

DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), by its Panel on Rates and Rules, pursuant to the authority set forth under §§8(b)(1)(A), 9(b) and 18(a) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, (D.C. Law 6-97; D.C. Official Code §§50-307(b)(1)(A), 50-308(b), 50-317(a)) (2001), hereby gives notice of its proposed rulemaking action, taken May 9, 2007, to amend §§802.6 and 825.1 of Chapter 8 of Title 31 of the District of Columbia Municipal Regulations (“DCMR”). The proposed rulemaking amends Commission requirements for transporting small dogs or animals by adding language, which gives drivers the right to refuse to transport small dogs or other small animals if they have a diagnosed medical condition such as allergies which prevents them from transporting such animals. The proposed rulemaking also specifically prohibits taxi drivers from traveling with an animal or pet of any kind in a vehicle while holding the vehicle out for hire or transporting passengers. The proposed rulemaking also sets a fine for failure to comply with these provisions. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following sections in 31 DCMR Chapter 8 are amended as follows:

802.6 OTHER CHARGES

802.6 The following provisions apply to small dogs or other animals in taxicabs.

- a. Passengers may travel with small dogs or other small animals, when securely enclosed in a box or basket designed for that purpose, without charge. Other animals not so enclosed may be carried at the discretion of the driver. However, a driver may refuse to transport any passenger traveling with a small dog or other small animal if the driver notifies the passenger that s/he suffers from a diagnosed medical condition such as allergies and cannot travel with the small dog or other small animal in the vehicle.
- b. No driver shall transport a personal animal or pet of any kind in a vehicle for hire while holding the vehicle out for hire or transporting passengers, except as provided in subsection (a) or section 802.8 (service animal).

825 CIVIL FINES FOR TAXICAB INFRACTIONS

825.1 <u>INFRACTION</u>	<u>FINE</u>
Failure to comply with §802.6	\$50.00

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Doreen E. Thompson, General Counsel and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of sections 3(b), 5(3)(D)(i) and 5(3)(D)(iii) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(3)(D)(i), and 50-921.04(3)(D)(iii)), and Mayor's Order 2007-5 (January 2, 2007), Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.01 *et seq.*); and Mayor's Order 96-8, (February 9, 1996), hereby gives notice of the intent to add a new Chapter 16 to Title 24 of the Public Space and Safety Regulations. Proposed Chapter 16, entitled "Valet Parking," establishes the general provisions governing valet parking services that utilize the District of Columbia's public space.

Proposed regulations were published in a Notice of Proposed Rulemaking on September 8, 2006, in the *D.C. Register* at 53 DCR 7439. In response to the comments received, the regulations were revised to: (1) explain that a person providing valet parking services for a one-time, non-recurring event at a private residence is exempt from having to obtain a valet parking permit; (2) note that a person that has been issued a Certificate of Occupancy must obtain a valet parking permit in order to provide valet parking services; (3) rename a "Valet Parking Zone" to "Valet Staging Zone"; (4) require an applicant for a valet parking permit to verify that the applicant has access to off-street parking spaces in an amount equal to at least 10% (vs. 30%) of the full occupancy rate of the business served; (5) require applicants to post a notice stating intent to obtain a valet parking permit; (6) allow the use of one Valet Staging Zone for several businesses in the same vicinity; (7) state that a material change of a valet parking permit includes a proposed change in the valet parking operator; (8) and clarify that the public space rental fee is \$15/sq-ft. (vs. \$15/linear-ft.).

A second Notice of Proposed Rulemaking was published on June 15, 2007, in the *D.C. Register* at 54 DCR 5850. In response to the comments received, the regulations have been revised to: (1) require the Valet Parking permit application to include a copy of the business licenses of all businesses to be served by the Valet Parking Zone; (2) clarify that the Public Space Committee in deciding whether to approve an application may consider violations of the Valet Parking permit or any law or regulation; (3) require the prominent display, by the Valet Parking Operator, of the Valet Parking permit; (4) prohibit parking at a metered parking space; (5) add as a reason for suspension or revocation of permit that "The peace, order, or quiet in the immediate environs of a Valet Parking zone is negatively impacted."

