, Year 3- \$3,000, Year 4- \$2,000, and Year 5- \$2,000. An Owner who has received a disbursement pursuant to Regulation No. 1-17 is eligible for a lump sum payment up to

- Commented [KD2]:** Please note that if all of the taxis become accessible, and apply for the program, then the County could be paying \$1.2 million per year. If the Fund is depleted, the owners would then be out of business and it will result in a reduction of the fleet size.
- Commented [KD3]:** The 50 week requirement may not be workable if a driver is required to go to his home country for an extended period of time. There should be discretion on the part of the director to waive these requirements.
- Commented [KD4]:** This should be clarified in the regulation so that owners know what paperwork they will need to submit.
- Commented [KD5]:** The Director should have some discretion as to whether to enforce the refund mandate.
- Commented [KD6]:** This refund requirement should be pro-rated.



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the balance of the \$15,000 that would have otherwise been distributed over five years. By way of example, an Owner who has received \$4,000 is eligible for an immediate distribution of the remaining \$11,000 balance. The Owner must apply for the balance of the lump-sum payment of up to \$15,000. The Owner must continue to keep the Accessible Vehicle in service for a minimum of 40 hours per week for at least 50 weeks (or equivalent thereof) each year for five years immediately following the initial disbursement made to the Owner pursuant to Regulation No 1-17. The Owner must agree that if these required hours of operation are not met and demonstrated on a quarterly basis by manifests or data deemed acceptable by MCDOT's Taxicab Unit, that the Owner will be required, upon demand by the County at the Director's discretion, to return the disbursed funds to the County, and the County may take legal action against any recipient in violation of program requirements.

Commented [KD7]: The Director should have some discretion as to whether to enforce the refund mandate.

(b) **[Vehicle] Accessible Taxicab Operating/Driver Expenses**

Background

The [Driver's] cost to operate an Accessible Taxicab is significantly higher than non-accessible taxicabs because Accessible [Vehicles] Taxicabs tend to be larger and less fuel-efficient than that of the industry standard vehicle, the Toyota Prius. The fuel component of this reimbursement is calculated based on the difference in gas mileage between the Toyota Prius and a typical minivan or an equivalent vehicle, and the average cost of gasoline. Additionally, there are [multiple expenses] often higher costs associated with providing accessible passenger service that are not reflected in a standard taxicab meter rate [the County will reimburse drivers for providing. These costs include the additional costs of operation due to greater travel times and the load and unload time associated with picking up a passenger who is wheelchair bound]. These costs include the greater travel distances Accessible Taxicabs experience at the time of dispatch to the service pickup location due to the lower density of Accessible Taxicabs throughout the County, as well as additional time to safely load and unload passengers in wheelchairs.

[For the calendar year 2017, the reimbursement paid to drivers of Accessible Taxicabs for the increased fuel costs and driver expenses combined will be \$0.10 per mile for every mile that the vehicle travels while in service. Additionally, MCDOT will reimburse drivers for dispatched and transported passenger wheelchair trip pickups at a rate of \$10 per trip. MCDOT will review the reimbursement rates every calendar year.]

[Disbursements will be made monthly, subject to the availability and appropriation of monies in the Fund. To receive a disbursement, the Driver must complete and submit a reimbursement application along with a signed manifest documenting all trips provided in

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the previous month. The driver must highlight all dispatched and transported passenger wheelchair trip pickups listed on trip records submitted to MCDOT. MCDOT will verify the trip records with the affiliated Fleet's record.]

Funding Opportunities

Mileage

The reimbursement available to Drivers of Accessible Taxicabs for the increased fuel costs will be \$0.10 per mile for every mile that the vehicle travels while in service, whether or not a passenger is in the vehicle, and regardless of passenger type.

Wheelchair Trips

The County will reimburse Drivers of Accessible Taxicabs who are dispatched to pick up and successfully transport passengers requiring wheelchair service at a rate of \$15 per trip during the hours of 6:00 a.m. to 11:59 p.m., and \$20 per trip from 12:00 a.m. to 5:59 a.m.

