

[Docket No. 10402; Amdt. 159-18]

**PART 159—NATIONAL CAPITAL AIRPORTS**

**Motor Vehicles Carrying Passengers for Hire on National Capital Airports**

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

Interested persons have been afforded an opportunity to participate in the making of this amendment by notice of proposed rule making (Notice 74-24) issued on June 24, 1970, and published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10695). Due consideration has been given to all comments received in response to the notice.

Five comments were received in response to the notice. Four comments were favorable. One commentator opposed the proposed amendment, asserting the following:

(1) The manifest record requirements of § 159.3(b) of the proposed amendment would encroach upon the jurisdiction of the Public Service Commission of the District of Columbia and as such constitute an illegal exercise of jurisdiction by the FAA. However, the information required to be entered by § 159.3(b) supplements the requirements of the regulations of that Commission and no conflict or jurisdictional problem exists. Substantially the same information is required to be entered on the manifest by Commission rules and by the Metropolitan Area taxicab reciprocity agreement for prearranged transportation.

(2) The proposed amendment would perpetuate an undesirable condition at Washington National Airport by providing for the loading and unloading of passengers at the same place. The FAA recognizes that the establishment of separate loading and unloading zones could reduce congestion at the airport, and it is currently studying the possibility of providing for this separation.

(3) The proposed amendment would cause further deterioration of service and safety, and would increase costs to the users. The FAA expects that the rule will improve safety and service by reducing traffic, particularly at Washington National Airport.

(4) The proposed amendment would continue in existence a ground transportation monopoly that has proven generally retrogressive of good service at other airports. However, a primary reason for an exclusive contract for ground transportation service for air travelers is to assure that adequate services of this nature are available at all times at the airport. Thus, Dulles International Airport is 26 miles from Washington, D.C., and it may be doubted that satisfactory service could be provided without a contract carrier.

(5) The proposed amendment would require the contract carrier to increase its fleet, to the extent that the availability of noncontractor cabs would be reduced, to take care of peak periods of demand, resulting in higher costs to the users. The amendment is not intended to reduce the use of noncontractor cabs by passengers at the airport. It should eliminate cruising, with the attendant traffic congestion at critical traffic points, particularly at Washington National Airport. Noncontractor cabs bringing passengers to the airport would be allowed to pick up passengers at the point of and immediately upon discharge of passengers destined for the airport. It should be noted that practically all of the passengers coming on the airport do so in noncontractor cabs because contractor cabs cannot freely pick up passengers for the airport in the metropolitan area. Alternatively, the commentator suggests that an open cab policy be established wherein all cabs would be charged a specific sum, in the form of a toll, for doing business on the airport. The toll gate suggestion was considered by the FAA, but not implemented because it would not assure adequate service at all times and in all kinds of weather.

One commentator who was generally favorable to the proposed amendment asserted that permitting noncontractor cabs only to carry immediately from the airport passengers picked up (without a prior request) at the point of and immediately upon discharge of other passengers delivered there, would be inconvenient to a passenger who is at another point on the terminal but desires to engage such a cab. One purpose of this amendment is to alleviate airport congestion. Thus, taxicab-loading zones at Washington National Airport have usually been filled with both contractor and noncontractor cabs the length of the terminal, with cabs waiting to slip into these zones. While this situation may immediately benefit the passenger waiting for a cab, congestion has existed. This commentator also pointed out that the fare structures of cabs licensed in Washington, D.C., are lower than those of contractor cabs, therefore restricting their rights of access could deprive the airport user of a lower fare. As already noted, the FAA determined that contractual arrangements were necessary to assure that adequate ground transportation to and from the airport is available to the public at all times. Additional costs, if any, would merely reflect the price for this assurance of availability.

This commentator also was concerned with the fact that the proposed amendment would provide that a person operating a motor vehicle for the purpose of carrying passengers for hire on the airport in response to a prior request to pick up passengers there would show on his manifest the name of the person who made the request but not the name of the person to be picked up. The party

who places the call and requests the transportation is the responsible party. To require that the name of every passenger picked up be listed in the manifest would not only be an undue burden on the cab driver but might raise questions of invasion of privacy. The objective is to assure that all cabs coming on the airport are there pursuant to a legitimate request to provide transportation. The requirement for noting the name of the caller on the manifest is to provide verification that a prior request to pick up passengers was made. The name of the person to be picked up is not necessary for such verification.

In consideration of the foregoing, and for the reasons stated in Notice 70-24, § 159.3 of the Federal Aviation Regulations is amended, effective January 15, 1971, to read as follows:

**§ 159.3 Motor vehicles carrying passengers for hire.**

(a) No person may operate a motor vehicle for the purpose of carrying passengers for hire (including a taxicab) on the airport unless—

(1) He is authorized to do so by contract with the United States; or

(2) He is operating that vehicle—

(i) To carry passengers to the airport for delivery there;

(ii) To carry immediately from the airport passengers picked up in response to a prior request; or

(iii) To carry immediately from the airport passengers picked up, without a prior request, at the point of and immediately upon discharge of other passengers delivered there.

(b) A person operating a motor vehicle for the purpose of carrying passengers for hire (including a taxicab) on the airport in response to a prior request to pick up passengers there must show on his manifest the time the request was made, the name of the person who made the request, and the time of pickup.

(Sec. 4 of the Second Washington Airport Act; Title 7, District of Columbia 1404; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c); § 1.47(a) of the regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on December 9, 1970.

**K. M. SMITH,**  
*Deputy Administrator.*

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