Final rulemaking action to adopt the amendment shall be taken in not less than ten (10) days from the date of publication of this notice in the *D.C. Register*. The Director finds

good cause for the shortened notice and comment period because the revisions to the proposed rulemaking are: 1) primarily for clarification purposes, 2) substantially similar to the Notice of Proposed Rulemaking published on June 15, 2007, at 54 DCR 5850, and 3) the implementation of the rulemaking without delay will allow the public to receive the benefit of safe and orderly operation of valet parking services in the District.

TITLE 24 DCMR, **PUBLIC SPACE AND SAFETY**, is amended by adding a new chapter to read as follows:

Chapter 16 VALET PARKING

1600 GENERAL PROVISIONS

- 1600.1 No person shall conduct, operate, maintain, or provide Valet Parking services utilizing public space within the District of Columbia without a permit from the Department.
- 1600.2 The Department may issue a Valet Parking permit for one (1) year that allows a Permittee to rent public space for a Valet Staging Zone that shall be used only for the immediate drop-off and pick-up of motor vehicles during Valet Parking hours. No other use for a Valet Staging Zone shall be permitted during Valet Parking hours.
- 1600.3 A Permittee shall use a licensed Valet Parking Operator to provide Valet Parking services.
- 1600.4 If the Public Space Committee approves a Valet Parking permit application, then the Department may issue a permit for the rental of public space for Valet Parking services upon payment of the public space rental fees set forth in § 1605.2.
- 1600.5 Each Permittee shall save harmless and indemnify the District, and its officers, agents, and employees from all suits, claims, charges, and judgments to which the District, its officers, agents, and employees may be subject on account of the issuance of a Valet Parking permit, the operation of Valet Parking services, or injury to any person or damage to any property, including the property of the District of Columbia.
- 1600.6 A person providing Valet Parking for a non-recurring, one-time event at a private residence shall be exempt from the provisions of this chapter.
- 1600.7 A person that has been issued a Certificate of Occupancy shall obtain a Valet Parking permit to provide Valet Parking services.

1601 APPLICATION PROCEDURES

- 1601.1 An Applicant shall submit an application to the Department to rent public space for a Valet Staging Zone in the District of Columbia to offer Valet Parking services. The application form shall be furnished by the Department.
- 1601.2 Each completed Valet Parking permit application shall be accompanied by a Valet Parking Plan that shall include, but is not limited to, the following information:
- (a) The name, address, and telephone number of the Applicant(s);
 - (b) A copy of the Applicant's business license(s) issued by the Department of Consumer and Regulatory Affairs (DCRA), if the Applicant is required to have a business license;
 - (c) A copy of the Applicant's Certificate of Occupancy issued by DCRA for the facility used by the Applicant for the business for which the Valet Parking service will be provided, if the Applicant is required to have one;
 - (d) The name, address, and telephone number of the Valet Parking Operator;
 - (e) A copy of the Valet Parking Operator's business license issued by the District;
 - (f) A copy of the Valet Parking Operator's liability insurance certificate.
 - (g) Three (3) eight inch by ten inch (8 in. x 10 in.) glossy photographs of the public space, including the curb space and road way, of the proposed Valet Staging Zone. The photographs shall show the following views of the proposed Valet Staging Zone:
 - (1) Frontal view;
 - (2) Sharp angle right side view; and
 - (3) Sharp angle left side view.
 - (h) The proposed pattern of discharge and pickup of motor vehicles, including the estimated number of motor vehicles being Valet Parked during each hour of operation, the latest time a person may obtain their motor vehicle, the location where the motor vehicle is

parked, and the estimated number of agents, authorized designees, employees, or representatives providing Valet Parking during each hour of operation;

- (i) A traffic flow plan, including a map, that provides details regarding the route from the Valet Parking drop-off area to the off-street parking facility location(s) where the motor vehicles will be parked, and the route from the location(s) where the motor vehicles will be parked back to the Valet Staging Zone;
- (j) The name, address, and telephone number of the off-street parking facility where motor vehicles will be parked during Valet Parking hours;
- (k) Verification of access to off-street parking spaces in the off-street parking facility described in subsection (j) in an amount equal to at least ten percent (10%) of the full occupancy rate of the business(es) served (as specified on the Certificate of Occupancy issued by DCRA) or the anticipated number of Valet Parking patrons, whichever is greater;
- (l) Verification that affected Advisory Neighborhood Commissions have been provided thirty (30) business days advance notice of the Valet Parking application and Valet Parking Plan for review and comment; and
- (m) Verification that adjacent property owners, property owners to the immediate left, right, under, and overtop, have been provided thirty (30) days advance notice of the Valet Parking application and Valet Parking Plan.

