

Comments received expressed general agreement with the objectives of the proposal. However, several contained suggested revisions. Based on a review of those comments, several minor changes of a clarifying or relaxatory nature have been made.

Proposed §§ 159.2(a) and 159.4(a) would have expressly permitted the delivery of passengers for hire at DCA and IAD. Since the restrictions set forth in those paragraphs are applicable to picking up, rather than delivering, passengers for hire, the provisions applicable to the discharge or delivery of passengers are unnecessary and have been deleted.

Proposed §§ 159.2(b) (3) and 159.4(b) (3) would have required the operator of any for-hire vehicle to obey all lawful directions and signals of dispatchers. While the intent of this provision was to require taxicab operators to obey the lawful directions and signals of taxicab dispatchers, the provision could be construed to require any for-hire operator to comply with directions given by a taxicab dispatcher. Thus, to avoid confusion, that provision, as clarified, has been included in §§ 159.2(c) and 159.4(c) since those sections are applicable to taxicab operations only. In addition, § 159.2(c) has been revised to indicate clearly that a taxicab operator picking up for hire must accept as passengers those persons, and only those persons, assigned by the dispatcher.

Under proposed § 159.2(d) (3), a taxicab operator would have been required to display a rate schedule issued by the Washington Metropolitan Area Transit Commission (WMATC) and one issued by his licensing jurisdiction. A requirement to display both schedules is unnecessary and could be confusing. A taxicab operator picking up a passenger for hire on DCA must charge the rates prescribed by his licensing jurisdiction if his taxicab has a meter, and he must charge those prescribed by the WMATC for interstate taxicab transportation if his taxicab does not have a meter. Therefore, § 159.2(c) (7) of this amendment requires an operator to display only the rate schedule that he must use.

New § 159.2(c) (9) requires that a taxicab operator charge no more than either the interstate fares prescribed by the WMATC or those prescribed by his licensing jurisdiction, when picking up passengers on DCA and transporting them to points within certain areas. The proposal made reference to areas within or outside the State of Virginia but did not identify the specific areas to which it was intended to apply. For clarity, those areas are identified in § 159.2(c) (9) (i)-(v) of this amendment.

Proposed §§ 159.2(f) and 159.4(d) defined, in part, a taxicab as a motor vehicle having a seating capacity of not more than six passengers in addition to the operator. To make this definition consistent with the WMATC definition of the term "taxicab," this amendment defines such a motor vehicle as one having a seating capacity of not more than eight—rather than six—passengers in addition to the operator.

Several comments dealt with matters considered beyond the scope of Notice 75-36. These included suggestions regarding taxi stands and lanes, book-keeping, changes to roadways and signs, and fees. These comments are being retained and will be given due consideration, where appropriate, in the event of future rulemaking actions.

Other comments addressed such matters as the placement of meters and licenses in specific locations in a taxicab, fare schedules, use of clean taxicabs, inspection of those vehicles, issuing of receipts to customers, use of direct routes, and the testing of drivers. These matters are among those covered by the taxicab ordinances or laws that have been adopted by the jurisdictions listed in § 159.2(c) (4). The FAA considers those ordinances or laws as adequate for the protection and convenience of airport patrons and believes that an amendment to the Federal Aviation Regulations dealing with identical matters would be unnecessarily duplicative.

Commenting on dispatchers and dispatching procedures, other persons made a variety of suggestions. These pertained to loading procedures, the dispatching of for-hire vehicles other than taxicabs, dispatcher's badges, permitting airport patrons to refuse cabs assigned by dispatchers, and establishing penalties for or eliminating dispatchers altogether. In this connection, it should be pointed out that most of these matters are appropriately governed by contract, or otherwise controlled by airport management, and that airport patrons are at liberty to refuse to take a particular taxicab.