Disbursements for mileage and wheelchair trip provision will be made monthly. To receive a disbursement, the Driver must complete and submit a reimbursement application along with a signed manifest documenting all trips provided in the previous month, with any wheelchair trips clearly identified. The applicant must highlight all dispatched and transported passenger wheelchair trip pickups listed on trip records submitted to MCDOT. MCDOT may verify the trip records with the affiliated Fleet or Association's record. MCDOT may verify mileage claims by examination of vehicle equipment or other available data.

(c) Taxicab Service Incentives

Background

Despite the funding opportunities provided by Regulation No. 1-17 adopted on July 25, 2017 by Council Resolution No. 18-878, Owners and Drivers have not availed themselves of such opportunities. In order to entice more Owners and Drivers into purchasing, retrofitting and driving Accessible Taxicabs, and to provide improved transportation services for persons with disabilities, eligible senior citizens, and persons of limited income, additional incentives must be offered to reach the goal set forth in § 53-506(e) of the County Code and improve and expand service options as set forth in § 53-801(d)(2) of the County Code.

Commented (MCD): These changes are requested because sometimes a dispatcher will dispatch a trip with a 9:00 am pickup time in advance, say at 5:00 am. This change in wording will ensure that the higher subsidy for overnight work is paid according to when the ride is picked up, regardless of when it is dispatched.



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Funding Opportunities

Insurance

For Accessible Taxicabs operating a minimum 50 weeks per year and 40 hours per week, or an equivalent thereof as demonstrated by manifests or data deemed acceptable by MCDOT's Taxicab Unit, Licensees may apply to be reimbursed for costs to purchase a third-party policy of insurance meeting the minimum amounts required by § 53-224(a) of the Montgomery County Code. The Licensee must apply for reimbursement and demonstrate the expenditure for a third-party policy of insurance meeting the minimum amounts required by § 53-224(a) of the Montgomery County Code. If the Licensee demonstrates that the Accessible Taxicab has operated for a minimum of 50 weeks per year and 40 hours per week (or equivalent thereof), the Licensee may be approved to be reimbursed \$1,000 per year for the actual costs spent on purchasing a policy of insurance for the Accessible Taxicab. Licensees are eligible for reimbursement at the time they can demonstrate adequate levels of Accessible Taxicab service for one year prior to the date of reimbursement.

Fees to MCDOT

For Accessible Taxicabs operating a minimum 50 weeks per year and 40 hours per week, or an equivalent thereof as demonstrated by manifests or data deemed acceptable by MCDOT's Taxicab Unit, Licensees are eligible to be reimbursed for the payment of certain fees as set forth in this Regulation.

- (1) PVL Renewal Fee: Licensees who are providing Accessible Taxicab service for a minimum 50 weeks per year and 40 hours per week, or an equivalent thereof as demonstrated by manifests or data deemed acceptable by MCDOT's Taxicab Unit, may apply for reimbursement from the Fund for their annual PVL renewal fee after demonstrating the provision of accessible service in the Accessible Taxicab for the year following the PVL renewal.
- (2) PVL Transfer Fee: For a PVL transfer that involves changing the vehicle associated with that PVL from a sedan to an Accessible Taxicab, the new Licensee may apply to MCDOT, at the time of fee payment, for reimbursement from the Fund for the PVL transfer fee. A Licensee who applies for reimbursement of the PVL Transfer Fee must agree that the PVL will be required to be associated with an Accessible Taxicab, and that all subsequent renewals of that PVL will be for an Accessible Taxicab.



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(3) Application and Initial License Fee for Newly Issued Licenses: If the Department issues new Licenses for Accessible Taxicabs, an applicant for the License who is found qualified to compete for a PVL by the Department may, after being found qualified, apply for reimbursement of the application fee, irrespective of whether the applicant is actually issued a License. An applicant who is issued a PVL for an Accessible Taxicab may apply to MCDOT, at the time of fee payment, for reimbursement from the Fund for costs to pay the initial license fee.

Call-n-Ride and Medicaid Guaranteed Fare

Background

Call-n-Ride customers requiring taxicab transportation for shorter trips are less attractive trips for taxi dispatch because of the low resulting fare, but Call-n-Ride customers may have no alternative to transportation by taxi, including trips across relatively short distances.

