



Committee: T&E
Committee Review: Completed
Staff: Glenn Orlin, Senior Analyst
Purpose: Final action – vote expected
Keywords: #TSIF

AGENDA ITEM #2C
February 7, 2023
Action

SUBJECT

Executive Regulation 10-22, Transportation Services Improvement Fund (TSIF)

EXPECTED ATTENDEE

Walton Harris, Policy Analyst, Taxicab Office, Division of Transit Services, DOT

COMMITTEE RECOMMENDATION

Approve Regulation 10-22 as proposed by the County Executive.

SUMMARY OF KEY DISCUSSION POINTS

TSIF revenue is derived from a \$0.25/ride surcharge on all trips initiating in the County provided by Transportation Network Companies (TNCs) such as Uber and Lyft. The TNCs typically do not serve persons with disabilities, especially those who are wheelchair-bound. The TSIF is used to provide incentives to taxicab owners and operators to own and operate wheelchair-accessible vehicles (WAVs).

During deliberations on the FY22 Operating Budget, former Councilmember Hans Riemer proposed a series of greater incentives that was approved by the Council, and on September 6, 2022, the Executive issued Temporary Regulation 15-22T which effectuated these incentives. On November 29, 2022, the Council extended this temporary regulation for another 90 days to allow time for the Executive to promulgate a permanent regulation, which is what is before the Council now.

This report contains:

Draft adoption resolution	© A
Executive's transmittal	© 1
Regulation 10-22 (clean version)	© 2-11
Regulation 10-22 (with brackets and underlining)	© 12-22
Fiscal Impact Statement	© 23-26
Comment from Commission on People with Disabilities	© 27
Comment from Taxi Services Commission	© 28

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President of behalf of the County Executive

SUBJECT: Approval of Executive Regulation 10-22

Background

1. Executive Regulation 10-22 is a regulation that amends existing Regulation 11-19 and retains the same disbursement provisions in Temporary Regulation 15-22T from Montgomery County’s Transportation Services Improvement Fund (TSIF), which were in turn provided by increased appropriations to the TSIF in the fiscal year 2023 Operating Budget. The increased disbursement provisions are intended to further incentivize taxicab drivers, Passenger Vehicle License (PVI) holders and taxicab fleet operators to deliver critical transportation services to a growing population of vulnerable county residents.
2. The Transportation & Environment Committee reviewed and recommended approval of this Executive Regulation at its January 30, 2023 meeting.

Action

The County Council for Montgomery County, Maryland approves the following action:

Executive Regulation 10-22 is hereby approved. The regulation is attached.

This is a correct copy of Council action.

Judy K. Rupp
Clerk of the Council



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

December 16, 2022

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Executive Regulation 10-22, Transportation Services Improvement Fund

The purpose of this memorandum is to transmit Executive Regulation 10-22 – Transportation Services Improvement Fund (TSIF) for your approval. This regulation establishes the procedures for distributing monies from the Transportation Services Improvement Fund and will supersede Executive Regulation 11-19. The TSIF provides financial incentives for supplying transportation services to individuals who are disabled, seniors, and those with limited incomes.

Executive Regulation 10-22 was advertised in the November 2022 Montgomery County Register for public comment. The Montgomery County Department of Transportation received comments from the Commission on People with Disabilities and the Taxicab Services Commission. Both commissions endorsed Executive Regulation 10-22 as drafted. Based on the responses received, the department made no changes to the regulation.

If you have any questions or require additional information, please contact Walton Harris in the Montgomery County Department of Transportation's Transit Division.

cc: Chris Conklin, Director, Department of Transportation

Enclosures



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Transportation Services Improvement Fund	Number 10-22
Originating Department 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 11-19

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

Register Vol. 39, No. 11

Comment Deadline: November 30, 2022

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: Walton Harris, Transit Division
CONTACT 240-777-7193



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject Transportation Services Improvement Fund	Number 10-22
Originating Department 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 persons with disabilities, eligible senior citizens, and persons of limited income.

53.801.01.02 Purpose

The purpose of this Regulation is to:

- (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

- (a) Applicants must use an application form provided by the Department, complete the form fully, and agree to all terms contained in the application.



