

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF PUBLIC UTILITIES AND CARRIERS  
89 JEFFERSON BOULEVARD  
WARWICK, RHODE ISLAND 02888**

IN RE: Rules And Regulations Governing The :  
Transportation Of Passengers Via : Docket No. 05-MC-06  
Taxicabs and Limited Public Motor Vehicles :

**REPORT AND ORDER**

1. Introduction

On February 15, 2005, the Rhode Island Division of Public Utilities and Carriers' ("Division") published a "Notice Of Rulemaking And Public Hearing" in the Providence Journal, wherein interested persons were invited to submit data, views, or arguments, orally or in writing, and/or attend a public hearing in response to proposed amendments to the Division's *Rules and Regulations Governing the Transportation of Passengers via Taxicabs and Limited Public Motor Vehicles* ("Cab Rules").<sup>1</sup> The Division's Motor Carrier Section ("Motor Carrier Section") is sponsoring the proposed amendments to the Cab Rules.

The Motor Carrier Section submitted its proposed revisions to the Cab Rules to the Administrator of the Division for consideration and public comment. The proposed amended Cab Rules, in both the form proposed and in a redacted version specifying the proposed additions and deletions, were made available to members of the cab industry and to the general public. The Motor Carrier Section also submitted pre-filed direct testimony, from its Associate

---

<sup>1</sup> The notice was published in conformance with the requirements of R.I.G.L. §42-35-3.

Administrator, Mr. Terrence Mercer, which identified and explained the proposed revisions.<sup>2</sup>

Upon receipt of the proposed amendments to the Cab Rules, the Administrator appointed the undersigned hearing officer to conduct a rulemaking proceeding in accordance with the requirements and procedures delineated in R.I.G.L. §§42-35-3 and Rule 12(f)(1) of the Division's *Rules of Practice and Procedure*. The Division thereupon established the instant docket and scheduled and conducted a duly noticed public hearing on the Motor Carrier Section's proposed revisions to the Cab Rules. In keeping with the requirements of R.I.G.L. §42-35-3(a)(4), the Division also concluded that the proposed revisions to the Cable Rules would not, if adopted by the Division, have a significant adverse economic impact on any small business or on any city or town.

The Division conducted a public hearing on the proposed revisions to the Cab Rules on March 8, 2005. The hearing was conducted in the Division's hearing room, located at 89 Jefferson Boulevard in Warwick, Rhode Island. The following counsel entered appearances:

For the Motor Carrier Section<sup>3</sup>:

William K. Lueker, Esq.  
Spec. Asst. Attorney General

For the Rhode Island Public Transit Authority ("RIPTA"):

Steven M. Richard, Esq.

---

<sup>2</sup> On February 10, 2005 the Motor Carrier Section mailed copies of the proposed amendments to the Cab Rules, in redacted form, along with a copy of Mr. Mercer's pre-filed testimony and a letter of explanation, to each certificated cab company doing business in Rhode Island.

<sup>3</sup> The Motor Carrier Section is also referred to as the "Advocacy Section" in this docket.

In order to facilitate the Division's discussions and findings relative to the suggested changes articulated by interested persons during this proceeding, the Division has attached a copy of the proposed Motor Carrier Section's Cab Rules to this report and order as "Appendix 1."

## 2. Motor Carrier Section's Rationale For the Proposed Amendments

Mr. Terrence Mercer, the Motor Carrier Section's Associate Administrator, testified in support of the proposed amendments to the Cab Rules. He also sponsored and authenticated four exhibits in this docket, specifically, (1) a redacted version of the proposed Cab Rules specifying the proposed additions and deletions;<sup>4</sup> (2) a clean copy of the proposed Cab Rules, without redactions;<sup>5</sup> (3) his pre-filed direct testimony;<sup>6</sup> and (4) the notification package that was mailed to all certificated cab companies.<sup>7</sup>

Mr. Mercer testified that the Motor Carrier Section initiated this rule-making proceeding to address some technical inconsistencies in the existing rules, which he described as inconsistencies in "terminology, statutory cites, formatting inconsistencies, changes in regulatory responsibility and other minor changes that have arisen as a result of recent Division decisions."<sup>8</sup> Mr. Mercer further explained that the Motor Carrier Section also believes that some sections of the existing Cab Rules "needed more substantive clarifications, such as the provisions dealing with 'call and demand' services."<sup>9</sup>

---

<sup>4</sup> Advocacy Section Exhibit 1.

<sup>5</sup> Advocacy Section Exhibit 2.

<sup>6</sup> Advocacy Section Exhibit 3.

<sup>7</sup> Advocacy Section Exhibit 4.

<sup>8</sup> Advocacy Section Exhibit 3, p. 2.

<sup>9</sup> Id.

After detailing the proposed “technical corrections” and “minor changes”<sup>10</sup>, Mr. Mercer turned his attention to a discussion regarding the proposed “substantive” changes. The first involved the definition of the term “Call and Demand”, as appearing in Sections A(5) and H(14) of the Cab Rules. Mr. Mercer related that over the last four years, the Motor Carrier Section “has consistently interpreted ‘Call and Demand’ to allow ‘round trips’ to destinations outside an authorized territory, including intermediate stops, so long as the taximeter operates continuously.”<sup>11</sup> However, Mr. Mercer testified that recently the Motor Carrier Section has discovered that a number of cab companies have historically interpreted the “Call and Demand” rule “to allow a ‘round trip’ under circumstances where the taximeter is not operated continuously.”<sup>12</sup> Mr. Mercer testified that the Motor Carrier Section is proposing amendments to Sections A (5) and H (14) of the Cab Rules, consistent with its interpretation of the Rule, in order to remove any ambiguity associated with the meaning of “Call and Demand”. He related that: “this should eliminate any inconsistency in the way ‘Call and Demand’ and ‘Round Trip’ are understood by the industry”.<sup>13</sup>

Notwithstanding the Motor Carrier Section’s decision to promote the codification of its interpretations of “Call and Demand” and “Round Trip” in the proposed revisions to the Cab Rules, Mr. Mercer did testify that the Division should still consider the pros and cons associated with both interpretations and

---

<sup>10</sup> Id., pp. 3-8.

<sup>11</sup> Id., p. 8.

<sup>12</sup> Id.

<sup>13</sup> Id., pp. 8-9.

determine which interpretation is more appropriate. Mr. Mercer thereupon discussed the pros and cons of each.

He began by citing the statutory language that Sections A (5) and H (14) of the Cab Rules are based upon. The statute in issue is Section 39-14-1(7) of the Rhode Island General Laws, which provides the State's definition of a "Taxicab." The law provides in pertinent part as follows:

*"Taxicab" means and includes every motor vehicle for hire...equipped with a taximeter, used for transporting members of the general public for compensation to any place within the state as may be directed by a passenger on a call and demand basis, when the solicitation or acceptance of the passenger occurs within the location named in the certificate; provided, that the vehicle's driver may, if and when solicited on a public highway at any location at which he or she is discharging a passenger, which location is not shown in the certificate, provide transportation from the location only to a place named in the certificate.*

Mr. Mercer explained that some cab companies "apparently have interpreted that language to mean that, if they pick up a passenger in their territory for a trip to some destination outside their territory, and that passenger asks the taxicab to come back and pick them up at some later time, the taxi can do so because the 'solicitation or acceptance' actually occurred within the taxicab's authorized territory" (sometimes referred to in this report and order as the "minority" view or interpretation).<sup>14</sup>

While the Motor Carrier Section disagrees with this interpretation, Mr. Mercer did acknowledge that the passenger derives "significant benefit" under this minority interpretation. He explained that this interpretation allows the

---

<sup>14</sup> *Id.*, pp. 9-10.

passenger to arrange for his or her return trip at the same time the initial trip is made. Mr. Mercer related that the passenger would not have to worry about whether or not he or she could find a taxi at a taxi stand when they were ready to return, or worry about whether or not they could find a phone book that would allow them to identify a taxi that actually had authority for the area they were in. Mr. Mercer added that the same types of benefits would apply to a passenger using a taxi to go to a doctor's appointment and back home again. He noted that the passenger "wouldn't have to pay the current \$25-per-hour waiting time as required under the current interpretation".<sup>15</sup>

Mr. Mercer also acknowledged the benefit to the taxi companies under this minority interpretation, particularly to the smaller independent operators. He testified that many taxi operations rely on repeat business and work very hard to cultivate a group of regular customers. Mr. Mercer observed that such an arrangement arguably promotes better service to ratepayers.

However, Mr. Mercer was also quick to identify the cons connected to this interpretation. He opined that the larger cab companies "could be given an unfair competitive advantage by this interpretation."<sup>16</sup> Mr. Mercer cited Airport Taxi as an example of a large company that Mr. Mercer believes could be "able to monopolize most of the lucrative Providence-Airport business travel."<sup>17</sup> Mr. Mercer also noted that if this interpretation were adopted by the Division, service

---

<sup>15</sup> Id., p. 11.

<sup>16</sup> Id.

<sup>17</sup> Id., pp. 11-12.

in some areas could diminish as the larger companies force smaller local companies out of business.

Mr. Mercer testified that the Motor Carrier Section also disapproves of this interpretation due to the enforcement difficulties it presents. He related that it would become extremely burdensome to enforce operating certificate territorial restrictions under this interpretation. He explained: "...my Compliance Inspectors...would [not] know whether the driver is actually picking up out of territory (a violation) or simply doing a legitimate return-trip pick-up."<sup>18</sup>

In his final comments on this matter, Mr. Mercer urged the Division to adopt the Motor Carrier Section's view on this Rule, but indicated that the minority view could also be adopted by the Division "...by giving us all some language that can be easily understood and fairly enforced, without running the risk of allowing a few large companies to dominate the market".<sup>19</sup> Mr. Mercer offered the following additional rule provisions, to be added to Section H (14), as a suggestion if the Division chose to adopt the minority view:

*(b) When a passenger requests a pre-arranged return trip, the driver shall make a notation on his log sheet next to the record of that initial trip, indicating the passenger's name and the time at which the driver is to return to retrieve the passenger for the pre-arranged trip. The driver may only retrieve the passenger for such pre-arranged trip at the location at which the passenger was originally discharged.*

*(c) In the event that the original driver in such a pre-arranged return trip is unavailable to retrieve the passenger as arranged, the taxi certificate holder may dispatch a different driver/cab, but the subsequent driver/cab must carry, attached to the driver log, a written appointment slip*

---

<sup>18</sup> *Id.*, pp. 12-13.