Funding Opportunity

To encourage timely and more reliable service to Call-n-Ride customers, MCDOT will round up any Call-n-Ride fare to at least \$8.15, resulting in an \$8-15 guaranteed fare to taxicab Drivers for both accessible and non-accessible Call-n-Ride trips, and regardless of taxicab vehicle type. The difference between the meter rate charged to the Call-n-Ride customer and the \$8-15 guaranteed fare will be paid to Drivers monthly and be based on the Driver's trip manifest and any standard verifications conducted by the Call-n-Ride program staff.

Commented (KDD): Because both of these programs serve the same customers, the minimum fare should be applied to both programs. This will also reduce the potential for confusion among customers.

53.801.01.06 Reimbursement Transparency

Reimbursements from the Fund will be reported annually by the Department of Transportation's Taxicab Services Section.

53.801.01.07 Application and Requirements

All applications and required documentation shall be on forms and in a format approved by the Director of MCDOT.

53.801.01.08 Minimum Fund Levels and Prorated Disbursements

Commented (KDD10): We recommend this minimum guaranteed fare amount to be raised to \$15 per ride to have adequate impact in improving these services. \$15 minimum guaranteed is similar to WMATA ADRI's Ride subsidy, of which the drivers are well aware. We analyzed Barwood and Regency data for 2018 - which is attached as an Exhibit to these comments. Data from the Barwood shows that in 2018, Barwood performed 56,285 trips, and billed \$899,906 on drivers' behalf. An \$8 guaranteed rate will increase the annual billing by \$10,536 or about \$850 per month. Divided between drivers, we estimate that each driver will receive about \$5 average per month. This does not justify the required extra administrative work to collect from the fund. However, a \$15 guaranteed fare will increase the annual total to about \$160,000 and each average driver's monthly payment would increase to \$30. Drivers who perform more trips obviously will receive more. This incentive will have a positive impact on improving the service to Call-n-Ride and Medicaid patrons and the higher subsidy will justify the additional administrative burden of applying for the additional funds.

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All disbursements from the Fund are subject to the availability and appropriation of adequate funding.

Commented [KD13]: This is redundant - see new language proposed for Section 53.801.05.05 (last sentence).

[The Fund must maintain a balance (the "Required Balance") that is 5% greater than the projected disbursement for the following 90 days.] MCDOT may halt or temporarily freeze the application process for any or all reimbursement opportunities included in this Regulation if projected financial obligations for previously-approved applicants meet or exceed funds already transferred from the State to the Fund.

53.801.01.09 Misuse of Funds

Any recipient of a disbursement under this regulation who uses the monies for any purpose other than as permitted by the County hereunder must refund all monies received within seven (7) days of a County demand for a refund. Any recipient who misuses a disbursement is barred from participating in this program and is subject to [all legal] any action[s] that may be brought in law or in equity, including all actions and penalties contained in Chapter 53 of the Montgomery County Code.

53.801.01.10 Reimbursement Not to Exceed the Purchase Price of the Accessible Taxicab/No Prohibition on Re-Sale

Reimbursement from the Fund to purchase an Accessible Taxicab or retrofit the vehicle into an Accessible Taxicab may not exceed the amount the applicant actually paid to purchase or retrofit the vehicle. Awardees of federal, state or private funding grants towards the procurement of an Accessible Taxicab are ineligible to receive reimbursement from the Fund for costs incurred to purchase or retrofit the vehicle, such that the total amount of grants and reimbursements exceeds the purchase price of the vehicle.

An owner of an Accessible Taxicab shall be permitted to sell an Accessible Taxicab during the five-year subsidy program provided that the seller refunds the subsidy provided by the County on a pro-rated basis or the buyer agrees to be bound by the terms and conditions of this program.

Commented [KD12]: Because these vehicles cost \$30,000-\$40,000 when they go into service, it is important that they maintain some re-sale value during their 5-6 year life.

53.801.01.11 [Senior and Limited Income] Transportation Enhancements

At the end of each calendar year, the Director will review the Fund balance to determine what portion of the Fund may be used to improve or expand transportation options for persons with disabilities, eligible senior citizens or persons with limited income.