On the other hand, several commentators recommended substantive revisions to the proposal which are appropriate for consideration at this time. With regard to proposed §§ 159.2(a) (3) and 159.4(a) (3), one commentator suggested revisions to permit other than taxicab operators to pick up in response to a prior request and stated that §§ 159.2(b) (1) and 159.4(b) (1) should be relaxed to permit those operators to solicit passengers. In addition, that commentator questioned the Administrator's authority to prescribe rates. However, others suggested that rates be set for trips to points beyond the WMATC Washington Metropolitan Area Transit District (Metropolitan District) and questioned the Administrator's authority to regulate the solicitation of passengers.

Under the statutory authorities cited herein, the FAA concludes that it has authority to regulate business activities conducted on DCA and IAD and that, based on that authority, it may prohibit the solicitation of passengers and require, as a condition to picking up passengers for hire, that reasonable rates be charged. However, based on past operations, the FAA concludes that it is presently unnecessary to establish rates for transportation to points beyond the WMATC Metropolitan District. The suggestions concerning relaxation of the rules applicable to prearranged pickups and solicitation have been carefully considered, but these rules have been retained as necessary to protect airport

[Docket No. 15075; Amdt. No. 159-15]

**PART 159—NATIONAL CAPITAL AIRPORTS
Motor Vehicles Carrying Passengers for
Hire on Washington National and Dulles
International Airports**

The purpose of this amendment to § 159.3 of the Federal Aviation Regulations is to provide additional rules for persons operating motor vehicles for the purpose of carrying passengers for hire on Washington National Airport (DCA) and Dulles International Airport (IAD).

Interested persons have been afforded an opportunity to participate in the making of this amendment by notice of proposed rulemaking (Notice No. 75-36) issued on October 14, 1975, and published in the FEDERAL REGISTER on October 23, 1975 (40 FR 49577). Due consideration has been given to all comments received in response to the notice.

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patrons and to prevent undue congestion.

With regard to proposed §§ 159.2(c)(1) and 159.4(c), another commentator suggested that taxicab operators be permitted to stand near—rather than remain in—their vehicles while waiting within taxicab pickup zones. However, as explained in the notice, this provision also is considered necessary to prevent congestion and to discourage the solicitation of passengers. Therefore, it has been adopted as proposed.

Concern regarding the jurisdictions listed in proposed § 159.2(d)(1) was expressed by several commentators. They suggested that the jurisdictions located outside the WMATC Metropolitan District be deleted from that list. Based on its evaluation of these comments and after further consideration, the FAA concludes that it can more effectively control taxicab operations conducted by taxicab operators licensed by jurisdictions within the WMATC Metropolitan District than taxicab operations conducted by operators licensed by jurisdictions that are located outside that district. Therefore, this amendment (§ 159.2(c)(4)) includes only those jurisdictions that are within the Metropolitan District. However, that section can be amended at a later date to include additional jurisdictions, if changed circumstances warrant such a revision.

Taking a different approach, others suggested changing proposed § 159.2(d)(1) to authorize operators of "airport cabs" only, or additional taxicab operators, to pick up for hire on DCA. One commentator contended that taxicab service at that airport should be provided through contractual arrangements and that it should be specifically authorized to pick up for hire on that basis. Another commentator suggested that the Town of Vienna be included among the jurisdictions listed in that section.

In this connection, the FAA wishes to point out that any taxicab operator who complies with the licensing requirements set forth in new § 159.2(c)(4) may pick up persons for hire on DCA. However, the issue of permitting a taxicab operator to pick up for hire on that airport pursuant to a contract with the FAA was not raised in Notice 75-36 and, therefore, is not appropriate for consideration at this time. Such a change, if warranted, could be accomplished at a later date by means of appropriate rulemaking. In addition, the FAA, after investigation, finds that the Town of Vienna issues business licenses to taxicab operators but does not prescribe vehicle safety and appearance standards or fare limitations. Therefore, since one objective of the notice is to assure, for the protection of airport patrons, that taxicab operators picking up are subject to such standards and limitations, the FAA believes that it would be inappropriate at this time to include the Town of Vienna among the jurisdictions listed in § 159.2(c)(4) of this amendment.