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- (b) 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) 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 MCDOT 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

- (a) **Accessible Taxicab** - means a taxicab that is a wheelchair accessible vehicle that the Department has authorized to transport passengers with disabilities.
- (b) **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) **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.



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- (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.
- (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

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 the 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.



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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

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 2022, it was estimated that the costs to convert a vehicle was between \$21,000 and \$40,000 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.

Funding Opportunities

In order to address the higher initial costs and ongoing maintenance costs of Accessible Taxicabs, up to \$45,000 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 \$45,000 the Owner must complete and submit a reimbursement application along with documentation of: (1) the purchase of an Accessible Taxicab on or after July 1, 2022, 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 July 1, 2022. 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



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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.

(b) Accessible Taxicab Operating/Driver Expenses

Background

There are often higher costs associated with providing accessible passenger service that are not reflected in a standard taxicab meter rate. 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.

Funding Opportunities

Wheelchair Trips

The County will reimburse Drivers of Accessible Taxicabs who successfully transport passengers requiring wheelchair service at a rate of \$25 per trip completed.

Disbursements for the 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.

(c) Taxicab Service Incentives

Background

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.



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Funding Opportunities

Mileage

Drivers of Accessible Taxicabs are eligible for disbursement from the Fund at the rate of \$0.40 per mile for every mile that the Accessible Taxicab travels while in service, whether or not a passenger is in the Accessible Taxicab, and regardless of passenger type. Disbursements for the mileage 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.

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 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.



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- (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.

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 a \$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 and be based on the Driver's trip manifest and any standard verifications conducted by the Call-n-Ride program staff.



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Subject Transportation Services Improvement Fund	Number 10-22
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53.801.01.06 Reimbursement and 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.

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 any action 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

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.



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53.801.01.11 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

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

12/16/2022

Date

Approved as to form and legality:

Robert Birenbaum (Dec 13, 2022 07:35 EST)

Robert Birenbaum
Associate County Attorney

Dec 13, 2022

Date



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Transportation Services Improvement Fund	Number 10-22
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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 11-19

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

Register Vol. 39, No. 11

Comment Deadline: November 30, 2022

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: Walton Harris, Transit Division
CONTACT: 240-777-7193



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject Transportation Services Improvement Fund	Number 10-22
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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 persons with disabilities, eligible senior citizens, and persons of limited income.

53.801.01.02 Purpose

The purpose of this Regulation is to:

- (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

- (a) Applicants must use an application form provided by the Department, complete the form fully, and agree to all terms contained in the application.



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- (b) 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) 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] MCDOT 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

- (a) **Accessible Taxicab** - means a taxicab that is a wheelchair accessible vehicle that the Department has authorized to transport passengers with disabilities.
- (b) **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.
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- (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.
- (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

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 the 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.



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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

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.] In 2022, it was estimated that the costs to convert a vehicle was between \$21,000 and \$40,000 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.

Funding Opportunities

In order to address the higher initial costs and ongoing maintenance costs of Accessible Taxicabs, up to [~~\$15,000~~] \$45,000 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~~] \$45,000 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] July 1, 2022, 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] July 1, 2022. 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.



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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 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) Accessible Taxicab Operating/Driver Expenses

Background

[The cost to operate an Accessible Taxicab is significantly higher than non-accessible taxicabs because Accessible 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] There are often higher costs



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associated with providing accessible passenger service that are not reflected in a standard taxicab meter rate. 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.

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 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.] \$25 per trip completed.

Disbursements for [mileage and] the 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



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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

Mileage

Drivers of Accessible Taxicabs are eligible for disbursement from the Fund at the rate of \$0.40 per mile for every mile that the Accessible Taxicab travels while in service, whether or not a passenger is in the Accessible Taxicab, and regardless of passenger type. Disbursements for the mileage 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.

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 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.



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- (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.

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] a \$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.



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53.801.01.06 Reimbursement and 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.

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 any action 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

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.



