

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

DOCKET NUMBER 04-49-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 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, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following rulemaking which amends the Vehicle and Traffic Regulations (18 DCMR). Public comments were received and considered. After review, it was determined, that changes should be made to clarify the text of the proposal which did not change the intent, purpose, or meaning of the proposal as published on November 26, 2004 at 51 DCR 10942. Final action to adopt this rulemaking was taken on April 7, 2005. This final rulemaking will be effective when published in the D.C. Register.

Title 18 DCMR, Chapter 24, PARKING PROHIBITED BY POSTED SIGN, is amended by adding two new subsections to read as follows:

- 2406.12 The Director is authorized to establish reserved on-street parking spaces for the exclusive use of car-sharing vehicles provided:
- (a) Parking in spaces established pursuant to this subsection shall be permitted only for vehicles registered to and operated by any car-sharing company in the District that enters into a one-year contract with the District that shall include, but not be limited to, the following provisions:
- (1) The company must indemnify the District against legal liabilities associated with the use of public space with car-sharing operations;
 - (2) All company car-sharing vehicles parked in the District, regardless of whether they are located on private or public space, must be registered in the District of Columbia and display District license plates;
 - (3) Up to seven (7) cars must be located in low-income neighborhoods as identified by DDOT even if such locations are not desired or requested by the company;
 - (4) The company must provide a list of pre-existing private parking locations and agree not to eliminate any of these private parking locations until the size of their District fleet exceeds the pre-existing fleet size by 50%. Thereafter, the company may eliminate one private parking space for each additional public parking space up to a maximum of 25; and

- (5) The company shall provide DDOT with data to help evaluate the impact of the program.
 - (b) These one-year contracts may be renewed, renegotiated or terminated based upon an evaluation of results. The Department reserves the rights to charge a fee for the reservation of public space should it determine that doing so is in the public interest;
 - (c) Unauthorized vehicles parked in such spaces shall be in violation of and subject to the fine set forth in § 2601; and
 - (d) The Director may authorize the Department of Motor Vehicles to issue special license plates pursuant to this subsection properly identifying car-sharing vehicles as such, in order to aid in the enforcement of 24016.12(c).
- 2406.13 The Director may establish the parking spaces authorized by § 2406.12 without first publishing the notice provided for in section 6 of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1506), but shall consult with affected Advisory Neighborhood Commissions (ANCs) and provide affected ANCs with thirty (30) days written notice of the intent to establish such spaces.

Title 18 DCMR, Chapter 99, DEFINITIONS, is amended by adding a new definition to Section 9901 to read as follows:

Car-sharing vehicle – any vehicle available to multiple users who are required to join a membership organization in order to reserve and use such a vehicle for which they are charged based on actual use as determined by time and / or mileage.