

**THE OFFICE OF CONTRACTING AND PROCUREMENT**

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**EMERGENCY AND PROPOSED RULEMAKING**

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The Chief Procurement Officer of the District of Columbia pursuant to authority granted to the Mayor by Section 204 of the District of Columbia Procurement Practices Act of 1985 ("PPA"), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04) (2001), Title II of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004 (Child and Youth Act or Act), effective April 13, 2005 (D. C. Law 15-353), Mayor's Order 2002-207 (dated December 18, 2002), and Mayor's Order 2005-73 (dated May 5, 2005) (Mayor's Order), hereby gives notice of the adoption of the following emergency rules, and of the intent to adopt final rulemaking to adopt the following new Chapter 4 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurement). The rulemaking is necessary because sections 203 and 204(b)(2) of the Child and Youth Act require that criminal background and traffic records checks be obtained for individuals and unsupervised volunteers employed by, and applicants for employment with, any private entity that contracts with the District to provide direct services to children or youth as those terms are defined in the Child and Youth Act.

Mayor's Order 2005-73 delegates to the Chief Procurement Officer the authority vested in the Mayor in section 211 of Title II of the Act to issue rules governing the criminal background check and the traffic record check requirements for persons and private agencies being considered for contractual work providing direct services to children and youth in covered agencies.

Emergency rulemaking action, pursuant to § 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)(2001)), is justified by the need to ensure the preservation of the welfare of children and youth being served by contractors with the District of Columbia agencies enumerated in the Mayor's Order. Action was taken on May 5, 2005, to adopt the following emergency rules, to add a new Chapter 4 of the *D. C. Municipal Regulations*, Criminal Background Checks for District Government Contractors That Provide Direct Services to Children and Youth.

These rules will remain in effect for up to one hundred twenty (120) days from the date of adoption, unless earlier superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Chief Procurement Officer also gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules through the Mayor to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(b) of the PPA (D. C. Official Code § 2-302.05(b)(2001), and will not take final rulemaking action until completion

of the 60-day review or Council approval of the rules by resolution before the end of the review period.

#### CHAPTER 4

### CRIMINAL BACKGROUND CHECKS FOR DISTRICT GOVERNMENT CONTRACTORS THAT PROVIDE DIRECT SERVICES TO CHILDREN AND YOUTH

*A new Chapter 4 is added to Title 27 to read as follows:*

#### 400 GENERAL PROVISIONS

- 400.1** The Mayor is authorized to obtain criminal history records maintained by the Federal Bureau of Investigation and the Metropolitan Police Department, or secured by them through the National Criminal Information Center, and traffic records maintained by the Department of Motor Vehicles, to investigate persons applying for employment, in either a compensated or a volunteer position with, or current employees and volunteers of, private agencies that contract with the District of Columbia government as a covered child or youth services provider, as defined in section 202(3) of the Child and Youth Act and section 499 of this chapter, and in accordance with the list of agencies enumerated in Mayor's Order 2005-73, effective May 5, 2005.
- 400.2** The Chief, Metropolitan Police Department (or his or her designee), shall be responsible for conducting criminal background checks under the Act, including fingerprinting, for private District agencies that are subject to the Act. In order to fulfill these functions, District agencies shall, by Memorandum of Agreement with the Metropolitan Police Department, agree to allocate resources to the Metropolitan Police Department to cover the costs of performing the criminal background checks required under the Act. The resources provided by each District agency shall be proportional to the number of its contract employees required to obtain a criminal background check.
- 400.3** Section 204(a) of the Child and Youth Act authorizes the Mayor to conduct traffic record checks of applicants for employment and employees, for either a compensated or an unsupervised volunteer position with any covered child or youth services contractor, when those individuals would be required to drive motor vehicles to transport children or youth in the course of performing their duties. Traffic record checks shall be conducted using the database maintained by the Department of Motor Vehicles. In order to fulfill these functions, District agencies shall, by Memorandum of Agreement with the Department of Motor Vehicles, agree to allocate resources to the Department of Motor Vehicles to cover the costs of performing the traffic record checks required under the Act. The resources provided by each District agency shall be proportional to the number of its contract employees required to obtain a traffic record check.