1601.3 The Applicant shall post a notice of its intent to obtain a Valet Parking permit in a conspicuous site near the proposed Valet Staging Zone for thirty (30) days. The Valet Parking application and Valet Parking Plan shall be made available for public viewing during the thirty (30) day notice period.

1602 APPLICATION REVIEW

1602.1 The Public Space Committee is responsible for reviewing Valet Parking applications.

1602.2 The Public Space Committee may approve a Valet Parking application if it finds that:

- (a) The Valet Parking operation will not disrupt vehicular or pedestrian traffic;
- (b) The Valet Parking operation will not pose a threat to public safety or welfare;
- (c) The Valet Parking Plan provides for sufficient agents, authorized designees, employees, or representatives of the Valet Parking Operator to park the projected number of motor vehicles during all hours of Valet Parking operations; and
- (d) The Valet Parking Plan provides for sufficient off-street parking spaces for the projected number of motor vehicles expected to use Valet Parking services during all hours of Valet Parking operations.

1602.3

In deciding whether to approve a Valet Parking application, the Public Space Committee may consider the following criteria:

- (a) The number of off-street parking spaces that will be used during Valet Parking operations;
- (b) The public space required for the Valet Staging Zone;
- (c) The traffic conditions at the time of Valet Parking operations;
- (d) The time required to travel safely from the location of the Valet Parking service to the location where the motor vehicles will be parked during Valet Parking hours, on foot and with a motor vehicle;
- (e) The estimated number of motor vehicles that will be Valet Parked by the proposed Valet Parking Operator during each hour of Valet Parking operations;
- (f) The average length of time a motor vehicle will be parked during Valet Parking hours;
- (g) The distance from the location of the Valet Parking service to the location where the motor vehicles will be parked during Valet Parking hours;
- (h) Violation of the Valet Parking permit, a provision of this chapter, or any law or regulation; and
- (i) Public safety or welfare.

1602.4 Upon approval of the Valet Parking application by the Public Space Committee, a Valet Parking permit shall be issued. If the Valet Parking application is denied, the Applicant shall be informed of the reasons for the denial in writing.

1603 VALET STAGING ZONES

1603.1 The Department shall decide where the Valet Staging Zone will be located. Permittees may be required to share a Valet Staging Zone.

1603.2 The location of the Valet Staging Zone as well as the size, hours of operation, and dimensions associated with the Valet Staging Zone shall be included in the Valet Parking permit.

1603.3 The Department shall post signs indicating the location and hours of operation of each Valet Staging Zone for which a permit has been granted and no parking shall be allowed in the Valet Staging Zone during the posted hours of operation.

1603.4 Valet Parking services shall be offered only in the location and during the hours specified by the Department.

1603.5 The Valet Staging Zone shall be used only for the immediate drop-off and pick-up of motor vehicles during the hours specified in the permit by the Department and no parking shall be allowed in the Valet Staging Zone during the posted hours of operation.

1603.6 A Valet Parking Operator shall immediately remove motor vehicles from the Valet Staging Zone to the off-street facility.

1603.7 No motor vehicle shall occupy space in a Valet Staging Zone during the posted hours unless that motor vehicle is making use of the Valet Parking service; except that the operator of a motor vehicle may stop momentarily in a Valet Staging Zone for the purpose of and while actually picking up or discharging passengers, as long as such stopping does not interfere with any motor vehicle about to enter the Valet Staging Zone designated for the use of such motor vehicle.

1603.8 The drop-off and pick-up of motor vehicles for Valet Parking services shall be conducted only in Valet Staging Zones.