53.801.01.12 Effective Date



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This regulation becomes effective when the Council adopts a resolution approving the Regulation or on a later date specified in the Regulation. If the Council does not approve or disapprove the proposed Regulation within 60 days after receiving it, or by any subsequent deadline set by resolution, the Regulation is automatically approved.

Approved:

Marc Elrich, County Executive

Date



REGENCY TAXI INC.



BARWOOD
Taxi Service

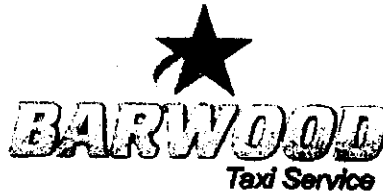


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Regency, Action, and Barwood Proposal

Suggested Enhancements to Regulation 1-19





Call-n-Ride Guaranteed Fare Suggestion

- Objective: To **Improve Service** by motivating drivers to pickup short rides
- County Proposal of \$8 Guarantee: **Will be Ineffective** because:
 - Only adds average of **+\$1.30 per trip** — Affects <1% of Trips (8,062 trips)
 - Only adds about **+\$850/month/fleet** — Extra billing and driver reconciliation
- 38 ➤ Industry Proposal of \$15 Guarantee: **Will be Effective**
 - Adds average of **+\$5.10 per trip** — Affects >50% of Trips (32,115 trips)
 - Adds about **\$13,000/month/fleet**

- **Based on 2018 Data**
 - Barwood Performed 56,285 Trips Totaling \$899.9k



REGENCY TAXI INC.

Call-n-Ride Guaranteed Fare Suggestion

- Objective: To **Improve Service** by motivating drivers to pickup short rides
- County Proposal of \$8 Guarantee: **Will be Ineffective** because:
 - Only adds average of **+\$1.43 per trip** — Affects **<1%** of Trips (6,483 trips)
 - Only adds about **+\$750/month/fleet** — Extra billing and driver reconciliation
- ③⑨ ➤ Industry Proposal of \$15 Guarantee: **Will be Effective** because:
 - Adds average of **+\$5.28 per trip** — Affects **>60%** of Trips (24,784 trips)
 - Adds about **\$11,000/month/fleet**
- **Based on 2018 Data**
 - Regency Performed 39,855 Trips Totaling \$597.6k



Medicaid Guaranteed Fare Suggestion

- Objective is to motivate drivers to pickup short rides – **Improve Service**
- **Medicaid trips need the same remedy**
 - Median Fare is \$20.00
 - Fares less than \$10 = 12% of Total Trips
 - Fares greater than \$25 = 27% of Total Trips
- ④ ➤ Industry Proposal of \$15 Guarantee: **Will be Effective** because:
 - Adds average of **+\$4.36 per trip** — Affects **29%** of Trips (13,688 trips)
 - Adds about **\$1,400/month/fleet**
- **Based on 2018 Data**
 - Barwood Performed 13,688 Trips Totaling \$322.5k



REGENCY TAXI INC.

Medicaid Guaranteed Fare Suggestion

➤ Objective is to motivate drivers to pickup short rides – **Improve Service**

➤ **Medicaid trips need the same remedy**

➤ Median Fare is \$19.00

➤ Fares less than \$10 = 18% of Total Trips

➤ Fares greater than \$25 = 35% of Total Trips

④ ➤ Industry Proposal of \$15 Guarantee: **Will be Effective** because:

➤ Adds average of **+\$5.29 per trip** — Affects **34%** of Trips (6031 trips)

➤ Adds about **\$2,300/month/fleet**

➤ **Based on 2018 Data**

➤ Regency Performed 17,334 Trips Totaling \$483.9k

Daniel G. Jablonski
7905 Greentree Road
Bethesda, MD 20817
301-335-6192
Dan.Jablonski@jhuapl.edu

3 March 2019

To:
Fred Lees
Chief of Management Services
Department of Transportation, Office of the Director
101 Monroe Street, 10th Floor,
Rockville, Maryland, 20850;
240-777-2227 (CABS); TTY Number: 240-777-2196;
Email: fred.lees@montgomerycountymd.gov.