Another commentator suggested that taxicab operators be required to show their licenses to passengers and others. In this connection, it should be noted

that under new § 159.2(c)(7), a taxicab operator picking up for hire at DCA is required to display, in a place conspicuous to passengers, his operator's license and rate schedule. An operator at IAD is required by contract to display, in a like manner, his name tag and rate schedule. Under new §§ 159.2(c)(8) and 159.4(b)(4), operators must permit airport police to inspect their taxicabs to determine compliance with these requirements. The FAA believes that these provisions will provide access to the information sought by this commentator.

Others observed that the notice did not include sanctions for use against taxicab operators who charge improper fares or a procedure for filing complaints to recover overcharges. In this connection, reference is made to current § 159.191 which sets forth a variety of penalties, all of which are available for use in the event that any person willfully or knowingly violates a rule prescribed in Part 159. These include fines, imprisonment, ejection from the airport, and denial of use of the airport and its facilities. Patrons desiring to file complaints at DCA may do so by calling the number posted on display boards located near taxicab loading platforms.

Finally, one commentator suggested that the requirement concerning licensing of taxicabs and operators be made applicable to taxicab operations at IAD. However, as stated in the notice, adequate taxicab service is provided at IAD through contractual arrangements. Therefore, the FAA believes that it is unnecessary at this time to establish licensing requirements for taxicab operators picking up persons for hire at that airport.

This amendment is made under the authority of Section 2 of the Act of June 29, 1940, as amended (Administration of Washington National Airport, 54 Stat. 668); Section 4 of the Act of September 7, 1950, as amended (Second Washington Airport Act, 64 Stat. 771); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and Section 1.47(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)).

In consideration of the foregoing, Part 159 of the Federal Aviation Regulations is amended, effective June 13, 1976, as follows:

1. By adding a new § 159.2 to read as follows:

§ 159.2 Motor vehicles carrying passengers for hire on Washington National Airport.

(a) No person may operate a taxicab or other motor vehicle on Washington National Airport for the purpose of picking up a passenger for hire unless he operates in accordance with one of the following conditions:

(1) He has a contract with the United States authorizing him to pick up passengers for hire on that airport.

(2) He operates a taxicab, in other than a taxicab pickup zone, to carry immediately from that airport a passenger picked up in response to a prior request, and his manifest shows the time the

request was made, the name of the person to be picked up, and the time and the point of the pickup.

(3) He operates a taxicab, in other than a taxicab pickup zone, to carry immediately from that airport a passenger picked up, without a prior request, at the point of and immediately upon discharge of another passenger delivered there.

(4) He operates a taxicab on that airport to pick up a person or persons within an area designated as a taxicab pickup zone and pays a \$.50 fee for each such pickup (individual or group). However, the airport manager may designate hours of operation during which a fee need not be paid.

(b) No person may operate a taxicab or other motor vehicle on Washington National Airport for the purpose of picking up or discharging a passenger for hire unless he complies with each of the following requirements:

(1) He may not solicit passengers.

(2) He may not carry in his vehicle a nonpaying passenger other than a trainee driver.

(3) He must obey all posted official airport signs and all lawful directions and signals of airport police.

(c) No person may operate a taxicab on Washington National Airport for the purpose of picking up a passenger for hire unless he complies with each of the following requirements:

(1) He must remain in his vehicle while waiting to enter a taxicab pickup zone or while in a taxicab pickup zone, except when assisting a passenger to enter the vehicle or when loading a passenger's baggage.

(2) He must accept as passengers those persons and only those persons assigned by the taxicab dispatcher, if the taxicab dispatcher is on duty at that pickup zone at the time the pickup is made.

(3) He must obey all lawful directions and signals of taxicab dispatchers.