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53.801.01.11 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

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

12/16/2022

Date

Approved as to form and legality:

Robert Birenbaum (Dec 13, 2022 08:40 EST)

Robert Birenbaum
Associate County Attorney

Dec 13, 2022

Date

**Fiscal Impact Statement
Executive Regulation #10-22:
Transportation Services Improvement Fund**

1. Executive Regulation Summary

This regulation amends the rates of certain incentive payments to taxicab drivers, Passenger Vehicle License (PVL) holders, and taxicab vehicle fleet operators who operate a wheelchair accessible vehicle (WAV) for taxicab service. This regulation provides guidance for the distribution of monies from the Transportation Services Improvement Fund (TSIF) and implements recommendations from the Commission on People with Disabilities, the Commission on Aging, the Commission for Seniors, the Taxicab Services Commission, and other community stakeholders interested in the accessible transportation services provided by taxicabs.

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.

This regulation will increase incentives paid out from the TSIF. Changes to incentive rates are as follows:

Incentive Program	FY22 Rate	FY23 Rate
WAV taxicab per-mile reimbursement	\$0.10 per mile	\$0.40 per mile
WAV taxicab per-trip incentive	\$15 per trip in the daytime; \$20 overnight	\$25 per trip for all trips including overnight
Capital expense reimbursement for WAV taxicab vehicle purchase and/or retrofit	\$15,000 per vehicle	\$45,000 per vehicle

In FY22, total TSIF expenditures for these three programs were \$718,228. FY23 expenditures for these programs following the above changes in incentive rates are estimated to be \$2,078,313. The net change in expenditures of \$1,360,085 accounts for the rate increases but also assumes some additional program participation by taxicab drivers in FY23.

This regulation is not expected to impact TSIF revenues, which are received from Transportation Network Company Assessments as authorized under State law. Because TSIF expenditures are funded by these revenues, which are restricted to programs that improve transportation services for the elderly, people with disabilities, and people with low-incomes, these expenditures do not have any impact on the County's tax-supported

budget as long as current fund resources are not exceeded. The fund balance in the TSIF at the start of FY23 was approximately \$3.5 million.

Increased TSIF expenditures in FY23 due to these incentive rate changes are assumed in the FY23 Approved Operating Budget.

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

The chart below shows TSIF estimated revenues, expenditures, and ending fund balance in fiscal years 2023-28.

Fiscal Year	TSIF Revenues	TSIF Expenditures	TSIF Ending Balance
2023	\$1,728,152	\$3,182,599	\$2,302,929
2024	\$2,073,782	\$3,400,574	\$976,137
2025	\$2,488,538	\$2,674,650	\$790,025
2026	\$2,538,309	\$2,752,423	\$575,911
2027	\$2,589,075	\$2,836,556	\$328,429
2028	\$2,640,857	\$2,929,773	\$39,513

This projection assumes that TSIF revenue will increase at a rate of 20 percent per year until reaching the previous (pre-pandemic) level of approximately \$2.4 million in fiscal year 2025. During the COVID-19 pandemic, TSIF revenues declined due to decreases in Transportation Network Company (TNC) ridership. The fund is on an upward trajectory with a conservative estimate of \$1.7 million generated in fiscal year 2023. After 2025, there is an assumed increase of approximately two percent year over year.

Expenditures are expected to grow at a rate of approximately seven percent year over year for the next six fiscal years with an increasing number of taxicab drivers and WAV taxicabs providing transportation service.

The TSIF began FY23 with a fund balance of approximately \$3.5 million. This regulation responds to the need to aggressively spend down what was perceived to be an excessive fund balance with an emphasis on providing an increase of incentives to taxicab drivers. The fund balance is projected to remain positive through FY28, although expenditures are projected to exceed revenues in each year. Program incentives and funding should be revisited in future years to avoid unintended impacts on the County’s tax-supported budget.

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

Not applicable.

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

This regulation does not authorize future spending.

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

Changing the reimbursement rates to taxicab drivers, PVL holders and taxicab vehicle fleet operators will not impose any additional workload on staff, however, the increased reimbursement rates may incentivize more drivers to participate in the program, which in turn could increase the workload on staff for processing TSIF payments.

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

This regulation adds no new responsibilities beyond existing to staff duties.

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

Additional appropriations will be needed in years where program expenditures exceed the budgeted amount due to unanticipated increases in program participation. Due to the variable nature of this incentive program, no estimate can be made regarding future appropriation needs.

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

Changes in TNC ridership could increase or decrease assessments collected and thus TSIF revenues. This occurred recently when ridership declined significantly during the COVID-19 pandemic.