Re:
TRANSPORTATION SERVICES IMPROVEMENT FUND REQUIREMENTS
Authority: Code Section 53-801 Supersedes: Executive Regulation 1-17
Council Review Method (2) Under Code Section 2A-15 Register Vol. 36 No. 2
Comment Deadline: March 3, 2019

Public Comments of Daniel G. Jablonski
3 March 2019

Dear all

My adult son, Matthew F. Jablonski, has epilepsy. It is well-controlled with medication, but is not completely controlled. Thus, it is not safe for Matthew to walk from our home to and from his job at ArcLight Cinemas at Westfield Montgomery Mall. Put simply, crossing Seven Locks Road is never safe for anyone. The Montgomery County Police are routinely hired to protect pedestrians at Mater Dei School, Seven Locks Pool, and the Heights School. As Matthew cannot drive, he depends on me and his brother for transportation. When we are not available, Matthew depends on taxi service, which is not reliable enough for timely transportation to and from a job. The former Barwood and current Regency Taxi are both guilty of promising, then failing to provide taxi service. This assertion is very well-documented in correspondence between me and County officials, including Mr. Pollard of your department, the County Executive, Ms. Sonetta Neufville, and Mr Michael Subin. When taxis booked well in advance have failed to arrive, I have had to get on the phone from Williamsburg, VA (while I was attending a memorial service

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for my late wife), from Geneva, Switzerland, while on business travel, and from many other out of town locations. I have even needed to call Montgomery County Police to check on Matthew's safety when he was stranded at Westfield Montgomery after a late shift, despite having booked a taxi with Regency many hours before.

The problem is that drivers either do not bid on fares, or drop them once it becomes clear that on a given day they will be paying more to drive long distances or through traffic to pick up and transport Matthew than the measly \$8 fare they will recover.

The only reason that Matthew can't walk to and from work is that walking, using Metro, or taking a bus is simply too dangerous for a person with a seizure disorder that is not completely controlled. If I recall correctly, Metro police once beat up a person for having a seizure on a Metro platform.

Thus, Matthew needs taxi service for short fares, as the regulation anticipates. But, Matthew is being denied service repeatedly, despite booking and receiving confirmation numbers in advance. In addition, it was the practice at Barwood, by its own admission, for its call center to say that a taxi would be available in 20 minutes. This was done by reading from a script, with no regard for the truth.

Regency also has difficulties providing accurate information. On one recent occasion, Regency, as already documented with but ignored by the County, lied directly to me about the status of a call. What I got instead of help when I complained to Regency was being shouted at over the telephone for thirty minutes and having the taxi company blame Matthew for not booking a day in advance.

The County has tried to remedy this with what apparently is a little known and apparently unenforceable regulation that says that drivers must accept all fares. However, the taxi services claim their drivers are contractors who bid on calls and cannot be compelled to accept a request for service. Uber dodges this by asserting that it is a ride hailing service, not a taxi service. The Justice Department apparently disagrees. In response, Uber has solicited people, including me because I owned a wheelchair accessible vehicle, to prevent being fined for ADA violations. So, there is disagreement of who is responsible for what, but my complaints are not alone. The dots between cause and effect seem to be getting connected by the Office of Civil Rights of the Department of Justice into an ADA violation, with the possibility of multiple \$55,000 fines.

As stated, the details of Matthew's abandoned taxi reservations are well documented in the written record, and I urge you to consult with the (now-retired) Lee Barnes of Barwood, Sam Bland of Regency, Mr. Pollard of your department, Ms. Sonetta Neufville and Mr Subin of the Executive's Office, Mr. Elrich, and Mr. Aaron Kraut, a legislative aide for the Council.

Ms. Neufville has broken her promise to have someone contact me about my concerns. Mr. Subin, who phoned me at the request of Mr. Leggett, refuses to speak on the record, possibly in

violation of the Maryland Public Information Act. I spoke with Mr. Elrich at his February town hall meeting at BCC High School and gave him a written summary of my concerns. He ridiculed my notion that Mr. Subin should have created a "verbal record" of our conversation, but also promised to respond to my concerns.¹ He denied knowing Ms. Neufville, despite having her name and phone number prominently displayed on his web page. And, he has not made good on his promise to respond to my concerns. All of this is documented in emails that Ms. Neufville, Mr. Pollard, Mr. Subin, and others have copies of. Mr. Aaron Kraut is the only individual who has stepped forward in recent months to take ownership of Matthew's continued and still unmet need for safe and reliable transportation.