<sup>19</sup> *Id.* p. 13.

*containing the following: passenger name, time and location of pre-arranged retrieval, name of original driver as well as time, date and cab number of original pick-up.*

*(d) Failure to comply with subsections b. and c. above will be viewed as evidence that a pick-up occurred outside of the authorized territory, was not properly pre-arranged and, therefore, is a violation of this rule.*

*(e) Nothing in this section shall prohibit any trip in which the beginning point occurs within the location named in the certificate, regardless of location of any intermediate stops, so long as the taximeter is operated continuously throughout the trip.*

Mr. Mercer additionally asked the Division to consider the possibility of prohibiting fleet operations from performing pre-arranged return trips in order to prevent large cab companies from obtaining a competitive advantage over the smaller cab companies. On this point, Mr. Mercer testified that the Division may have to amend the current definition of a “fleet” operation, which according to Mr. Mercer, is currently defined as “six (6) or more vehicles” because Mr. Mercer doesn’t believe the Cab Rules make it clear whether the definition applies only to a single certificate or a single owner with multiple certificates.<sup>20</sup> Mr. Mercer also asked the Division to consider whether a “time limitation” should be applied for pre-arranged return trips. He suggested a 24-hour retrieval period.<sup>21</sup>

Mr. Mercer next discussed some of the other substantive changes being proposed by the Motor Carrier Section. He testified that Section A(11) of the proposed Cab Rules is new. He explained that this Rule, which defines “Hackney

---

<sup>20</sup> *Id.*, pp. 15-16.

<sup>21</sup> *Id.*, p. 16.

Operator’s License” was added due to a recent change in the State’s cab-related statutory law.<sup>22</sup>

Mr. Mercer testified that Section A(15) “spells out the statutory definition of ‘Paratransit Services’.” He explained that although the statutory law defining paratransit services has not changed, the Motor Carrier Section felt that it was important to emphasize “that cabs cannot provide paratransit services.”<sup>23</sup> He noted that the rule was added because “we have heard over the years that some cab companies mistakenly believe they can do so.”<sup>24</sup>

Mr. Mercer testified that another substantive change is the inclusion of the term “Taxicab Stand” in the definitions section of the Cab Rules and some related provisions associated with conduct at taxicab stands. He explained: “while it is clear that the Division does not establish taxicab stands, it is equally clear that we have the authority to regulate the conduct of drivers in and around such stands”. He explained that Section I(3)(c) was added to make it clear that a passenger is free to select any taxi they wish regardless of its position in the taxi stand queue. He related that Section I(3)(f) was added “to make it clear that we will regulate the behavior of taxi drivers at a taxi stand regardless of whether or not the entity that established the taxi stand has any independent authority to also regulate their behavior.”<sup>25</sup>

---

<sup>22</sup> Id., p. 17 (referring to changes to R.I.G.L. §39-14.1-8).

<sup>23</sup> Id., p. 17. The definition of “paratransit services” is contained in R.I.G.L. §39-13-1. The distinction between a paratransit service provider (a type of jitney-related service) and a cab is important in that paratransit services are not subject to Division regulation.

<sup>24</sup> Id.

<sup>25</sup> Id., pp. 17-18.

Mr. Mercer identified Section D(4) as another substantive change. He explained that the rule is based on a recent statutory change that requires the Division to implement a gasoline price emergency surcharge program.<sup>26</sup>

Mr. Mercer identified Section G(18) as another substantive change. He explained that the rule “provides the Division the ability to conduct training sessions to help certificate holders and/or ‘blue card’ holders familiarize or re-familiarize themselves with our rules.” He related that the new rule “would also allow the requirement of such training in lieu of or in addition to other sanctions for any rules violations.”<sup>27</sup>

Mr. Mercer identified an amendment to Section J(2) as the final substantive change. He explained that this change “merely makes explicit a long-standing interpretation by the Division of the statute governing the leasing of cabs.” Mr. Mercer related that the Motor Carrier Section has long held the position that a “replacement vehicle may be leased out at once so long as the vehicle it is replacing was already eligible to be leased out.” He testified that the language now added to Section J(2) “finally makes this clear.”<sup>28</sup>

### 3. Submitted Data, Views and Arguments (Public Comments)

Fourteen individuals offered comments on the proposed Cab Rules. These individuals were identified as follows: Steven Richard, Esq., General Counsel, RIPTA; Mr. Douglas Wood, Ride Program Manager, RIPTA; Mr. Michael Tartaglione, General Manager, Corporate Taxi and Corporate Transportation; Mr.

---

<sup>26</sup> Id., p. 18 (referring to a recent amendment to R.I.G.L. §39-14-2.2).

<sup>27</sup> Id., p. 19.

<sup>28</sup> Id.

Paul Desrosiers, representing Big Daddy Taxi Company; Mr. Arthur Soben, representing City Cab Company; Mr. Paul Miller, representing Cozy Cab; Mr. Robert Ferguson, representing Quality Cab and Royal Cab; Mr. Ramon Perez, representing Apolo Taxi; Mr. John Petrarca, representing Economy Cab Company; Mr. John Bandoni, Jr., representing Alexander Taxi; Ms. Ramona Gomez, representing Family Taxi; Mr. Victor Johnson, a driver for Airport Taxi; Ms. Kim Derensis; and Mr. Jack Walsh, representing Walsh Cab.

RIPTA offered both written and verbal comments on the record.<sup>29</sup> However, none of the comments were directed specifically at the proposed amendments to the Cab Rules. Instead, RIPTA indicated that it relies on cab services daily to supplement the transportation services provided by its “Ride Program” vans. RIPTA’s representatives related that RIPTA has been unable to secure as much cab service as it requires in some locations in the State and has serious concerns regarding this matter.<sup>30</sup>

The comments received from those members of the taxicab industry who appeared at the hearing almost exclusively addressed the “call and demand” and “round trip” revisions proposed in Sections A (5) and H (14). These provisions clarify the legal parameters for authorized “round trips”, and would, if adopted by the Division, eliminate the practice by some cab companies of providing pre-arranged round trips to a location authorized in their certificates from locations not authorized in their certificates without continuity of meter operation.

---

<sup>29</sup> Public Comment Exhibit 1.

<sup>30</sup> Tr. 17-31.

Mr. Paul Miller responded to Mr. Mercer's suggestion that the Division consider the possibility of prohibiting fleet operations from performing pre-arranged return trips in order to prevent large cab companies from obtaining a competitive advantage over smaller cab companies. Mr. Miller rejected this limitation due to his belief that the proposal "would give independents an unfair advantage" over "fleet" operations like his. Mr. Miller thereupon suggested, "that we leave these things alone." He opined that the current statutory definition of a "taxicab" is sufficient to address the matter in issue.<sup>31</sup>

Mr. Robert Ferguson supported the minority interpretation of a "round trip." He cited the example of an elderly woman who his company routinely transports to Providence from his authorized area in Pawtucket. He related that he transports the woman to her doctor, whose office is just "over the line" in Providence. Mr. Ferguson stated that the woman "...requests the same driver all the time. She feels comfortable with that driver."<sup>32</sup> Mr. Ferguson asserted that his customers derive a benefit from this type of personal and familiar cab service.

Mr. Ramon Perez commented in opposition to the minority interpretation of "Call and Demand" cab service. He related that he paid \$30,000 for his certificate and is "losing money" when unauthorized cab companies pick up passengers in his service area. Mr. Perez related that his company does not provide return trips to customers from areas not authorized in his certificate. He related that he services his customers on these return trips by calling authorized cab companies in those areas to arrange the return services for his customers. Mr. Perez opined

---

<sup>31</sup> Tr. 44-48.

<sup>32</sup> Tr. 49.

that all cab companies should do the same, which would eliminate the need for return trips into unauthorized service areas.<sup>33</sup>

Mr. Michael Tartaglione supported the minority view regarding the round trip issue. Mr. Tartaglione admitted that he has elderly customers like those Mr. Ferguson described who require round trips to their doctors. He related that these customers are “not going to get priority from another cab company”.<sup>34</sup> Mr. Tartaglione also implied that the minority view practice is common in the industry, suggesting that drivers regularly provide return services from locations outside their operating territories during slow times.<sup>35</sup> Mr. Tartaglione additionally supported the minority view based on his belief that it promotes continued cab services to an area at times when local authorized taxicabs are out of service or already engaged.<sup>36</sup>

Mr. John Petrarca echoed the sentiments of Messrs. Ferguson and Tartaglione in support of the minority interpretation. Mr. Petrarca related that the Division’s adoption of the minority view would allow him to maintain his customer base and advance the continued customer convenience associated with this type of return service. Mr. Petrarca added that if the Division does not wholly adopt the minority view, he would support Mr. Mercer’s “24-hour” proposal.<sup>37</sup>

Mr. Paul Desrosiers proffered comments in opposition to the minority view. He supported the Motor Carrier Section’s proposal to completely outlaw the

---

<sup>33</sup> Tr. 51.

<sup>34</sup> Tr. 52.

<sup>35</sup> Tr. 53-54.

<sup>36</sup> Tr. 91-93.

<sup>37</sup> Tr. 55-57.

practice. Mr. Desrosiers maintained that there is “no evidence...anyone has ever complained... that they can’t get a taxi.” He argued that under the law, taxicab companies must “prove there’s a necessity to pick up in that territory” and then be issued a certificate from the Division.<sup>38</sup>

Mr. Desrosiers related that cab companies who continue to believe in the minority view do so because they are improperly following a twenty-year-old Division rule that no longer exists. Mr. Desrosiers thereupon produced an outdated Division Rule, which he claimed was in effect in the 1980s. He opined that after the Rule was changed, he claimed in the late 1980s, many cab companies failed to abide by the change, and instead continued to provide service under the now obsolete minority view practice.<sup>39</sup> Mr. Desrosiers also requested that the Division investigate the taxicab companies that have been following the old rule. Mr. Desrosiers urged the Division to reject the minority view completely. He argued that there should also be no exceptions, as he believes that the exceptions would result in unfair regulatory treatment between competing “fleet” and “independent” operators.<sup>40</sup>

Mr. Desrosiers also offered comments regarding newly proposed Rule I (3)(c), which permits a passenger to “select any taxicab at a taxi stand, regardless of that taxicab’s position in line”. Mr. Desrosiers called this rule “ambiguous.” Mr. Desrosiers agreed that if a customer has a particular “preference” for a taxi, the customer should be permitted to select that particular taxicab at the taxi

---

<sup>38</sup> Tr. 57-58.

