

## **Minutes of the Fairfax County Consumer Protection Commission**

September 9, 2008

7:30PM Conference 4/5  
Government Center  
12000 Government Center Pkwy.  
Fairfax, Virginia 22035  
Chairman Fee, presiding

Attendance:

Commissioners: Fee, Hargraves, Hine,  
Kirk, Mrowka, Nguyen, Roark,  
Robinson

Absent:

Commissioners: Adams, Bahhur,  
Douskalis

Staff:

Michael S. Liberman, Director  
Department of Cable Communications  
and Consumer Protection  
Cynthia Bailey, Assistant County Attorney  
Steve Sinclair, Chief, Utilities Branch  
Susan C. Jones, Chief  
Consumer Affairs Branch  
Dave Reidenbach, Chief  
Regulatory and Licensing Branch

The meeting was called to order at 7:31PM by Chairman Fee.

### **Minutes**

The minutes of the June 17, 2008, meeting were approved.

### **Report of the Chairman**

Chairman Fee informed commissioners that the nominations for the Lawrence V. Fowler Award were being accepted.

### **Report of the Director**

Director Liberman informed commissioners that Cal Wagner, HOA and Condo Association Liaison retired on August 1, 2008.

### **Commission Matters**

Commissioner Kirk mentioned concerns with mortgage fraud and the posting of street signs enticing possible victims.

Commissioner Mrowka had no matters to bring before the commission.

Commissioner Nguyen had no matters to bring before the commission.

Commissioner Hine had no matters to bring before the commission.

Commissioner Hargraves had no matters to bring before the commission.

Commissioner Roark had no matters to bring before the commission.

Commissioner Robinson had no matters to bring before the commission.

### **Old Business**

There was no old business.

### **New Business**

#### **1. Public Hearing on Taxicab Rate Change and Code Modification to 84.1 -Public Transportation**

DCCCP Staff report is divided up into three (3) sections:

- The Proposed Increase in Permanent Rates, pp. 3 to 7
- Establishment of Fuel Efficiency Standards, pp.7 to 13
- Other Code Revisions, pp. 13 to 19

Steve Sinclair, Chief, Utilities Branch, presented sections I and II of the staff report.

Staff recommended the following increase in permanent rates.

- From \$2.75 to \$3.75 1st mile
- From \$0.35 to \$0.40 each 1/5 mile
- (\$1.75 per mile to \$2.00 per mile)

The temporary and emergency fuel surcharges currently in effect should be repealed.

Steve Sinclair presented staff recommendation under fuel efficiency standards:

- Effective July 1, 2010, all vehicles added to the County's taxicab fleet, other than those that are wheelchair-accessible, should be required to have an Environmental Protection Agency (EPA) minimum average combined city/highway miler per gallon (mpg) rating of at least 25 mpg. The minimum average should increase to 30 mpg effective July 1, 2012.

Dave Reidenbach, Chief, Regulatory and Licensing Branch, presented section III of the staff report.

Staff recommendations on other code revisions:

- Proposed revisions to Chapter 84.1 of the Fairfax County Code pertaining to taxicab regulation, as provided in Schedule 13 should be approved.

Charlie King of Transportation General representing the taxicab industry proposed the following recommendation for increasing permanent rates.

- + \$2.75 1<sup>st</sup> 1/5 mile
- + \$0.40 each 1/5 mile
- + (\$2.00 per mile)

Mr. King proposed the following recommendation under fuel efficiency standards:

- + Effective July 1, 2010, vehicles placed into service in a certificate holder's fleet within the succeeding twenty four month period must have an average EPA combined city/highway mpg rating of at least 21 mpg or be primarily fueled by an approved clean special fuel.
- + Effective July 1, 2012, vehicles placed into service in a certificates holder's fleet within the succeeding twenty hour month period must have an average EPA combined city/highway mpg rating of at least 23 mpg or be primarily fueled by an approved clean special fuel.
- + Effective July 1, 2014, vehicles placed into service in a certificates holder's fleet must have an average EPA combined city/highway mpg rating of at least 25 mpg or be primarily fueled by an approved clean special fuel.

Denis Paddeu, Transportation Planner, Fairfax County Department of Transportation representing senior citizens, and persons with disabilities. Mr. Paddeu commended the staff on their report and stated that he supports staff recommendations in favor of a permanent rate change since the temporary surcharge is confusing to both groups. Mr. Paddeu stated that the coupon program will continue. He did state any increase in price is always a hardship for seniors on fixed incomes.