The Maryland Public Services Commission sets assessment rates and could change the amount that the County is authorized to collect from TNCs, which could impact revenues.

The increased incentives to taxicab drivers for both miles traveled and for wheelchair accessible taxicab trips could entice drivers who currently provide sedan only service to begin to provide wheelchair accessible service. Taxicab companies could also use the increased incentive as an attractive recruitment tool for individuals not yet in the taxicab industry.

The COVID-19 pandemic has inflicted significant financial hardship on taxicab companies as well. These companies may face difficulty both locating and purchasing both WAVs and traditional Sport Utility Vehicles (SUVs) that can be retrofit to become WAV taxicabs due to ongoing vehicle shortages and global supply chain issues.

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

MCDOT's estimate of an expenditure of approximately \$720,000 per fiscal year is dependent on availability for purchase of vehicles that are or can be retrofitted to become

WAV taxicabs. If stakeholders in the taxicab industry are unable to find these vehicles due to ongoing supply chain issues, the expenditures for that category would be greatly reduced.

Because this program reimburses costs upon request by participating taxicab operators, expenditures for this program will vary based upon program participation rates and utilization of WAV taxicabs within the County, which are highly variable factors beyond the control of MCDOT. Program expenditures in general are thus uncertain and difficult to predict.

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

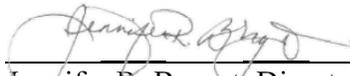
Not applicable.

12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis:

Walton Harris, Department of Transportation
Gary Nalven, Office of Management and Budget



Jennifer R. Bryant, Director
Office of Management and Budget

10/14/22

Date



COMMISSION ON PEOPLE WITH DISABILITIES

PROPOSED MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION REGULATION Executive Regulation 10-22 – Transportation Services Improvement Fund

Comments
October 12, 2022

The Transportation Services Improvement Fund (TSIF) was created in response to entry of Transportation Network Companies (TNCs) (such as Uber and Lyft) into Montgomery County. The genesis of the Fund came at the request of the Commission in partnership with the Commission on Aging and was a direct response to the entry of Transportation Network Companies (TNCs) such as Uber and Lyft (which do not reliably provide accessible taxi service to those in need of such services) into our County. The intent of the Fund was to provide financial incentives to promote accessible taxi service for residents of the County.

The proposed Executive Regulation 10-22 – Transportation Services Improvement Fund incorporates the recommendations from the Commission on People with Disabilities made to the County Council during deliberations on this proposal. The proposed changes to this Executive Regulation as written are endorsed by the Commission.

Respectfully,

Seth Morgan, MD
Chair

November 1, 2022

Walton Harris
Transportation Division
Department of Transportation
101 Monroe Street, 10th Floor
Rockville, Maryland, 20850

Dear Mr. Harris,

On behalf of the Montgomery County Taxi Services Commission, I want to express our very strong support for the proposed Regulations that formally amend the process for disbursing monies from the Transportation Services Improvement Fund (TSIF). As you know, the Commission worked diligently and closely over a number of months, in cooperation with the County, to revise the use of the TSIF to better support the local taxi industry and in particular to support and encourage the provision of accessible taxi service.

Specifically, the Regulations, among other things, provide for:

- Up to \$45,000 for conversion of a taxi vehicle to an accessible vehicle
- Reimbursement to drivers of accessible vehicles of \$25 per completed trip
- Reimbursement to drivers of accessible vehicles of \$0.40 per mile while in services, whether or not with a passenger on board
- For an accessible taxi operating a defined minimum level of service weekly and annually, the vehicle owner may seek reimbursement of \$1,000 annually for the cost to purchase vehicle insurance meeting the County's insurance requirements
- Reimbursement to accessible vehicle owners for payment of specified Department of Transportation fees with demonstration of a defined minimum level of service weekly and annually
- Payment of a minimum of \$10 for each Call-n-Ride trip for accessible as well as non-accessible trips, to encourage timely and reliable service for Call-n-Ride users.

Again, please know that the Taxi Services Commission is in full support of the proposed Regulations and trusts that enactment will help support the local taxi industry and in particular accessible taxi service.

Respectfully,

Buffy Ellis

Elizabeth (Buffy) Ellis
Chair, Montgomery County Taxi Services Commission