<sup>39</sup> Tr. 60-63.

<sup>40</sup> Tr. 64-65.

stand. However, in cases where the customer does not have a particular preference, he contends that the customer should be required to select the first taxicab in line. Mr. Desrosiers argued that if a customer selects a taxicab in the middle of the line, because it happens to be the closest taxicab to the customer at the time, the driver of that taxicab should be required to refuse the fare and send the customer to the first taxicab in line. In cases where the customer expresses a preference, Mr. Desrosiers would require the driver of the preferred taxicab to have the customer personally indicate his/her preference to the driver of the first taxicab in line before getting into the preferred taxicab.<sup>41</sup>

Mr. John Bandoni commented that the type of short-trip service that Mr. Ferguson provides to some of his customers between Pawtucket and Providence ought to be allowed. He opined that Providence-based cabs would not want to provide these short trips on a regular basis. He related that these small fares do not justify the related wear-and-tear on the taxicabs. Mr. Bandoni also supported the 24-hour exception described in Mr. Mercer's testimony.<sup>42</sup>

Ms. Ramona Gomez was surprised to hear that there were so many cab companies actively practicing the minority view. She supported the Motor Carrier Section's proposal to abolish the practice completely.<sup>43</sup>

Mr. Victor Johnson supported the minority interpretation with the conditions suggested by Mr. Mercer.<sup>44</sup>

---

<sup>41</sup> Tr. 102-110.

<sup>42</sup> Tr. 77-79.

<sup>43</sup> Tr. 79-81.

<sup>44</sup> Tr. 81-83.

Ms. Kim Derensis would support any change that would allow unauthorized taxicabs to be utilized during peak service periods when authorized cabs are unable to satisfy the local demand.<sup>45</sup>

Mr. Jack Walsh commented in support of the minority view in cases where “fleet” operations are servicing “corporate accounts.” Mr. Walsh related: “all the [cab] companies have them, and all of them do this. They’re out of territory, they’re operating out of territory.”<sup>46</sup>

#### 4. Findings

The Division appreciates the data, views and arguments that were offered by the cab industry members and the other interested persons who participated in this rulemaking proceeding. The Division has considered the many suggestions and recommendations offered by the participants and has reached a number of related findings, as described below:

##### a. Rules A (5) and H (14) Concerns

The Motor Carrier Section has asked the Administrator to revise Rules A (5) and H (14) in order to eliminate any confusion with respect to the definition of a legal “round trip.” Relying on the definition of “taxicab” provided in R.I.G.L. §39-14-1(7), the Motor Carrier Section asserts that a round trip can only be legal in cases where the taximeter operates continuously. However, recognizing the potential for degradation in cab services under the strict interpretation proposed, the Motor Carrier Section also offered an alternative compromise position on the issue, supra.

---

<sup>45</sup> Tr. 89-90.

<sup>46</sup> Tr. 112-113.

In view of the two presently diverse interpretations connected to the meaning of “round trip” the Division believed it necessary to briefly explore the history behind this issue and hopefully get to the root of the confusion. To start, the Division examined the Cab Rules produced by Mr. Desrosiers,<sup>47</sup> which he asserted dated back to the 1980s. However, the compilation of obsolete Cab Rules proffered by Mr. Desrosiers was undated and devoid of a docket number designation, which prompted additional research by the Division.

The Cab Rules compilation submitted by Mr. Desrosiers contains the following provision, which the Division will refer to, in this report and order, as the “outside territory pick-up” provision:

*A certificate shall not be construed to prevent a certificate holder from accepting and filling an order or contract received by telephone at the principal office of the certificate holder, to take on a passenger or passengers outside of its certificated territory, to be dispatched at some point within its certificated territory, or to carry a passenger originating within its certificated territory to a point outside of such territory.*<sup>48</sup>

The Division was able to trace Mr. Desrosiers’ copy of purported Cab Rules to a 1995 Division rulemaking docket, designated “95-MC-55”. Mr. Desrosiers’ compilation of Cab Rules turns out to be a copy of the draft Cab Rules that were initially proposed by the Division at the outset of the 1995 rulemaking process. The Division, however, never adopted the version in Mr. Desrosiers’ possession. The Cab Rules that ultimately were adopted in that docket, after taking comments at a duly noticed public hearing on the initially proposed Cab Rules

---

<sup>47</sup> Public Comment Exhibit 3.

<sup>48</sup> Contained in Section I (10) of the Cab Rules proffered by Mr. Desrosiers.

(Mr. Desrosiers' copy of the Cab Rules), did not contain the aforementioned "outside territory pick-up" provision or any other provision that defined or addressed outside territory pick-up or "round trip" cab services. The final Cab Rules adopted in that rulemaking docket went into effect on February 11, 1996.

Due to the fact that the initially proposed Cab Rules in the 1995 rulemaking actually contained a provision allowing certificate holders to "take on a passenger or passengers outside of [the certificate holder's] certificated territory," the Division examined its pre-1996 Cab Rule records to see if it could locate the source of the "outside territory pick-up" provision. The resulting search led to a compilation of Cab Rules that were adopted by the Division, for effect beginning on September 15, 1987. The 1987 Cab Rules contained a provision identical to the "outside territory pick-up" provision contained in Mr. Desrosiers' copy of the initially proposed 1995 Cab Rules.<sup>49</sup> In short, albeit the exhibit that Mr. Desrosiers' proffered to substantiate his claim that the outdated "outside territory pick-up" provision dated back to the 1980s was flawed, the validity of his claim that the Rule dated back to the 1980s has been proven to be correct. Conversely, the Division notes that Mr. Desrosiers' claim that the "outside territory pick-up" provision was also abandoned in the 1980s was incorrect. In fact, the "outside territory pick-up" provision identified by Mr. Desrosiers remained the law of the State (from at least 1987) until abandoned by the Division in the 1996 Cab Rules.

---

<sup>49</sup> Contained in Section XIII (BB) of the 1987 Cab Rules.

The Cab Rules that were placed into effect by the Division on February 11, 1996 remained in effect until September 21, 2000, after which the Division adopted further amended Cab Rules. Through this next rulemaking, the Division added a new definition to the Cab Rules, entitled “Call and Demand”, which appears to provide a first reference to authorized “round trip” cab services. In reviewing that rulemaking record, the Division finds no definitive explanation for the new “Call and Demand” definition or the “round trip” language contained therein. Instead, the Advocacy Section’s attorney at the time described the need for the new definition as follows:

*“Call and Demand” is consistent with 39-14-1.7. This is included in the Rhode Island General Laws as part of the definition of taxicab. It is included as part of the definition of taxicab in the rules currently in effect. We set it out here because I think it makes clearer as to what a call and demand is.<sup>50</sup>*

The definition of “Call and Demand”, as first introduced in the rulemaking proceeding that resulted in the promulgation of the 2000 Cab Rules, and which remains in effect today, is reflected below:

*CALL AND DEMAND: Means the solicitation or acceptance of a fare occurring only within the location specified in the certificate. This section shall not prohibit a round trip requested by the passenger so long as the solicitation or acceptance of said pre-requested round trip occurs in the location identified in the certificate.<sup>51</sup>*

While the Division could not determine the intent behind the inclusion of a “Call and Demand” definition in the Cab Rules that were promulgated in 2000, it

---

<sup>50</sup> Docket No. 99-MC-46, Tr. 12 (6/29/00).

<sup>51</sup> Contained in Section A of the current Cab Rules.

is obvious that the provision was added for a reason. Mr. Mercer, who had no role in the promulgation of the Division's Cab Rules in 2000, testified that the Motor Carrier Section "has consistently interpreted 'Call and Demand' to allow 'round trips' to destinations outside an authorized territory, including intermediate stops, so long as the taximeter operates continuously", supra. However, based on the definition of "Call and Demand" as reflected above, the Division cannot agree with the Motor Carrier Section's current interpretation. Relying on the plain meaning of the words contained in the definition, the Division finds no requirement that the meter operate "continuously" during the time necessary to complete the round trip. Instead, the definition provides that round trips are authorized if "pre-requested" in the "location identified in the certificate". Interestingly, the use of the term "pre-requested" in the definition suggests that the passenger has requested that the cab return at a later time to complete the second leg of the round trip. To accept the Motor Carrier Section's interpretation of "Call and Demand" logically raises the questions of why the words "round trip" are needed at all in the definition and further, how "waiting time" would factor into the cab services being provided. The Division additionally has difficulties imagining who would use the cab services contemplated in the interpretation offered by the Motor Carrier Section. Why would anyone request a cab ride to a location and then either (1) immediately request a return trip without exiting the cab or (2) request that the cab wait for an extended period, incurring costly waiting time charges, before completing the round trip?

At this juncture, based on the history behind “outside territory pick-up” and “round trip” provisions contained in the Division’s past and current Cab Rules, the Division can appreciate the need for clarification on the definition of a proper “round trip”. The administrative travel outlined above reflects that in recent times certificate holders were permitted to transport passengers from locations outside the certificate holder’s authorized operating territory to a location authorized in the operating certificate so long as the request for service was communicated by telephone. This authority clearly facilitated the provision of round trip services by cab companies, and notably round trip services that did not require that the cab’s meter run continuously. This authority existed for almost 9 years between 1987 and 1996. Later in 2000, specific authority for performing “round trip” services was added to the Cab Rules, debatably, a provision with similar elements to the “outside territory pick-up” rule that existed between 1987 and 1996. In the final analysis, with the exception of the brief period between 1996 and 2000, the Division has authorized outside territory pick-up-type round trips, in some fashion, since at least 1987. Moreover, it’s worth mentioning, that in its cursory review of its historical Cab Rules records, the Division could not locate a copy of the Cab Rules that were in effect prior to 1987. Therefore, it is unknown at this time whether the “outside territory pick-up” provision contained in the 1987 Cab Rules actually pre-dates the 1987 Cab Rules.