(4) He must be licensed to operate a taxicab, and the taxicab must be licensed, by one of the following:

- (i) The City of Alexandria;
- (ii) The City of Falls Church;
- (iii) Arlington County;
- (iv) Fairfax County;
- (v) Montgomery County;
- (vi) Prince George's County;
- (vii) The District of Columbia.

(5) He must have in his possession the licenses required by paragraph (c)(4) of this section.

(6) Upon the request of an airport police officer, he must surrender for inspection to that officer the licenses required by paragraph (c)(4) of this section.

(7) He must display in his taxicab, in a place conspicuous to passengers, his taxicab operator's license and a schedule of the rates issued by the Washington Metropolitan Area Transit Commission or the jurisdiction that has licensed his taxicab, as appropriate under paragraph (c)(9) of this section.

(8) He must permit airport police to inspect his taxicab to determine if he is displaying the license and rate schedule required by paragraph (c)(7) of this section.

(9) He must charge no more than the passenger fares prescribed by the Washington Metropolitan Area Transit Commission for interstate transportation, if his taxicab does not have a meter, or those prescribed by the jurisdiction that has licensed his taxicab, if his taxicab has a meter, when transporting a passenger from a point on Washington National Airport to:

(i) Another point on that airport;
(ii) A point on Dulles International Airport;

(iii) A point within the City of Alexandria or the City of Falls Church;

(iv) A point within the District of Columbia; or

(v) Any point within the outer geographical boundaries of Arlington County, Fairfax County, Montgomery County, or Prince George's County.

(d) As used in this section:

(1) The word "taxicab" means any motor vehicle that has a seating capacity of not more than eight passengers in addition to the operator, is being operated for the purpose of transporting passengers for hire between points along the public streets as the passengers may direct, and is not being operated on a regular route or schedule or between fixed terminals; and

(2) The words "taxicab dispatcher" mean any person employed by or designated by the airport manager to direct the movement of taxicabs.

2. By revoking and reserving § 159.3 as follows:

§ 159.3 [Reserved]

3. By adding a new § 159.4 to read as follows:

§ 159.4 Motor vehicles carrying passengers for hire on Dulles International Airport.

(a) No person may operate a taxicab or other motor vehicle on Dulles International Airport for the purpose of picking up a passenger for hire unless he operates in accordance with one of the following conditions:

(1) He has a contract with the United States authorizing him to pick up passengers for hire on that airport.

(2) He operates a taxicab to carry immediately from that airport a passenger picked up in response to a prior request, and his manifest shows the time the request was made, the name of the person to be picked up, and the time and the point of the pickup.

(3) He operates a taxicab to carry immediately from that airport a passenger picked up, without a prior request, at the point of and immediately upon discharge of another passenger delivered there.

(b) No person may operate a taxicab or other motor vehicle on Dulles International Airport for the purpose of picking up or discharging a passenger for hire unless he complies with each of the following requirements:

(1) He may not solicit passengers.

(2) He may not carry in his vehicle a nonpaying passenger other than a trainee driver.

(3) He must obey all posted official airport signs and all lawful directions and signals of airport police.

(4) He must permit airport police to inspect his vehicle to determine if he is displaying, in a place conspicuous to passengers, his name tag and rate schedule.

(c) No person may operate a taxicab on Dulles International Airport for the purpose of picking up a passenger for hire unless he complies with each of the following requirements:

(1) He must remain in his vehicle while waiting to enter a taxicab pickup zone or while in a taxicab pickup zone, except when assisting a passenger to enter the vehicle or when loading a passenger's baggage.

(2) He must obey all lawful directions and signals of taxicab dispatchers.

(d) As used in this section:

(1) The word "taxicab" means any motor vehicle that has a seating capacity of not more than eight passengers in addition to the operator, is being operated for the purpose of transporting passengers for hire between points along the public streets as the passengers may direct, and is not being operated on a regular route or schedule or between fixed terminals; and

(2) The words "taxicab dispatcher" mean any person employed by or designated by the Airport Manager to direct the movement of taxicabs.

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JOHN McLUCAS,
Administrator.

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