Please note that Matthew does not have a mobility problem and does not need a wheelchair van. He simply needs to be safe from becoming another of the many dead pedestrians in Montgomery County. If Vision 0 strives to eliminate pedestrian deaths in the County by 2030, instead of 2020, I think you need to raise the bar considerably. My name for Vision 0 is "Deathtrap Montgomery". There is apparently an organization that calls itself "No More Dead Pedestrians." By means of comparison, more pedestrians died in Montgomery County in each of recent years than were killed by the snipers in 2002.

The unsympathetic Mr Subin noted, off the record, that no taxi driver is compelled to accept a short distance, low cost fare (a statement which is in conflict with County regulations, as stated above). He said that Matthew should "just hire a kid from Montgomery College" to drive him. I asked if, when taxis don't show up, Matthew could call the police non-emergency number and get a five minute ride home, particularly late at night when most pedestrian deaths occur. Mr. Subin said that this is not allowed. However, under the auspices of the Police Ride-Along program, this indeed seems possible. It shouldn't be necessary for Matthew to need police assistance, but persons with disabilities simply must not be stranded in Montgomery County at peril to their safety. If the County motto "Gardez Bien" is to mean anything, you must meet your obligation to protect the citizens, especially when Regency, the former Barwood, and others won't.

Note that a Call-and-Ride coordinator also told me that no driver can be compelled to accept a fare. With respect to Mr. Subin, I asked him to state in writing that my understanding of his comments was correct. He refused to, stating that he would not admit to saying anything that might be used to support litigation against the County. The email record of this discussion has been in the hands of many County officials for several months, but apparently isn't considered worthy of a response.

¹ Some Federal Agencies require the use of verbal records in order to comply with the Freedom of Information Act. See https://www.faa.gov/about/initiatives/records/faq/verbal_communications/, accessed 3 March 2019

In particular, I provided Mr. Pollard and Ms. Neufville with a summary of my conversation with Mr. Subin. It is Ms. Neufville's responsibility to deal with this, given her responsibilities for ensuring County compliance with the public information act. However, she has apparently chosen to ignore me. As a result, I reserve the right to complain directly to the State of Maryland.

Before sharing my comments specific to the proposed TSIF rule, I would like to describe Matthew's taxi woes during 2007, when he was a student at Montgomery College. At that time, he was refused permission to take a course in his major (which was art) because he couldn't drive due to his epilepsy. The landscape painting course was held off-campus, and students were required to drive to the County's Muncaster Mill historic farm site.

Matthew and I complained to the Council and to the Board of Trustees of the College. A local television reporter, Ms. Jackie Congedo, picked up the story by reviewing emails sent to the Council, which were available to the public (as are my comments here). After her story aired, broadcast on both News Channel 8 and WJLA, the College agreed to fund taxi rides provided by Barwood, booked well in advance, to transport Matthew to and from the College. This failed miserably, as it would today, because taxi drivers "bid on fares". The College then paid many hundreds of dollars for excellent limousine service. Thus, it is all about money.

Despite County regulations, taxi drivers still routinely refuse to bid on \$8 fares (what it costs Matthew to ride to and from ArcLight). Note again that companies, such as Regency and even Anytime Taxi, want Matthew to book at least a day in advance. The nature of his job at ArcLight doesn't permit this. And, these companies seem to view providing service to Matthew as some sort of grandiose favor rather than a legal obligation under the ADA. To a person with a disability, that can be hugely offensive.

This situation is being explored, using the County's own euphemism from its ADA consent decree days, in the District of Columbia in Uber's "discussions with the Justice Department". At this time, as noted above, the bottom line seems to be that requiring a person with a disability to book a taxi a day in advance is not only "ridiculous" (quoting Mr. Elrich in early February), but is also a violation of the ADA.