The Division has chronicled the evolution of this “round trip” issue since at least 1987. The Division finds that the “outside territory pick-up” provision was

included in the 1987 Cab Rules to, in part, facilitate round trips and thereby provide more flexible and convenient cab services to the public. The Division further finds that the “round trip” language was included in the definition of “Call and Demand” in 2000 for the same reason, to facilitate round trips and bolster cab services to the public. Even Mr. Mercer acknowledged that the passenger derives “significant benefit” under the minority interpretation of the definition of “Call and Demand,” and in fact identified many of these benefits in his testimony, supra.

Mr. Mercer’s concerns regarding the minority view on the subject were limited to perceived enforcement difficulties and the likelihood of a competitive advantage that would attach to the State’s larger fleet operations. While concerns of this nature may have precipitated the abrogation of the “outside territory pick-up” provision from the Cab Rules adopted in 1996, the Division finds that providing robust cab services to the public is the paramount interest and outweighs those concerns articulated by Mr. Mercer. Indeed, this realization may have compelled the Division to reconsider the matter and add a provision in the Cab Rules adopted in 2000 re-authorizing “round trip” cab services.

Predicated on this conclusion, the Division finds that some round trip services should be permitted. Toward this end, the Division shall adopt a round trip provision for inclusion in the current Cab Rules that will facilitate personalized round trip cab services under restrictions that will (1) provide Mr. Mercer and the Motor Carrier Section with the enforcement tools they require for effective regulatory supervision of the cab industry, and (2) minimize the potential

for unfair or destructive competition. The new round trip rule, which will be incorporated into Rules A (5) and H (14), shall provide as follows:

*This [definition/rule] shall not [exclude/prohibit] a pre-arranged round trip requested by the passenger so long as all the following conditions are satisfied:*

- (1) The round trip must begin in the certificate holder's authorized territory,*
- (2) The round trip must be completed within a 24-hour period,*
- (3) When a passenger requests a round trip, the driver shall make a notation on his log sheet next to the record of that initial trip, indicating the passenger's name and the time at which the driver is to return to retrieve the passenger for the pre-arranged return leg of the round trip,*
- (4) The driver must give a passenger requesting a round trip a receipt, to be called a "round trip confirmation receipt", at the completion of the first leg of the round trip that clearly contains the following information: (a) the date, time and location of initial drop off, (b) the cab number, (c) the passenger's name, (d) the name and telephone number of the certificated cab company, (e) the driver's name, and (f) the time the cab is scheduled to return to complete the round trip service. The driver must retain a copy of this receipt.<sup>52</sup>*
- (5) The driver may only retrieve the passenger for such pre-arranged round trip at the location at which the passenger was originally discharged.*
- (6) In the event that the original driver in such a pre-arranged round trip is unavailable to retrieve the passenger as arranged, the certificate holder may*

---

<sup>52</sup> The Division suggests that cab companies have form receipts professionally printed that will provide the required "boilerplate" information already pre-printed on the receipts, and that will provide "fill-in-the-blanks" for the additional required information. The receipt booklets could also contain an "original" receipt for the passenger and a "copy" receipt for retention by the driver.

*dispatch a different driver/cab, but the subsequent driver/cab must carry, attached to the driver log, a copy of the "round trip confirmation receipt" described in paragraph (4) above.*

*Certificate holders are not mandated to provide round trip services to their customers/passengers. However, if a certificate holder and/or driver agrees to provide a round trip cab service, as evidenced by the issuance of a "round trip confirmation receipt," that certificate holder shall be required to complete the round trip service, unless unable to complete the service for good cause.*

The Division believes that the conditions established herein for the provision of round trip services are unambiguous and enforceable. The Division will even offer a sample "round trip confirmation receipt" for possible adoption by the cab industry with this report and order. Principally, the Division has concluded that round trip service is in the public interest. In order to be attractive and successful as a provider of regular round trip cab services, certificate holders and drivers will need to offer personalized and exemplary service that will attract repeat and loyal business. Many cab companies already endeavor to conduct their businesses this way. The Division must acknowledge these efforts, and encourage cab companies to keep their cabs clean and in good repair, require their drivers to dress neatly and conduct themselves in a courteous and professional manner, and to provide punctual and reliable service. This is the level of service that attracts devoted round trip customers; a level of service that the Division believes must be preserved, not abandoned.

The Division also believes that round trip service is in the public interest to ensure that cab services are available from locations where there are few or no local cab companies doing business, or in cases where small local cab

businesses may be closed for the evening or operating at full capacity. A current example is the town of Bristol, where there is no originating cab service available. Presently, if an individual living in Providence needed to visit a doctor or attend a meeting in the town of Bristol, after the Providence-based cab company transported that individual to Bristol, that individual would not be able to find a Bristol-based cab company for the return trip home to Providence. Allowing round trip cab service into and out of the town of Bristol clearly is in the public interest. Under the round trip rule adopted herein, the Providence-based cab could return to Bristol to provide the necessary transportation service back to Providence.

b. Rule I (3)(c) Concerns

Mr. Desrosiers was the only individual to question the reasonableness of proposed Rule I (3)(c). The Division has considered Mr. Desrosiers' suggested revisions to the proposed Rule and finds that the Rule proposed by the Motor Carrier Section is consumer friendly and represents the more reasonable approach to regulating the conduct of drivers at taxicab stands. The Division finds that it is not in the public interest to require taxicab passengers to walk to, and confront, drivers at the front of the taxicab stand to inform them of their taxicab company preferences. The Rule proposed by the Motor Carrier Section prohibits drivers from soliciting passengers at a taxicab stand; in the opinion of the Division, this prohibition adequately protects the other drivers in line.

## 5. RIPTA's Concerns

The Division understands RIPTA's dilemma in finding sufficient cab services to supplement the transportation needs of those individuals who rely on RIPTA's Ride Program. The Division believes that the round trip services authorized herein will benefit RIPTA's Ride Program patrons by allowing for broader and more flexible cab services. Additionally, the Division suggests that RIPTA also examine the transportation services available through the State's regulated "Public Motor Vehicle" companies as a way of augmenting its transportation options. The Division is always available to fully describe and explain the types of, and differences between, the various regulated intrastate passenger transportation services operating in Rhode Island.

## 6. Conclusion

The Division has responded to the data, views and arguments offered by those members of the cab industry and other interested persons who participated in the instant rulemaking. Based on the comments offered regarding the proposed amendments to Rules A (5) and H (14), the Division has decided to modify the related proposals being recommended by the Motor Carrier Section. However, with respect to the other rule revisions being proposed by the Motor Carrier Section, the Division finds those proposed revisions to the Cab Rules reasonable and in the public interest.<sup>53</sup>

---

<sup>53</sup> The Division notes that while it adopted the Cab Rules proffered by the Motor Carrier Section, with the modifications described herein, the actual Division Cab Rules being issued by the Division (Appendix 2) reflect non-substantive formatting and wording changes.

Further, the Division has become mindful through the instant rulemaking proceeding that other facets of cab service inadequacy exist in the State and ought to be considered by the Division in future rulemakings. As examples, RIPTA indicated in this docket that it has discovered that cab services are not readily available in the city of Woonsocket before 7:00 a.m.<sup>54</sup> Ms. Derensis related that during peak cab demand hours, “people are waiting two or three hours for a cab.”<sup>55</sup> The Division acknowledges these deficiencies and believes that some regulatory relief is possible to mitigate the impact caused by these deficit services. While beyond the scope of this rulemaking, the Division might consider authorizing limited cab services into some locales to provide a narrow augmentation of cab services in cases where “special need circumstances” are demonstrated. The Division would be amenable to addressing this issue in a future rulemaking or on a case-by-case basis as precipitated by individual petition filings. The Division requests that the Motor Carrier Section staff consider this matter for purposes of deciding whether an additional rulemaking would be in the public interest.

Now, Accordingly, it is

(18262) ORDERED:

1. That predicated upon and modified by the findings contained herein, the Division hereby adopts the “Rules and Regulations Governing the Transportation of Passengers via Taxicabs and Limited Public Motor Vehicles,” as reflected in “Appendix 2” to this report and order.

---

<sup>54</sup> Tr. 22.

<sup>55</sup> Tr. 89.

2. That cab certificate holders are instructed to substantially adopt the “Round Trip Confirmation Receipt” design reflected in “Appendix 3” to this report and order.
3. That “Appendix 1”, “Appendix 2” and Appendix 3” are hereby incorporated by reference.
4. That the Division’s Rules Coordinator is hereby instructed to file a certified copy of the attached “Rules and Regulations Governing the Transportation of Passengers via Taxicabs and Limited Public Motor Vehicles” (Appendix 2) with the Rhode Island Secretary of State as soon as practicable, and also to fully comply with the filing requirements contained in R.I.G.L. §42-35-3.1 and §42-35-4. The Division will endeavor to file the instant Rules with the Rhode Island Secretary of State on or before June 15, 2005 in order to facilitate an effective date of July 5, 2005.
5. That the newly amended “Rules and Regulations Governing the Transportation of Passengers via Taxicabs and Limited Public Motor Vehicles” shall take effect on July 5, 2005.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON JUNE 3, 2005.

---

John Spirito, Jr., Esq.  
Hearing Officer

---

Thomas F. Ahern  
Administrator



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**DIVISION OF PUBLIC UTILITIES AND CARRIERS**

**RULES AND REGULATIONS**

**GOVERNING THE TRANSPORTATION OF PASSENGERS VIA TAXICABS  
AND LIMITED PUBLIC MOTOR VEHICLES**

**Date of Public Notice: February 15, 2005**

**Date of Public Hearing: March 8, 2005**

**Effective Date: July 5, 2005**

## A. DEFINITIONS

Terms used herein shall be construed as follows unless another meaning is expressed or is clearly apparent from the language or content.

