

**DISTRICT DEPARTMENT OF TRANSPORTATION
SECOND NOTICE OF PROPOSED RULEMAKING**

The Director of the District Department of Transportation (Department), pursuant to the authority set forth in Sections 5(3)(D) (allocating and regulating on-street parking) and 6(b) (transferring to the Department the parking management function previously delegated to the Department of Public Works under Section III (H) of Reorganization Plan No. 4 of 1983) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(3)(D) and 50-921.05(b) (2009 Repl. & 2012 Supp.)), Section 3 of the Commercial Curbside Loading Zone Implementation Act of 2009, effective October 22, 2009 (D.C. Law 18-66; D.C. Official Code § 50-2652 (2009 Repl. & 2012 Supp.)), and Mayor’s Order 2010-63, dated April 15, 2010, hereby gives notice of the intent to adopt the following rulemaking to amend Chapter 24, “Stopping, Standing, Parking, and other Non-Moving Violations,” and Chapter 26, “Civil Fines for Moving and Non-moving Infractions,” of Title 18, “Vehicles and Traffic,” of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will establish a curb loading zone management program and a commercial permit parking program. Proposed rulemaking was previously published in a Notice of Proposed Rulemaking on March 18, 2011 at 58 DCR 2511. There were five comments that addressed the fee structure, limitations placed on commercial motor vehicles, and the requirement for obtaining a sticker in order to enter the District. The rulemaking has been revised to create a more streamlined approach to loading zone parking and to clarify that there are three options to parking a commercial motor vehicle in the District: an annual pass; a day pass; or at a meter in a loading zone.

This notice supersedes the Notice of Proposed Rulemaking published at 58 DCR 2511.

Final rulemaking action shall be taken in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. In addition, this rulemaking proposal will be submitted to the Council of the District of Columbia for a thirty (30) day review period. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules will be deemed approved by the Council.

Chapter 24 of Title 18 of the DCMR is amended as follows:

Section 2402, “Loading Zones,” is amended to read as follows:

2402 LOADING ZONES

- 2402.1 The Director of the District Department of Transportation (DDOT) shall install and maintain signs designating the location for each commercial motor vehicle loading zone (“loading zone”). Each sign shall state the hours during which the loading zone restrictions apply.

- 2402.2 A commercial motor vehicle may park within a loading zone, if it meets one (1) of the following conditions:

- (a) The commercial motor vehicle displays a loading zone annual pass, as described in § 2428;
- (b) The commercial motor vehicle displays a loading zone day pass, as described in § 2429; or
- (c) The commercial motor vehicle has one (1) of the following proofs of payment:
 - (1) An unexpired single space meter; or
 - (2) An alternative proof of payment, as determined by the DDOT Director.

2402.3 Notwithstanding § 2402.2:

- (a) A commercial motor vehicle shall not park in a loading zone pursuant to § 2402.2 for a purpose other than loading or unloading;
- (b) A commercial motor vehicle shall not be parked in a loading zone during any period of time when parking and standing is prohibited on the block on which the loading zone is located, such as during rush hour parking restriction periods; and
- (c) A commercial motor vehicle shall not park in a loading zone for longer than the time indicated on the signs or parking meters in that zone; provided, that where no signs are present, the maximum amount of time a commercial motor vehicle may park in a loading zone is two (2) hours.

2402.4 No other vehicle shall park or stop in a loading zone during the hours applicable to the zone, except that the operator of a passenger vehicle carrying fifteen (15) passengers or fewer may park in a loading zone during such hours if the operator is stopping momentarily within the loading zone to pick up a passenger or passengers and if such stopping does not interfere with a commercial motor vehicle that is within the loading zone or is waiting to enter the loading zone.

2402.5 When parking in a loading zone, the operator of a commercial motor vehicle that does not have a valid loading zone annual permit or day pass shall, immediately after parking, pay for the amount of time desired.

2402.6 A commercial motor vehicle may not park at a non-loading zone parking meter space at the times specified in those zones; provided, that if no time is specified, the loading zone shall be in effect between 7:00 a.m. and 6:30 p.m.; provided further, that a commercial motor vehicle may park at a non-loading zone parking meter space between the hours of 10:00 a.m. and 2:00 p.m.