At the end of this document is a screen shot of the intro to the television spot about Matthew, who is the Art Student being referred to. I can make an MP4 available to the Council, or (subject to receiving permission from WJLA) post it for the world to see on YouTube. Hopefully, this won't be necessary.

That said, my regulation-specific comments are now presented:

1. The regulation is underfunded. Taxi drivers, despite comments made in a discussion I had with Mr. Limberg Bannerman of Anytime Taxi (at Mr. Pollard's recommendation), are very likely to feel that the \$8 guarantee is inadequate.

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- From over two years of recent experience with drivers refusing to accept an \$8 fare, the \$8 guarantee in the regulation is not enough to entice a driver to fight traffic and drive long distances, with no paying passenger, to pick up Matthew or anyone else for a five minute drive. Even when I volunteer to pay more than \$8, no one wants to accept the fare. Hence, my need to call the police (see above).
2. \$16 per ride might work, \$24 probably will work. Compared to the recent \$6.7 million embezzlement, discovered by federal, not county officials, it appears that no one really has a handle on the County's money. Given that, it is especially shameful that the TSIF funds collected to help persons with disabilities seem to have been used to plug a budget hole. Was this hole made larger by the undetected crimes of an improperly supervised county official?
 3. Uber and Lyft are not a solution. As Uber prepares for its \$120 billion IPO, its lawyer is reviewing the 221 "instances of sexual assault that occurred during rides in 2017" (the New York Times, 3/3/19). Uber and Lyft have no in-person accountability. If Matthew was to have a seizure in an Uber taxi, what would the driver do? Call the non-existent dispatcher? Text someone in Eastern Europe? Put Matthew out at the curb? How is this going to work?
 4. Are taxi drivers employees or independent contractors? Does Regency pay its drivers using a 1099 or a W-2? If it's a 1099, I should be able to file an ADA complaint against an individual driver who cancels a prescheduled ride. An example of such a cancellation is in the voluminous collection of emails that Regency, Mr. Pollard, and Ms. Neufville received from me several months ago, but have ignored. An ADA complaint against an individual driver could send shockwaves through the taxi and ride-hailing industries. Does the County want me to give it a try?
 5. My late wife Jan died in 2016, as a quadriplegic, of ALS. Several years preceding her death, I purchased a new, but low-end wheelchair accessible van for \$47,000. Other vans, with powered ramps and other features, cost up to \$67,000 at that time. After Jan's death, the local Toyota dealer refused to accept the van as a trade-in. I sold it for \$15,000 to Ride-Away, the company from which I originally purchased the van. We drove 24,000 miles in the van. That corresponds to a depreciation of $(\$47,000 - \$15,000) / 24,000 \text{ miles} = \1.33 per mile , not including insurance, fuel, and maintenance. Are the cost estimates for purchasing and operating wheelchair vans as specified in the proposed regulation adequate? I suggest that you raise the Uber tax to 75 cents per ride, with the option of lowering it later provided that MCDOT and the Council can keep the funds from again being hijacked by Mr. Elrich.
 6. Has anyone on the Council or at MCDOT ever driven a wheelchair van, learned to find parking and pickup spaces, learned how to maneuver a wheelchair or power wheelchair, and learned how to secure it within the van using cargo straps or special fixtures? A couple of hours field trip to Ride-Away in Beltsville (now MobilityWorks) would be time well spent, if you haven't done this already. It might affect the cost figures in the proposed regulation. Before I purchased a van,

I rented one for a winter trip to Maine. It was extremely expensive to rent, but the experience was of great value as I assessed my purchase options.