1. ADMINISTRATOR: Means the Administrator of the Division of Public Utilities & Carriers or his duly appointed designee.
2. BUSINESS ADDRESS: Means the location where the certificate holder stores the taxicabs authorized under the certificate, at which all records concerning the taxicab business are kept and available for Division inspection and where the drivers report to obtain a vehicle for use as a cab.
3. BUSINESS DAY: Means each and every day on which the Division of Public Utilities and Carriers is open for business. Business day does not include any day that is a Saturday, Sunday or legal holiday.
4. CAB: Means taxicab or limited public motor vehicle.
5. CALL AND DEMAND: Means the solicitation or acceptance of a fare occurring only within the location specified in the certificate; provided, that the vehicle's driver may, if and when solicited on the public highway at any location at which he or she is discharging a passenger, which location is not shown in the certificate, provide transportation from the location only to a place named in the certificate. This definition shall not exclude a pre-arranged round trip requested by the passenger so long as all the following conditions are satisfied:
  - a. The round trip must begin in the certificate holder's authorized territory;
  - b. The round trip must be completed within a 24-hour period;
  - c. When a passenger requests a round trip, the driver shall make a notation on his log sheet next to the record of that initial trip, indicating the passenger's name and the time at which the driver is to return to retrieve the passenger for the pre-arranged return leg of the round trip;
  - d. The driver must give a passenger requesting a round trip a receipt, to be called a "round trip confirmation receipt", at the completion of the first leg of the round trip that clearly contains the following information: (1) the date, time and location of initial drop off, (2) the

cab number, (3) the passenger's name, (4) the name and telephone number of the certificated cab company, (5) the driver's name, and (6) the time the cab is scheduled to return to complete the round trip service. The driver must retain a copy of this receipt (See Appendix D);

- e. The driver may only retrieve the passenger for such pre-arranged round trip at the location at which the passenger was originally discharged;
- f. In the event that the original driver in such a pre-arranged round trip is unavailable to retrieve the passenger as arranged, the certificate holder may dispatch a different driver/cab, but the subsequent driver/cab must carry, attached to the driver log, a copy of the "round trip confirmation receipt" described in paragraph (4) above.

Certificate holders are not mandated to provide round trip services to their customers/passengers. However, if a certificate holder and/or driver agrees to provide a round trip cab service, as evidenced by the issuance of a "round trip confirmation receipt," that certificate holder shall be required to complete the round trip service, unless unable to complete the service for good cause.

- 6. CERTIFICATE: Means a certificate of public convenience and necessity issued to a common carrier.
- 7. COMMON CARRIER: Means any person who holds himself, herself, or itself out to the general public as engaging in the transportation by motor vehicle of passengers for compensation in a taxicab or in a limited public motor vehicle.
- 8. DIVISION: Means the Division of Public Utilities and Carriers.
- 9. DRIVER: Means any person operating a cab for the purpose of transporting passengers for hire.
- 10. FLEET OWNER: Means a certificate holder who owns and operates more than five taxicabs and/or limited public motor vehicles.
- 11. HACKNEY OPERATOR'S LICENSE: A special license, commonly referred to as a "Blue Card," issued by the Division, authorizing the holder thereof to operate a taxicab or limited public motor vehicle upon the highways of the State of Rhode Island and any subdivision thereof.
- 12. LIMITED PUBLIC MOTOR VEHICLE: Means and includes every motor vehicle for

hire, other than a jitney as defined in § 39-13-1 or a taxicab as defined in §39-14-1, equipped with a taximeter used for transporting members of the general public for compensation only from a designated location on private property to such points as may be directed by the passenger.

13. MOTOR CARRIERS SECTION: Refers to the Motor Carriers Section, Division of Public Utilities and Carriers.
14. OUT OF SERVICE: Means and includes a vehicle ordered by the Division and/or State Inspection Facility not to be used as a taxicab. Additionally, the term refers to a taxicab that the certificate holder has removed from service to the public.
15. PARATRANSIT SERVICES: Means flexible transportation services provided on a demand responsive and advance reservation basis, for any destination within the scope of a service program provided by a state, or municipal agency, the fee for which is determined pursuant to a contract between the service provider and the state or municipal agency. Paratransit includes single or group trips or trips made on a recurring basis such as for work, school, medical, nutrition, and sheltered workshops.
16. PERSON: Means and includes any individual, firm, partnership, corporation, company, association, joint stock association or company and his, her or its lessee, trustee, receiver, assignee or personal representative, and, where the context requires, “driver,” as herein defined.
17. PERSONAL USE: The use of a taxicab for any use not regulated pursuant to Title 39.
18. RATE CARD: Means a card issued by the Division which is required to be posted in each vehicle that reflects authorized rates, vehicle information, authorized territory, the taximeter’s serial number, certificate information and a telephone number for complaints.
19. SUSPENSION: Means an order of the Division, after hearing, requiring that a taxicab or a number of taxicabs operated under a certificate, not be operated as taxicabs for a set period of time.
20. TAXICAB: Means and includes every motor vehicle for hire, other than a jitney as defined in R.I.G.L. § 39-13-1, equipped with a taximeter, used for transporting members of the general public for compensation to any place within this state as may be directed by a passenger on a call-and-demand basis.

21. TAXICAB STAND: Means, for the purposes of these rules and regulations, any area designated by a sign posted by a local government or the owner of the property on which the sign is posted, as an area where taxicabs may wait for the purpose of accepting passengers.
22. TAXIMETER: Means any instrument or device by which the charge for transportation in any taxicab or limited public motor vehicle is mechanically calculated and indicated by means of figures, either for distances traveled or for waiting time, or for both.

## **B. RATE CARD REQUIREMENTS**

1. RATE CARD: All cabs shall be issued a rate card, by the Division, which shall be assigned to specific vehicles and shall not be transferred (see Appendix A). At all times during operation of the cab, said rate card shall be displayed in a bracket or receptacle of a type approved by the Division so as to be visible to any passenger in the cab. The numbers on the rate card shall correspond to the registration number and meter serial number of the particular cab. A new rate card shall be issued each time a vehicle is replaced or a taximeter is replaced or recalibrated. The rate card issued under this paragraph satisfies the requirement for a certificate memorandum set out in §39-14-7.

## **C. MANIFESTS**

1. Every driver of every cab shall maintain, in ink, on a form approved by the Division, a manifest of all trips made by the cab while under his or her control. The manifest shall contain the following:
  - a. the date, driver's name, cab company and registration number;
  - b. time and mileage out at beginning of your duty;
  - c. time and mileage at the end of your duty;
  - d. time and place of origin and time and place of destination of each trip;
  - e. number of passengers and fare charged for each trip;
  - f. detail of mileage for each trip as well as an explanation of mileage incurred which was not incurred as the result of a paying fare; and,
  - g. tire inflation as recorded pursuant to rule E. 1.
2. Fleet operations may, in lieu of a driver's manifest, maintain the information contained

in Paragraph 1 within a master log, which shall remain at the fleet's business address.

3. Each manifest or master log entry shall be made immediately following completion of the trip. All manifests and master logs shall be kept on file and available for inspection, by the Division, at the certificate holder's business address for a period of one year. Certificate holders are responsible for instructing each driver and other employees regarding proper and complete entries on manifests and master logs.

#### **D. RATES AND CHARGES**

1. The Division shall determine common carrier rates and charges. A certificate holder must file all rate change requests with the Division. Only after Division approval thereon may actual rate changes go into effect.
2. Every cab shall display, on both sides of the cab, the rates and charges for transport services that have been approved by the Division. Said posting shall display the initial or "drop" charge, the charge for each succeeding increment of a mile, the waiting time per hour and three-mile rate. (See Appendix B.)
3. Rates shall also be displayed on the cab's rate card, inside the vehicle. (Appendix A.)
4. Gasoline Price Emergency Surcharge: When authorized by the Administrator under R.I. Gen. Laws §39-14-2.2(e), taxicab certificate holders may also impose a gasoline price emergency surcharge. In order to collect a surcharge when authorized, the certificate holder must first obtain from the Motor Carriers Section, and post within the vehicle, a placard indicating that the surcharge is authorized for that vehicle for the specified time period.

#### **E. TAXIMETER REQUIREMENTS**

1. Every cab shall be equipped with a functioning taximeter subject to the following terms and conditions:
  - a. All taximeters used in accordance with the rules and regulations stated herein shall be inspected by the Motor Carriers Section for proper calibration and function.
  - b. Once inspected and approved by the Motor Carriers Section personnel, the Motor Carriers Section personnel will officially seal the taximeter. No passengers shall be transported without an officially inspected, approved, sealed, and operating taximeter. Any other seals installed by the certificate

holder on the taximeter or on an appurtenance or cable thereto shall be of a type clearly distinguishable from State seals. They shall be pressed by the certificate holder in a distinctive manner and painted red.

- c. A fare may only be charged to a customer that is based on the reading of a working taximeter. Flat rates or estimated charges may not be charged under any circumstances.
- d. No type of taximeter shall be installed that is incapable of being sealed by the Motor Carriers Section.
- e. Taximeters that may be reprogrammed or recalibrated without having first to remove the seal are prohibited.
- f. No taximeter shall be installed in such a manner that prohibits the visual inspection of the meter and seal.
- g. No adjusted, repaired, or recalibrated taximeter or appurtenance of a taximeter shall be installed in a cab unless such adjustment, repair, or recalibration has been officially inspected, approved and sealed by the Motor Carriers Section.
- h. A taximeter shall be installed so that a person of normal vision from the rear seat can easily read the fare numerals. If the taximeter is “flag operated”, the flag, when in the upright (cleared) position, shall be visible to a person standing in front or to the side of the cab.
- i. The serial number of the taximeter shall be the same as that shown on the rate card assigned to the cab, except where a temporary replacement meter is being used pursuant to these rules and regulation.
- j. The Motor Carriers Section shall be notified within two (2) business days of any change of any taximeter.
- k. Tire size shall be the same as that for which the taximeter is calibrated, as indicated by the rate card. Tire inflation shall be checked at the commencement of each shift by the driver of said taxi and recorded on the shift manifest. A tire that does not hold the specified pressure over a 24-hour period shall be replaced immediately.
- l. Passengers shall not be carried until a cab’s taximeter has been tested for accuracy over a measured mile course by the Motor Carriers Section, or its authorized representatives whenever:
  - (1) The vehicle’s transmission or differential is altered or replaced; or
  - (2) A change is made in any other part of the cab that may affect the meter readings; or
  - (3) The Motor Carriers Section considers it necessary.
- m. A certificate holder shall notify the Motor Carriers Section within 24 hours of the time that any of the aforementioned changes are made.