2402.7 The fee to park a commercial motor vehicle within a loading zone shall be established by the DDOT Director and posted in the loading zone; provided, that the Director shall not establish a fee greater than five dollars (\$5.00) per hour.

Section 2404, “Parking Meters and Parking Meter Zones,” is amended as follows:

Subsection 2404.5 is amended to read as follows:

2404.5 No person shall stop, stand, or park in a parking meter zone that exceeds twenty-one feet (21 ft.) in length, except as provided in §§ 2428.8 and 2429.9.

Section 2424, “Performance Parking Pilot Zones,” is amended as follows:

The lead-in language of Subsection 2424.8 is amended to read as follows:

2424.8 Notwithstanding §§ 2402, 2404, 2424.7, 2411, 2412, 2413, 2414, and 2428, the initial rates for parking meters in the Ballpark Performance Parking Pilot Zone shall be as follows:

Subsection 2424.12 is amended to read as follows:

2424.12 The civil infractions and their respective fines set forth in § 2601 for violating provisions in §§ 2404, 2428, and 2429 shall apply to the provisions in this section, except that fines during Ballpark Events shall be double the fines set forth in §§ 2404 and 2428 or set forth elsewhere in this chapter for non-Ballpark Event times.

New Sections 2428 through 2430 are added to read as follows:

2428 COMMERCIAL PERMIT PARKING; ANNUAL PASS

2428.1 There is established a commercial permit parking (CPP) annual pass to provide commercial motor vehicle owners the option to purchase an annual parking pass for a commercial motor vehicle to park in loading zones or at curbside parking spaces instead of paying for parking at the meter in those zones.

2428.2 A commercial motor vehicle owner or company shall complete an application, to be provided by DDOT, including identifying information on each vehicle to be registered for a CPP annual pass.

2428.3 DDOT shall provide a decal to a participating commercial motor vehicle owner to affix to each commercial motor vehicle in the owner’s fleet that is participating in the CPP annual pass program.

2428.4 The commercial parking permit decal shall display the following information:

- (a) A serial number or other identifying mark; and

(b) The expiration date, which shall specify the last day that the permit for the commercial motor vehicle is effective.

2428.5 Except as provided in § 2428.6, a participating company shall affix a valid parking decal provided by DDOT on each commercial motor vehicle in the company's fleet that is participating in the CPP program on the lower right hand corner of the passenger side window.

2428.6 A company that purchases seventy-five (75) permits may, subject to approval by DDOT, use their company logo instead of the decal.

2428.7 The CPP annual pass shall allow for parking at designated loading zones during times specified in those zones; provided, that if no time is specified, the loading zone shall be in effect between 7:00 a.m. to 6:30 p.m., or in a metered curbside zone during off-peak hours of 10:00 a.m. to 2:00 p.m. and when meter enforcement is not in effect, as posted on the signs and meters in the parking zone; provided further, that such parking is otherwise consistent with the provisions of § 2402.

2428.8 Notwithstanding § 2404.5, a commercial motor vehicle may park outside a loading zone between the hours of 10:00 a.m. and 2:00 p.m. with a valid annual pass if it occupies no more than two (2) metered spaces or no more than forty feet (40 ft.) within a parking zone serviced by a multi-space meter.

2429 COMMERCIAL PERMIT PARKING; DAY PASS

2429.1 There is established a CPP day pass to provide commercial motor vehicle owners the option to purchase a daily parking pass for a commercial motor vehicle to park in loading zones or at curbside parking spaces instead of paying for parking at the meter in those zones.

2429.2 A commercial motor vehicle owner or company shall complete an application, to be provided by DDOT, including identifying information on each vehicle to be registered in the CPP day pass program.

2429.3 The CPP day pass shall be valid at loading zones and curbside parking spaces on the date shown on the day-pass.

2429.4 The CPP day pass shall allow parking for up to two (2) hours at designated loading zones during times specified in those zones; provided, that if no time is specified, the loading zone shall be in effect between 7:00 a.m. to 6:30 p.m., or in a metered curbside zone during off-peak hours of 10:00 a.m. to 2:00 p.m. and when meter enforcement is not in effect, as posted on the signs and meters in the parking zone; provided further, that such parking is otherwise consistent with the provisions of § 2402.

2429.5 A CPP day pass shall be obtained by the company for each commercial delivery vehicle that will be operating in the District on a given day and will be using a day pass. A CPP day pass may not be shared between two (2) or more vehicles.