A discussion ensued on the justification of the mpg numbers, future gas prices, \$1.00 surcharge, LPG converted cars, average trip charge, standards from other states, difficulty of industry meeting standards, hybrid technology, availability of vehicles, and customer survey.

Chairman Fee suggested a break at 9:28p.m.  
Public Hearing reconvened at 9:33p.m.

A discussion ensued on the driver's association, incentive plan, insurance coverage, and penalty for a Class 3 misdemeanor.

Public Hearing Ended at 9:48 p.m.

A motion was made and seconded to support staff recommendation on Taxicab Fare Rate Increase:

- Recommends to the Board of Supervisors that Section 84.1-6-3 be reviewed in conformance with Staff's report. Specifically, the initial, or "drop," charge, which includes the passenger's first 1/5 mile, should be permanently increased from \$2.75 to \$3.75. The rate for each succeeding 1/5th mile increment should be increased from \$0.35 to \$0.40, thereby increasing the per-mile charge from \$1.75 to \$2.00. The temporary and emergency fuel surcharges currently in effect should be replaced.

A discussion ensued on staff increasing the rate higher than taxicab industry requested, permanent increase to avoid surcharges, and speculation on future technology.

An amended motion was made and seconded on the taxicab fare rate increase:

- \$2.75 base rate
- \$2.00 per mile advertised rate
- (\$0.40 each 115 mile)

Commissioners Roark, Hargraves, Hine, Mrowka, Kirk, and Robinson voted to approve the motion. Commissioners Fee and Nguyen voted against the motion. Motion was approved 6 to 2.

A motion was made and seconded on proposed establishment of the Fuel Efficiency Standards for Taxicab Vehicles:

- Recommends to the Board of Supervisors that Section 84.1-8-5 be revised in conformance with Staff's proposal. Specifically, effective July 1, 2010, all vehicles added to the County's taxicab fleet, other than those that are wheelchair-accessible, should be required to have an EPA minimum average combined city/highway mpg rating of at least 25 mpg. The minimum average should increase to 30 mpg effective July 1, 2012.

Prior to voting, a discussion ensued on mandating mpg, fuel costs, and hybrid as alternative vehicle.

The motion was called and Commissioners Nguyen, Hargraves, Hine, and Fee voted to approve motion. Commissioners Kirk, Robinson, Mrowka, Roark voted against the motion. Motion failed 4 to 4.

An amended motion was made and seconded on the Fuel Efficiency Standards for Taxicab Vehicles:

- Effective July 1, 2010, vehicles placed into service in a certificate holder's fleet must have an average Environmental Protection Agency (EPA) combined city/highway miles per gallon (mpg) rating of at least 21 mpg.
- Effective July 1, 2012, vehicles placed into service in a certificate holder's fleet must have an average Environmental Protection Agency (EPA) combined city/highway miles per gallon (mpg) rating of at least 23 mpg.
- Effective July 1, 2014, vehicles placed into service in a certificate holder's fleet must have an average Environmental Protection Agency (EPA) combined city/highway miles per gallon (mpg) rating of at least 25 mpg.
- And shall be encouraged to obtain a goal of 30 mpg.

Commissioners Roark, Hargraves, Hine, Mrowka, Kirk, and Robinson voted to approve the motion. Commissioners Fee voted against the motion and Commissioner Nguyen abstained. The motion was approved 6 to 1.

A motion was made and seconded to support staff recommendation on proposed revisions to Chapter 84.1 of the Fairfax County Code pertaining to taxicab regulation, as provided in Schedule 13. Commissioners unanimously voted to approve the motion.

Taxicab discussion ended at 10:27 p.m.

## **2. Election for Vice Chairman**

Commissioner Kirk nominated Commissioner Dirck Hargraves for Vice Chairman. Chairman Fee seconded the nomination. Commissioner Robinson nominated Commissioner Bill Douskalis. Commissioner Fee seconded the nomination. Ballots were given to the Commissioners to vote. Commissioner Douskalis won the nomination for Vice Chairman.

Discussion ensued on topics of interest for the upcoming meeting. Commissioner Nguyen suggested having the utilities companies come back.

Director Liberman suggested to the commissioners that this issue could be addressed in several ways: staff prepares information on fuel factor increases that occurred in July 2008, a discussion on what we can do with some of the utility companies, and staff present upcoming utility board items.

The meeting adjourned at 10:36 PM.