## **F. DEFECTIVE TAXIMETER**

1. When a taximeter is not operating correctly, passengers shall not be transported until the meter has been approved and resealed by the Motor Carriers Section or its authorized representatives.
2. If the certificate holder replaced the defective taximeter with an approved reserve taximeter (See Rule F.3, below), the reserve taximeter shall be recalibrated and resealed by the Motor Carriers Section or its authorized representative within thirty (30) days. The certificate holder shall also notify the Motor Carriers Section within two (2) business days when a reserve taximeter is put in service.
3. An approved reserve taximeter is one which has been inspected and sealed within a period of not over one year, and has pasted thereon an approval slip signed by the Motor Carriers Section, or its authorized representative.

## **G. RULES REGARDING THE CONDUCT OF BUSINESS**

1. A change of business address shall be reported to the Division within two (2) business days. Each certificate holder shall maintain and must provide a business address to the Division. Post Office boxes are not sufficient to satisfy this requirement. Vehicles must be registered to the business address and must be in the name of the certificate holder.
2. A certificate holder shall not have a cab registration transferred to a new or replacement cab without first notifying the Division, submitting all necessary documents and papers and obtaining Division approval. No cab, regardless of age, may be placed into service until it has received Division approval following a visual inspection. Bills of sale presented to the Division for new and replacement vehicles must indicate thereon the manufacturer's model name or number and year of manufacture.
3. An attempt by a certificate holder or applicant to conceal the identity of a principal in the business shall be grounds for the denial of an application seeking the issuance of a certificate, or revocation of an existing certificate.
4. All requests for change of corporate officers, stockholders or board of directors for corporations holding operating certificates are subject to Division approval.
5. Each cab shall have a roof light securely mounted to the vehicle roof which is capable

of communicating the following messages:

- a. "Taxi" or "Public" as applicable.
  - b. The Certificate Number (see Appendix B).
6. Receipts shall be issued upon request of the passenger.
  7. Every certificate holder must institute a system of frequent and regular inspections in order to keep equipment in proper repair and sanitary at all times.
  8. Cabs to be placed in service shall not be more than four (4) years old. Once in service, no cab shall operate beyond an odometer reading of 200,000 miles or eight (8) years of age, whichever is sooner. Provided, however, that in cases involving vehicles in extraordinary condition, the certificate holder may petition the Administrator for an exemption from the provisions of this rule. In order to be granted an exemption, the petitioner must demonstrate, to the satisfaction of the Administrator, that the vehicle to be used as a cab would be as acceptable to the public as the newer cabs mandated under this rule; that the vehicle has few, if any, of the interior and exterior wear signs concomitant with vehicles of that older vintage; and that the vehicle appears and functions in relatively "original" condition.
  9. Cabs shall be maintained in a business appearance acceptable to the public. This includes, but is not limited to, a clean interior and exterior and the absence of dents, rust, ripped or stained upholstery and broken or cracked glass. The Division will place out of service, any cab that is substandard in appearance. A cab that has been placed out of service may not be driven for any reason, including private use, unless express written permission is obtained from the Division.
  10. Within five (5) business days of withdrawing a vehicle from use as a cab, the certificate holder shall paint out all distinctive insignia or trade, association, company or certificate holder's name, assigned number, and remove the roof light prior to sale, unless the vehicle is to be sold for scrap. The Division will be notified within two (2) business days when a vehicle is withdrawn from use as a cab.
  11. If a vehicle is out of service for thirty (30) calendar days or more, the vehicle registration must be canceled and the license plates must be returned to the Division of Motor Vehicles. The certificate holder may apply to the Division, within the thirty (30) days, for an exception to this rule. If an exception is granted it must be in writing and

applies only to the specific taxi and the specific time period referenced in the writing.

12. No certificate holder will use any other business name than that listed on the certificate. Should a business name be changed, the certificate holder must first, if the business is not a corporation, register the name with the city or town in which the business is located. If a corporation, the business must first register the name with the Secretary of State's Office. After registration, all new business names must be filed with the Division. The Division will review the filing to determine whether the name could cause confusion with any existing business. If the Division rejects the name the certificate holder will be notified within five (5) business days of the filing.
13. A certificate holder must respond to any Division request for documents or information within ten (10) business days of the request unless the Division grants a written extension.
14. Cabs may be operated only by the certificate holder, an employee of the certificate holder or a lessee approved pursuant to section J of these rules. The certificate holder will follow all laws concerning their employees including tax and insurance withholdings and workers compensation.
15. Cabs may only be used as such and may not be used as personal vehicles. If a certificate holder wishes to convert a taxicab to personal use he or she must withdraw the vehicle from use as a cab by following the procedures in Rule G-10. When not in use all cabs must be stored at the certificate holder's business address on file with the Division. If a certificate holder wishes to store vehicles at an alternative address he or she must obtain written permission from the Division and provide the address at which the cabs will be stored.
16. When the Division suspends a certificate holder's operating certificate, the cabs authorized under that certificate may not be driven for any purpose, unless authorized by the Division. The certificate holder must deliver the plates to the Division where they will be maintained during the period of suspension and returned upon completion of the suspension.
17. All vehicles operated as cabs must be purchased by the certificate holder for use in the business. The certificate holder cannot require that the driver purchase the cab and turn it over to the certificate holder. A certificate holder may not register a vehicle as a cab

unless he or she has paid fair market value for the vehicle. The consideration paid cannot be an agreement with a driver to allow the driver or others to operate the cab in accordance with the certificate.

18. The Division may, from time to time, at such times as it deems appropriate, offer training of various types to certificate holders and/or hackney operator's licensees. The Division may require attendance at such training sessions in lieu of, or in addition to, other sanctions (such as fines or suspensions) imposed for violation(s) of these rules.

#### **H. RULES REGARDING DRIVERS AND THE OPERATION OF CABS**

1. No person shall operate a cab unless he or she first acquires a hackney operator's license issued by the Division, under Rhode Island General Laws § 39-14-20(b).
2. A certificate holder shall not employ as a driver or lease a vehicle pursuant to section J to any person whose license is suspended or revoked. A certificate holder shall not allow anyone to transport passengers in a cab who does not possess a State Hackney Operators' License from the Division pursuant to rules H3 and H4.
3. Each driver will place, in a Division approved receptacle and location, a State of Rhode Island Hackney Operator's License. The Hackney Operator's License will be issued by the Division and must be obtained before the driver may operate a cab.
4. No person will operate a cab without first having applied for and received approval from the Division. Individuals who request to operate a cab must supply to the Division the following information:
  - a. Name;
  - b. Date of Birth (applicant must be 21 years old, as required by R.I.G.L. 31-10-5);
  - c. Residence;
  - d. Phone Number;
  - e. Driver's License Number (including type and class);
  - f. Employer;
  - g. Copies of the applicants' driving record obtained, within the previous thirty (30) days, from the Division of Motor Vehicles – Operator Control and record of all criminal convictions obtained from the Bureau of Criminal Identification of the Department of the Attorney General;
  - h. Social Security Number (Disclosure is voluntary, see Appendix C); and,

i. Resident Status.

The Division shall approve or disapprove all requests for authority to operate a cab as soon as practicable within ten (10) business days after receiving the aforementioned information. This time period may be extended for not more than thirty (30) days, for just cause, by the Division, with notice of the extension to the applicant. The Division's review of the application will be to determine if operation of a cab by said individual could constitute a danger to the public. If approved, the applicant will receive a Hackney Operator's License from the Division, which shall be carried at all times while operating a cab. If rejected, the applicant may request a full hearing before the Division by sending correspondence addressed to the Associate Administrator for Motor Carriers. At said hearing, the applicant will be given notice and an opportunity to be heard and has the right to be represented by counsel at his or her own expense.

5. The Hackney Operator's License may be suspended or revoked by the Division upon a finding of violation of these rules, any provision of Title 39 of the Rhode Island General Laws, any order of the Division or any other action which constitutes a danger to the public, after the licensee is given notice and an opportunity to be heard.
6. No person shall drive or be in physical control of any cab, for the purpose of carrying passengers, for a period in excess of 12 hours in any 24-hour period, unless the driving time is broken by a period of eight full hours of rest. No certificate holder or his or her agent shall knowingly permit any cab to be driven in violation of this paragraph.
7. No cab shall be driven when it is so loaded or when there is in the front seat such number of persons as to obstruct the view of the driver to the front or sides, or to interfere with his control over the cab. No cab shall carry more adult passengers than the manufacturer's designed capacity of the vehicle.
8. Nothing shall be transported in any cab that will cause the interior of such cab to become soiled or offensive to passengers because of odor or appearance.
9. All cabs are required to have matching hubcaps or wheel covers on all four wheels.
10. Any individual who drives a cab, including the certificate holder, must report any criminal conviction or adjudicated traffic violation to the Division within five (5) business days of the conviction or adjudication. If the Division investigation reveals that the criminal conviction or adjudicated traffic violation is of such a nature that

continued operation of a cab by said individual could constitute a danger to the public, the Division will conduct a hearing, after notice and allowing a full opportunity to be heard, to determine whether the individual's Hackney Operator's License should be revoked, suspended or otherwise limited. Failure to follow this rule will be sufficient grounds for revoking the certificate holder's certificate or the driver's operating permit.