- 2429.6 The commercial motor vehicle operator shall place the day pass facing out on the inside of the passenger side window of the vehicle so that it is clearly visible through the passenger side window of the vehicle.
- 2429.7 The expiration date displayed on the commercial permit parking day pass shall specify the date on which the day pass is effective.
- 2429.8 Notwithstanding § 2404.5, a commercial motor vehicle may park outside a loading zone between the hours of 10:00 a.m. and 2:00 p.m. with a valid day pass if it occupies no more than two (2) metered spaces or no more than forty feet (40 ft.) within a parking zone serviced by a multi-space meter.

2430 COMMERCIAL PERMIT PARKING PASS FEES

- 2430.1 The annual CPP permit fee for each commercial motor vehicle registered in the CPP program shall be three hundred and twenty three dollars (\$323).
- 2430.2 A company may register as many commercial motor vehicles as it owns in the CPP program.
- 2430.3 A company that registers seventy-five (75) or more vehicles for CPP annual passes need only pay for seventy-five (75) annual passes; provided, that the company shall use its company logo instead of the decal.
- 2430.4 Each CPP day pass shall cost twenty-five dollars (\$25) and shall only be valid for one (1) commercial motor vehicle.

New Section 2499 is added to read as follows:

2499 DEFINITIONS

- 2499.1 For the purposes of this chapter, a loading zone is defined as on street parking space set aside for commercial motor vehicles used or maintained for transporting freight, merchandise, or other commercial loads or property.
- 2499.2 For the purposes of this chapter, a commercial motor vehicle is defined as a vehicle with two (2) or more axles and a gross vehicle weight over twenty-six thousand pounds (26,000 lbs.).

Chapter 26 of Title 18 of the DCMR is amended as follows:

Subsection 2601.1 is amended as follows:

The following infractions are inserted after “Bus stop, within 20 feet of [§ 2409.8]” and before “Any passenger vehicle with a seating capacity of more than fifteen (15) passengers, a boat, a trailer, any vehicle longer than twenty-two feet (22 ft.) or wider than eight feet (8 ft.), or any vehicle that has been designed or modified to haul trash, junk, or debris parked on a public

street in front of any private dwelling, or apartment, house of worship, school playground or hospital. [§ 2405.5]”:

Commercial permit parking decal, display expired [§ 2428.4(b)]	\$50
Commercial permit parking decal, fail to display properly [§ 2428.5]	\$50
Commercial permit parking day pass, display expired [§ 2429.3]	\$50
Commercial permit parking day pass, fail to display properly [§ 2429.6]	\$50
Commercial motor vehicle parked at a non-loading zone parking meter space during prohibited times [§ 2402.4(b)]	\$50
Commercial motor vehicle parked at a non-loading zone parking meter space without an annual pass or day pass [§§ 2428.7 and 2429.4]	\$50

The following infractions are inserted after “Left wheel to curb-parallel parking [§ 2400.1; 2400.3; 2400.4]” and before “Loading zone, unauthorized vehicle in [§ 2402.6]”:

Loading zone, commercial motor vehicle parked at an expired meter in a commercial permit parking loading zone and with no commercial permit parking decal or commercial permit parking day pass displayed [§ 2402.6]	\$100
Loading zone, overtime parking by a commercial motor vehicle with valid commercial permit parking decal [§ 2402.4(c)]	\$50

The infraction “Loading zone, unauthorized vehicle in [§ 2402.6]” is amended to read as follows:

Loading zone, unauthorized vehicle in [§ 2402.6]	\$100
--	-------

The following infraction is inserted after “Parallel, fail to park (except where permitted)

[§ 2400.1]” and before “Public or private property [D.C. Code § 40-812] [REPEALED]”:

Prohibited vehicles

Any passenger vehicle with a seating capacity of more than fifteen (15) passengers, a boat, a trailer, any vehicle longer than twenty-two feet (22 ft.) or wider than eight feet (8 ft.), or any vehicle that has been modified to haul trash, junk, or debris parked on a public street in front of any private dwelling, or apartment, church, school playground or hospital [§ 2405.5]	\$1,000
---	---------

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Sam Zimbabwe, Associate Director, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. Comments may also be sent electronically to publicspace.committee@dc.gov. Copies of this proposal are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation’s web site at www.ddot.dc.gov.