7. When taxi service, however well-intended, fails, there needs to be a back-up service available. Why not let persons with disabilities, mobility problems that don't require a wheelchair, and the elderly register in advance with the police ride-along program? The police routinely transport criminals, victims, silver alert individuals, and I suspect, family members and significant others, in police cars.
8. When Matthew spent 42 days at Yale-New Haven Hospital for epilepsy surgery, the Yale police routinely drove Matthew's mother and brother the five minutes to and from the Ronald McDonald House, where they were staying while I remained at the hospital. Thus, I simply do not buy the default answer of "no" when I asked the person responsible for pedestrian safety (namely Mr. Subin) about the possibility of police transport. Indeed, I remember the huge SUV that was used, with flashing lights when necessary, to drive Mr. Leggett around. There are airplanes that are more fuel efficient and less costly to operate.
9. Taxi service and public transportation are inexorably linked to pedestrian safety. Likewise, the police department has a clear interest in the criminal justice system. Could Mr. Subin's responsibilities for these matters perhaps be better handled by MCDOT and by the police department, respectively? There seems to be precedence for these ideas. Mr. Subin's response to my plea for help should embarrass all of us and needs to be addressed. I gave Ms. Neufville the opportunity to handle this with tact and discretion. She promised I would receive a timely response. I did not receive a response. I gave Mr. Elrich, in person, the same opportunity. He did not respond.
10. With respect to pedestrian safety, and hence the need for excellent taxi service, roads like Seven Locks really are dangerous. For long stretches, the shoulder of the roadway is simultaneously a high-speed traffic lane, a bike path, a parking lot, a sidewalk, and a bus stop. There are numerous sidewalks to nowhere, bus shelters in which there is no room for a wheelchair and no nearby space for a wheelchair to maneuver, places where one must cross the highway without lights or a crosswalk in order to reach a bus stop, and so forth. The County is looking at some serious financial liabilities if and when it re-enters "discussions with the Justice Department" to mitigate these apparent ADA violations.
11. Next, I feel that the County needs to improve its skills with writing legislation. For example, there is a program to subsidize home accessibility improvements, such as upgrading a bathroom. To receive these benefits, the improvements must be "permitted" by the County. However, bathroom improvements are typically "permitted" by WSSC. Hence, the program is, according to my discussions with the County permit office, not available to most people.
12. Related to this, Mr. Elrich apparently believes that in order to preserve trees, it is okay to use asphalt for sidewalks. This makes it possible to simply pave over exposed tree roots, as is the case on Bradley Boulevard near Seven Locks Road.

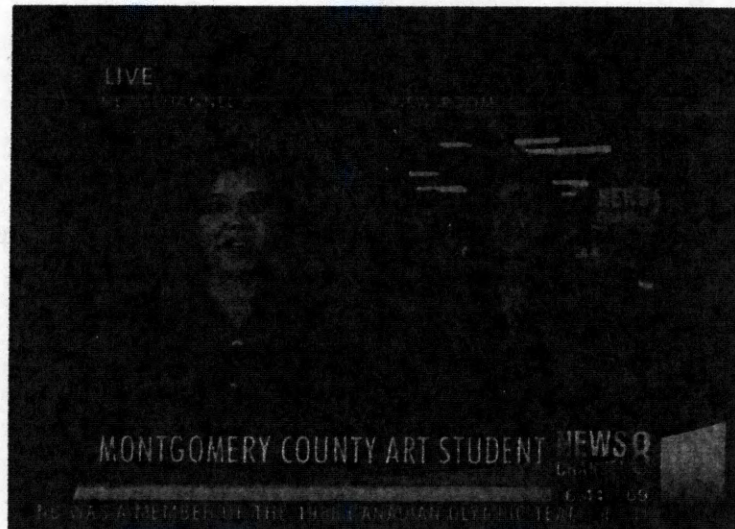
This creates a special hell for persons in wheelchairs, persons with other mobility problems, and persons with poor eyesight.

The new regulation is a start. However, Montgomery County has been deliberately zoned to mix urban, suburban, and rural areas in a series of wedges that make for very poor taxi and bus service. To take a bus from my home to Westfield Montgomery without walking on a shoulder that is used for traffic requires walking across school grounds during school hours at Seven Locks Elementary (not encouraged) to get the 36 bus to Bethesda to then backtrack on the 47 bus to the Mall. This would take about 90 minutes for what should be a fiteewalk. Thus, the need for affordable, reliable taxis for all, not just Uber and Lyft for persons without disabilities.

Thank you for your consideration.

Signed: //Daniel G. Jablonski//

2007 intro to the news channel 8 segment on Montgomery College and its apparent discrimination against persons with disabilities who need transportation assistance



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