11. Smoking by drivers or passengers shall not be allowed in a cab at any time.
12. Cab drivers shall not refuse a fare unless the driver fears for his or her personal safety. All passengers shall utilize safety restraints and provide and use child restraints when required by law. A cab driver must refuse a fare or terminate service if a passenger refuses to utilize safety restraints or to provide and use child restraints when required by law.
13. All cab drivers shall be dressed in a neat, clean and professional manner. Examples of clothing that may not be considered professional include sweat pants, collarless shirts with logos and cut-off jean shorts.
14. Solicitation and acceptance of a passenger must occur within the location named in the certificate; provided, that the vehicle's driver may, if and when solicited on the public highway at any location at which he or she is discharging a passenger, which location is not shown in the certificate, provide transportation from the location only to a place named in the certificate. This rule shall not prohibit a pre-arranged round trip requested by the passenger so long as all the following conditions are satisfied:
  - a. The round trip must begin in the certificate holder's authorized territory;
  - b. The round trip must be completed within a 24-hour period;
  - c. When a passenger requests a round trip, the driver shall make a notation on his log sheet next to the record of that initial trip, indicating the passenger's name and the time at which the driver is to return to retrieve the passenger for the pre-arranged return leg of the round trip;
  - d. The driver must give a passenger requesting a round trip a receipt, to be called a "round trip confirmation receipt," at the completion of the first leg of the round trip that clearly contains the following information: (1) the date, time and location of initial drop off, (2) the cab number, (3) the passenger's name, (4) the name and telephone number of the certificated cab company, (5) the driver's name, and (6) the

time the cab is scheduled to return to complete the round trip service. The driver must retain a copy of this receipt;

- e. The driver may only retrieve the passenger for such pre-arranged round trip at the location at which the passenger was originally discharged;
- f. In the event that the original driver in such a pre-arranged round trip is unavailable to retrieve the passenger as arranged, the certificate holder may dispatch a different driver/cab, but the subsequent driver/cab must carry, attached to the driver log, a copy of the “round trip confirmation receipt” described in paragraph (4) above.

Certificate holders are not mandated to provide round trip services to their customers/passengers. However, if a certificate holder and/or driver agrees to provide a round trip cab service, as evidenced by the issuance of a “round trip confirmation receipt,” that certificate holder shall be required to complete the round trip service, unless unable to complete the service for good cause.

- 15. No cab will have an after market tint affixed to the windows.
- 16. An “On Duty” “Off Duty” card will be displayed in every taxicab to allow potential passengers to determine whether the taxicab is available for hire.
- 17. All cabs must be air-conditioned.
- 18. All cabs must have the following statement of Passengers’ Rights posted in an easily viewable position in the passenger compartment of the cab:

As a cab rider, you have the right to:

- Direct the destination and route used;
- A courteous driver, who is dressed in a neat, clean and professional manner;
- A driver who knows the major highways, routes, and streets in Rhode Island, and obeys all traffic laws;
- Air conditioning;
- Smoke-free and incense-free air;
- A clean passenger seat and trunk area;

For more information, or to file a complaint, contact the R.I. Division of Public Utilities and Carriers, 89 Jefferson Blvd., Warwick, RI 02888.

## **I. MISCELLANEOUS RULES**

1. A certificate holder shall make arrangements for bringing to the attention of all drivers, employees and lessees these Rules and Regulations, Title 39 of the Rhode Island General Laws and any orders and notices from the Division of which the certificate holder has been made aware by the Division. The certificate holder is responsible to assure that all employees and lessees follow all of the provisions and may be disciplined for the failure of his or her employees and/or lessees to do so. A copy of these Rules and Regulations shall be kept at the business address of record for the information of drivers and other employees.
2. Accidents resulting in loss of life or property damage exceeding one hundred thousand dollars (\$100,000.00) must be reported to the Division within ten (10) business days from the date of the accident.
3. TAXICAB STAND:
  - a. No taxicab shall be placed upon or occupy any taxicab stand except for the purpose of being held forth for hire.
  - b. Taxicabs shall be placed on stands only from the rear (where applicable) and shall be moved forward and to the front of the stand immediately as space becomes available by the departure or movement of preceding taxicabs.
  - c. A passenger may select any taxicab at a taxi stand, regardless of that taxicab's position in line; however, no driver may solicit a passenger at a taxi stand.
  - d. When a taxicab stand is occupied to its full capacity, no taxicab shall loiter or wait nearby for the purpose of occupying space on such stand.
  - e. The driver of every taxicab occupying a stand shall stay within close proximity to his vehicle at all times.
  - f. The Division's rules on conduct at taxicab stands shall be enforced at every location designated as a taxicab stand, by a local government or by the owner of the property where the taxicab stand is located (if on private property), regardless of whether the entity establishing the taxicab stand can enforce its own ordinances, rules or regulation governing such stands.
4. No certificate holder shall utilize in any cab, or have at a dispatch center, any device to monitor or scan any radio frequency other than the frequency assigned to the certificate holder's cabs or dispatch center by the Federal Communications Commission.
5. Cabs shall only be used for passenger transportation as authorized under an operating certificate. Therefore, cabs must charge only the tariff rate approved for that vehicle as

registered through a properly functioning taximeter. Cabs, therefore, may not function as paratransit services, as defined in Rule A. However, contract services, in which a cab transports a passenger at the request of another entity, such as a hospital, and the resulting fare is paid by such other entity, shall be allowed, so long as the taximeter is utilized during the trip to calculate the resulting fare, and so long as the passenger is picked up within the authorized service territory for that vehicle.

## **J. LEASING**

1. A certificate holder may lease a cab to another person only under the conditions found in these Rules and Regulations and R.I.G.L. § 39-14-9. The lease shall relate to the actual cab only (the vehicle itself) and shall in no way extend to the authority conferred through the certificate. Each lease relates to one specifically described cab and no other vehicle may be substituted for the described vehicle unless for periods of time required for normal maintenance and/or repair. Normal maintenance and repair means that the cab is substituted for no more than seven (7) days. For periods longer than seven (7) days the certificate holder must obtain express written permission from the Division. Each cab may be leased to only one individual for each twelve (12) hour period. The cab must be registered in the certificate holder's name to be eligible for lease. Under the lease agreement, the certificate holder shall remain bound by all of these rules in the same manner as if the certificate holder was operating the cab(s) being leased himself or herself or by an employee.
2. Only those vehicles that have been operating as taxicabs approved by the Division actively and continuously for twelve (12) months may be the subject matter of a lease. The twelve (12) month period will be determined by the Division by the registration date of the vehicle on file with the Registry of Motor Vehicles. If a vehicle has not been operated actively and continuously as a Division approved taxicab for twelve (12) months it may only be used as a taxicab driven exclusively by the certificate holder and/or an employee of the certificate holder. For purposes of this rule, when a vehicle that is eligible to be leased to a driver is replaced by another vehicle, the replacement vehicle shall also be deemed eligible to be leased.
3. Parties to a lease must file with the Division a Leasing Disclosure Statement on a form

which will be provided by the Division and which will indicate the names and addresses of the certificate holder and the lessees, the certificate number and license plate of the leased cab, date of execution the lease, the effective date and expiration date of the lease, the applicable term of the lease, including any and all charges, the responsibility for maintenance, the name of the insurance carrier providing statutory liability coverage, and the amount of any required security deposit. Any written documents concerning the lease must be attached to the Leasing Disclosure Statement and approved by the Division. No leasing arrangements are allowed other than those filed and approved by the Division.

4. In the event a security deposit is required under the terms of the lease approved by the Division, the certificate holder shall deposit same in an interest-bearing account in a bank or credit union within the State of Rhode Island and shall indicate on the Leasing Disclosure Statement the name and address of the bank or credit union in which such security has been deposited, and the applicable account number. Interest on such security deposit shall accrue to the benefit of the lessee furnishing the security.
5. All Leasing Disclosure Statements shall be filed with the Division and shall be signed by both the certificate holder and the lessee. No lease agreement shall become effective until approved by the Division. The Division shall approve or reject the proposed lease agreement in writing within ten (10) business days after the Leasing Disclosure Statement and all appurtenant papers have been filed. This time period may be extended for an additional thirty (30) days, at the discretion of the Division, with notice of the extension to the applicant. The Associate Administrator for the Motor Carriers Section or his or her designee will sign every lease that has been approved and return a copy to the certificate holder for its records.
6. If a lease is rejected, the Division will notify the certificate holder within ten (10) business days of the rejection and the reasons therefore. The Division will mail back to the certificate holder the original Leasing Disclosure Statement and all attachments stamped "denied" and signed by the Associate Administrator for the Motor Carriers Section or his or her designee.
7. Once an approved lease is on file with the Division for a particular vehicle, that vehicle cannot be sold, disposed of or transferred until such time as the approved lease

terminates as of its own terms or the certificate holder submits to the Division a Lease Termination Statement, in a form provided by the Division, signed by both the lessor and the lessee. If the lessee refuses to sign or is unavailable to sign, the Lease Termination Statement shall be filed with the Division with the signature of the lessor and an explanation for the lack of signature by the lessee.

8. Once a vehicle is subject to an approved lease only the lessees may drive that vehicle. Neither the lessor nor lessees may make any arrangements to sublease the vehicle.
9. A copy of the approved lease must be kept in the cab at all times.

#### **K. ANNUAL REPORTING**

1. All certificate holders shall file with the Division, on or before April 15 of each calendar year, an annual report, on forms furnished by the Division.
2. Along with the filing of annual reports as required, certificate holders will supply the following each year on or before April 15:
  - a. Certification from the Secretary of State's Office on corporate status (if applicable);
  - b. Proof of financial responsibility; and,
  - c. Information on currently registered vehicles operating as cabs.
3. For purposes of revenue reporting to the Division, in accordance with R.I.G.L. 39-1-23, all revenues generated as a result of the authority conferred in the operating certificate shall be included as revenues for the certificate holder. This includes revenues for gross receipts earned by lessees.

#### **L. COMPLAINTS**

1. Any person may file a complaint with the Division regarding a violation of these rules and regulations. Complaints should be in writing and signed by the complainant stating the complainant's address and telephone number and either mailed or hand-delivered to the Division of Public Utilities and Carriers, 89 Jefferson Blvd., Warwick, Rhode Island 02888. Nothing in this rule should be construed to prevent the Division from instituting an investigation or proceeding based upon an oral complaint or upon information developed in any other manner.

2. If the Division determines that the complaint alleges facts that constitute a violation of these rules and regulations, the Division shall notify in writing the particular driver and/or certificate holder of the nature of the complaint. The driver and/or certificate holder must file an answer with the Division within ten (10) days following the date of notice of the complaint. Upon receiving such answer(s), the Division shall notify the complainant of the contents or nature of the answer(s) and shall take whatever action deemed appropriate to resolve the complaint.
3. If the Division determines that the facts as alleged in any complaint are clearly not in violation of these rules and regulations, the complainant shall be so notified and no further action will be taken.
4. However, when the Division finds that a satisfactory response is not made to the notification of a complaint, or when no response is made to a complainant, or when the facts clearly warrant, a hearing shall be conducted by the Division concerning the complaint. The Division shall send written notice to all parties in a manner consistent with Section M of these rules and regulations.
5. Failure of the certificate holder and/or driver to appear before the Division for a scheduled hearing may result in a possible suspension or revocation of the certificate and/or the driver's operating permit. Failure of the complainant to appear for a scheduled hearing may result in dismissal of the complaint.