1604 VALET PARKING OPERATIONS

- 1604.1 Any person engaged in parking or driving motor vehicles for a Valet Parking Operator shall possess a valid driver's license that is recognized in the District of Columbia.
- 1604.2 While providing Valet Parking services, each individual shall wear a uniform that identifies the employee as working for the Valet Parking Operator.
- 1604.3 A Valet Parking Operator shall prominently display:
- (a) The Valet Parking permit; and
 - (b) A sign identifying the business for which the Valet Parking Operator is working and indicate any fees for Valet Parking services. The sign shall be readily visible at the point where motor vehicles are accepted for Valet Parking. All signage shall comply with the provisions set forth in chapter 1 of this title.
- 1604.4 Valet Parking services shall be offered only during the hours specified in the Valet Parking permit.
- 1604.5 Valet Parking Operators shall comply with all applicable traffic laws and parking regulations when providing Valet Parking services.
- 1605 DUTIES**
- 1605.1 A Permittee that provides Valet Parking services in the District of Columbia shall adhere to the provisions of this chapter.
- 1605.2 The public space rental fee for a Valet Parking permit shall be fifteen dollars per square foot (\$15/sq-ft.) of public space that comprises a Valet Staging Zone. The Permittee also shall be responsible for any direct costs and loss of revenue incurred by the Department in the creation of the Valet Staging Zone.
- 1605.3 A Permittee who is issued a Valet Parking permit for Valet Parking services shall not park motor vehicles anywhere in the public space, including, but not limited to, on-street parking, on alleys, metered parking spaces, and areas designated as Residential Permit Parking zones.
- 1605.4 The Permittee shall inform the Department in writing of any of the following changes to the approved Valet Parking Plan within five (5) business days of the change:

- (a) A change in the name, address, or telephone number of the Valet Parking Operator;
- (b) A change in the name, address, or telephone number of the Permittee;
- (c) A change in the name, address, and telephone number the off-street parking facility;
- (d) A change in the Permittee's business hours;
- (e) An increase in the number of patrons using the Valet Parking services;
- (f) A change in the traffic flow plan; or
- (g) A change in the pattern of discharge and pickup of motor vehicles.

1605.5

The Permittee shall inform the Department in writing of the following material changes to the approved Valet Parking Plan at least ten (10) business days before the material change is proposed to take effect so that the Department may determine whether to approve the material change as pertains to the Valet Parking permit:

- (a) A proposed change in the location of the Valet Staging Zone;
- (b) A proposed change in the location of the Permittee's business;
- (c) A proposed change to the Applicant's business license as issued by DCRA; or
- (d) A proposed change to the Valet Parking Operator's liability insurance certificate.
- (e) A proposed change in the Valet Parking Operator.

1606

SUSPENSION AND REVOCATION OF PERMIT

1606.1

The Department may suspend or revoke a Valet Parking permit for the following reasons:

- (a) The Valet Parking operation adversely impacts vehicular or pedestrian traffic;
- (b) The Permittee violates a provision of this chapter or the Valet Parking permit;
- (c) The Valet Parking Operator violates a provision of this chapter or the Valet Parking permit;
- (d) The Permittee fails to submit timely payment of the applicable public space rental fees;
- (e) The Permittee fails to inform the Department of the changes discussed in §§ 1605.4 and 1605.5;
- (f) The peace, order, or quiet in the immediate environs of a Valet Parking zone is negatively impacted; or
- (g) Public safety or welfare.

1699**DEFINITIONS**

1699.1

When used in this chapter, the following terms shall have the meaning ascribed below:

Applicant – a person who applies for a permit to offer valet parking services. Two or more persons applying jointly for a valet parking permit may be treated as a single applicant; provided, however, that each person shall submit the information requested in §§ 1601.2(a)-(c).

Department – the District Department of Transportation.

Motor Vehicle – any vehicle propelled by internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, electric personal assistive mobility devices, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten miles per hour (10 miles/hr).

Permittee – a person who is issued a valet parking permit by the Department.

Person – a natural person or a corporation, company, firm, agency, association, partnership, organization, individually-owned business, or commercial entity.

Valet Parking – the act of removing a motor vehicle from the public right-of-way for the benefit of the motor vehicle’s operator, regardless of whether a fee is charged for the act. Attendant parking at an off-street parking facility shall not constitute valet parking.

Valet Parking Operator – a person, who through its agents, authorized designees, employees, or representatives, provides the service of valet parking.

Valet Parking Plan – a plan submitted by an applicant that details the location of the valet parking service, the location where motor vehicles will be parked during valet parking hours, and the hours of operation for valet parking.

Valet Staging Zone – the public space adjacent to a curb reserved for valet parking.

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than ten (10) days after the publication of this notice in the *D.C. Register*, with Karina Ricks, Associate Director, District Department of Transportation, 2000 14th Street, N.W., 7th Floor, Washington, D.C. 20009. 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 ddot.dc.gov.