#### **M. NOTICE**

1. The Division shall give notice of the commencement of a scheduled hearing in any pending matter to all parties and to such other persons as the Division designates.
2. Notice shall be by first class mail or personal service unless otherwise specified by the Division. The Division shall give at least ten (10) calendar days written notice of the hearing unless the hearing officer determines that less notice is reasonable. Nothing, herein, however, shall limit the power of the Division to order notice by other means, including but not limited to notice by publication.
3. Unless notice to the contrary has been received by the Division, notices shall be sufficient if mailed or delivered to the following:

- a. If the addressee is a holder of a certificate or hackney operator's license, the address shown on the last application for the issuance or amendment thereof.
- b. If the addressee has tariffs on file, to the address shown on any tariff in effect at the time of notice.
- c. If an attorney has entered an appearance on behalf of the addressee, to the office of the attorney.
- d. The latest change of address notice on file with the Division.

## **N. VIOLATIONS**

1. The Division shall give notice of the commencement of a scheduled hearing in any pending matter to all parties and to such other persons as the Division designates. Any person or persons who shall violate any provision of these rules and regulations adopted in accordance with Title 39, Chapter 14, Section 2 of the General Laws of Rhode Island, as amended, and the Administrative Procedures Act, shall be subject to the penalties provided under Title 39 of the General Laws of Rhode Island, which include certificate suspension or revocation, and/or criminal sanctions.

## **O. REQUIREMENTS FOR FILING OF RATE SCHEDULE CHANGES**

1. Each company shall furnish supporting documentation and exhibits in the case of any proposed rate schedule changes and to furnish specific information and exhibits where an increase in rates is proposed under the applicable statutes. In connection with the latter, the regulations require each company to present its case-in-chief, to the extent feasible, in a standard format. The prescribed information is directed to items that the Division has found useful in prior proceedings; the format should facilitate analysis of the filing by marking a traceable trail from the book source data through the adjustments and summaries to the proposed revenue requirements.
2. These regulations are not intended to restrict in any way the right of any company to submit such additional exhibits and documentation or to argue such theories as it may choose in any proceeding.
3. The rules and regulations contained in this part shall be applicable only to proceedings involving the investigation of changes in rates constituting a rate increase in which the respondent's overall revenue requirements are at issue.

4. Notice to the Division of proposed rate schedule changes by a common carrier pursuant to R.I.G.L. §39-14-2.2, shall be given by a filing with the Division pursuant to subsection 8 below, unless a motion for an exemption from any requirements accompanies the filing.
5. In the event that any information, document or data required by this section is unavailable and/or its ascertainment or submission would be unduly burdensome or is not relevant in light of the schedule change that is the subject of the application, the applicant may file with the application a motion for an exemption from the requirement. The motion shall set forth in detail the reasons why the information, document or data cannot or should not be submitted. The granting of such a motion shall not exempt the applicant from supplying the information, document or data in response to a subsequent data request.
6. Pursuant to R.I.G.L. §39-14-2.2, Division-ordered suspension periods of up to five (5) months commence on the date the change in rates would otherwise take effect. In addition, the administrator shall have power by an order served upon the taxicab or limited public motor vehicle affected to further suspend the taking effect of the change or changes pending the decision thereon, but not for a longer period than three (3) months beyond the expiration of the first mentioned five (5) month period.
7. Within ten (10) days after filing for rate schedule changes, the applicant shall cause a notice of the filing, in a form to be approved by the Division, to be published in the newspaper of widest circulation within the applicant's service territory.
8. The following materials shall be included in or shall accompany the filing:
  - a. Rate Schedules. Terms and Conditions. The current and proposed rate schedules and the terms and conditions under which the common carrier provides services and/or makes non-tariffed charges.
  - b. Complete Direct Case. An original and five (5) copies of the applicant's complete direct case in support of the rates applied for. The direct case should include, at a minimum, the following items:
    - (1) Detailed income statement and balance sheet for a test year period that constitutes a historic year of actual data for a period ending within nine (9) months of the filing date.
    - (2) Proforma income statement for a rate year period which constitutes a twelve month period for which new rates are designed to recover the proposed cost of service. The proforma income statement shall be for a yearly period that

commences no later than eight (8) months after the proposed effective date of the new rates.

(3) A listing of the test year and rate year revenues by source.

(4) Supporting schedules or workpapers to disclose the manner in which the proforma amounts were calculated. The adjustments shall be fully explained and the source of the data in support of the adjustments shall be presented, or disclosed, as appropriate.

c. Additional Documents. Annual Report to the Division for the last two years, if reports have not been previously filed with the Division.

9. The financial data shall be accompanied by a statement attesting to the accuracy of the financial data presented in the filings. The chief financial officer shall sign this attestation or a person duly authorized by such financial officer.

#### **P. EFFECTIVE DATE**

1. These rules are effective as of July 5, 2005.

#### **Q. REPEAL OF PRIOR RULES AND REGULATIONS**

1. All prior rules and regulations governing the transportation of passengers via taxicab or limited public motor vehicles are hereby repealed and superseded by the rules and regulations adopted herein.

# PASSENGER INFORMATION

LICENSE ISSUED TO:

DOING BUSINESS AS:

M/C NUMBER

PLATE

METER

ALSO NOTE THE DRIVER'S OPERATOR LICENSE NUMBER FOR YOUR PROTECTION

**NO SMOKING IN THIS VEHICLE!**

This vehicle and its driver are licensed by:  
**RHODE ISLAND DIVISION OF PUBLIC UTILITIES AND CARRIERS**

89 Jefferson Boulevard Warwick, RI 02888

*Thomas F. Albern*

*Administrator*

- ◆ \$ 2.00 For the first 1/10 mile (drop charge).
- ◆ \$ .25 For each succeeding 1/10 mile.
- ◆ \$25.00 Per hour for waiting time.

## AUTHORIZED RATES FOR THIS CAB:

Please Buckle Up - It's the Law

## MISCELLANEOUS ADDITIONAL CHARGES

1. There will be an additional charge of \$1.00 per passenger, beyond the first two (2) passengers.
2. There will be a \$5.00 charge for each large item of luggage, defined as an item weighing more than 70 pounds or one that will not fit in the taxicab's closed trunk.

## **THE FARE**

Pay only the amount shown on meter plus any tolls, and additional charges as stated above.

**Complaints and Lost Property Information (401) 941-4500**

MARKING SPECIFICATIONS FOR CABS

INSCRIPTION	LOCATION	MINIMUM SIZE
1. Rate of fare (Decal permitted only if non-detachable)	Front or Rear Quarter Panel of each side of cab. (Use flat, vertical surface only.)	Total area of rectangle Not less than 72 square inches. Numbers – 2 ¾” Capital Letters – 1” Small Letters – ½”
2. Name, City and State. Must specifically list actual name on certificate as well as all names under which doing business.	Front or rear quarter doors Not more than 6” below window unless greater distance needed to reach a flat, reasonable vertical surface. Must be at least 4” from any other inscription. (Avoid placing name one an extreme curve; use flat, vertical surfaces only.)	2” high. Letters ¼” thick. Avoid overcrowding; use full width of door panel or two lines of lettering, if necessary
3. “TAXI” or “PUBLIC” (as required)	Front of roof light	2 ¾” high letters, ½” thick.
4. Certificate number	Rear of roof light	2 ¾” high letters, ½” thick.
5. Ride sharing to a common destination; \$1.00 fee for each additional passenger over two. Large luggage fee: \$5.00 charge for each large item of luggage, defined as an item weighing more than 70 pounds or one that will not fit in taxicab’s closed trunk.	Inside/Outside of cab, Prominent posting	1” Capital letters ½” Small letters

## **APPENDIX 'C'**

### **SOCIAL SECURITY NUMBER PRIVACY DISCLOSURE STATEMENT**

Providing your Social Security Number to the Division is not mandatory. You may legally refuse to comply with this request. Whether you agree to disclose your Social Security Number is entirely a voluntary decision.

The Division is charged with the responsibility of determining whether you are “fit” before it is able to grant you the authority being requested through the instant application. The basis of this requirement is contained in the following Sections of the Rhode Island General Laws: §39-1-1, §39-1-15, §39-1-38, §39-3-2, §39-12-4, §39-12-5, §39-12-7, §39-12-32, §39-13-2, §39-14-2, §39-14-4.1, § 39-14-12, §39-14-14, §39-14-20, §39-14.1-3 and §39-14.1-8.

The Division has requested that you provide it with your Social Security Number so that it may better evaluate your “fitness” with regard to the regulatory authority you seek. The “fitness” evaluation includes a criminal background and a legal residency investigation. The Division may also employ other means to conduct the fitness evaluation. Providing your Social Security Number to the Division will help expedite the evaluation process.

Your Social Security Number will also be used as a unique internal identifying number.

**SOCIAL SECURITY NUMBERS WILL NOT BE OPEN FOR PUBLIC INSPECTION.**

**APPENDIX "D"**

**Round Trip Confirmation Receipt**

**Original Trip Info**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Pick-up site: \_\_\_\_\_  
\_\_\_\_\_

Drop-off site: \_\_\_\_\_  
\_\_\_\_\_

**Return Trip Pick-up Info**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Pick-up site: Same as Original Drop-off

Drop-off site: Same as Original Pick-up

Name of Passenger Requesting Service:  
\_\_\_\_\_

**ABC Cab Company (MC-T-000)  
Street Address,  
City, State, Zip Code  
Telephone Number 000-0000**

Driver: \_\_\_\_\_

Cab No. \_\_\_\_\_

Round Trip Confirmation Receipt must be identical or substantially similar to the example above. It may be any size, so long as it is not smaller than 5 inches by 3 inches (5"x3") and produced in duplicate so that a copy may be provided to the passenger and a copy retained by the driver as required by rule.