- 400.4 District contractors who provide direct services to children and youth who are subject to the Act shall pay for the costs for the criminal background checks and traffic record checks required under the Act.
- 400.5 Except as otherwise required by a contract, each employee or unsupervised volunteer occupying a covered position as defined in section 499 of this chapter shall be required to submit to periodic criminal background checks while employed by, or volunteering at, a private agency that provides direct services to children and youth pursuant to a contract with the District of Columbia government.
- 400.6 Before any applicant for employment, in either a compensated or a volunteer position, with a private agency that provides direct services to children and youth pursuant to a contract with the District of Columbia government, may be offered a position, the private agency shall inform the applicant that a criminal background check must be conducted on him or her, and shall request the Metropolitan Police Department to conduct the background check.
- 400.7 Pursuant to section 204 (b) of the Act, private agencies that contract with the District of Columbia government shall request the Department of Motor Vehicles to conduct traffic record checks on the agencies' employees, unsupervised volunteers and applicants for employment who would be required to drive a motor vehicle to transport children in the course of performing his or her duties.
- 400.8 A contractor subject to the Act shall not make a final offer of appointment to, nor shall it assign a current employee to, a compensated or unsupervised volunteer position for which a criminal background check or traffic record check is required until after the criminal background check or traffic record check, or both, have been conducted on the appointee and a determination made that the appointee meets the requirements of the Act.

#### 401 NOTICE TO CONTRACTOR

- 401.1 The Chief Procurement Officer, in accordance with Mayor's Order 2004-166 and section 206(a) of the Act, shall publish in the *D. C. Register* a notice that requires District agencies to submit the names of private agencies that contract to provide direct services to children and youth and whose employees and unsupervised volunteers should be subject to the criminal background check requirements of this chapter, together with the positions the agency has designated as subject to such requirements, within 45 days from the date of publication of the notice.
- 401.2 The Chief Procurement Officer, following review of the information on private agencies submitted pursuant to section 401.1, shall determine what private agencies that provide direct services to children and youth are required to apply for criminal background checks, and shall publish in the *D.C. Register* a

notice that applicants for employment with, and employees and unsupervised volunteers of, such clearly identified private agencies are required to apply for criminal background checks within 45 days from the date of publication of the notice, or from the date of contract award, whichever is sooner. The notice shall inform agencies subject to the requirements of this chapter of the location of the office in which applications for criminal background checks are to be made.

- 401.3** In accordance with section 206(b) of the Act, each District agency shall submit to the Chief Procurement Officer an updated list of the positions with private entities that are subject to the criminal background check requirements of this chapter no later than December 1 of each year. The Chief Procurement Officer shall publish the updated list of positions annually in the *D. C. Register*.
- 401.4** Following publication of the notice required by section 401.2 or award of a contract to an "agency that provides direct services to children and youth", as identified by the Chief Procurement Officer pursuant to section 401.2, the contracting officer shall notify the contractor that it must conform to the procedures in sections 401.5 and 401.6. The contracting officer's notice to the contractor shall include a procedure for the contractor to challenge the determination that it is required to comply with the requirements of this chapter.
- 401.5** Prior to a criminal background check being conducted, the contractor shall in writing inform each applicant, employee or unsupervised volunteer subject to the check where and when to report for fingerprinting, and provide each applicant, employee, or unsupervised volunteer with a form or forms to be utilized for the following purposes:
- (a) To authorize the Metropolitan Police Department or other entity, as appropriate, to conduct the criminal background check and confirm that the applicant, employee, or unsupervised volunteer has been informed that the contractor is authorized and required to conduct a criminal background check;
  - (b) To affirm that the applicant, employee, or unsupervised volunteer has not been convicted of a crime, has not pleaded nolo contendere, is not on probation before judgment or placement of a case upon a stet docket, and has not been found not guilty by reason of insanity for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other State or territory of the United States, for any of the following offenses or their equivalent in another State or territory:
    - (1) Murder, attempted murder, manslaughter or arson;
    - (2) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;
    - (3) Burglary;

- (4) Robbery;
  - (5) Kidnapping;
  - (6) Theft, fraud, forgery, extortion, or blackmail;
  - (7) Illegal use or possession of a firearm;
  - (8) Trespass or injury to property;
  - (9) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse;
  - (10) Child abuse or cruelty to children; or
  - (11) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance.
- (c) To acknowledge that the applicant, employee, or unsupervised volunteer has been notified of his or her right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report;
- (d) To acknowledge that the employer may choose to deny the applicant employment, assignment to, or an unsupervised volunteer position for which a criminal background check is required based on the outcome of the criminal background check;
- (e) To provide any additional information that is required, such as name, social security number, date of birth, and gender; and
- (f) To inform the applicant or employee that a false statement on the form or forms may subject them to criminal penalties, in accordance with section 405.
- 401.6** The contractor shall direct the applicant or employee to complete the form or forms specified in section 401.5 and report to the designated location to be fingerprinted.
- 401.7** The Chief, Metropolitan Police Department, shall conduct a criminal background check once the applicant or employee has provided the form required by section 401.5 (a) as well as a copy of the notification that the applicant or employee is required to obtain a criminal background check.
- 401.8** District agencies may establish in a contract offenses other than those listed in subsection 401.5(b), to be considered in determining eligibility of applicants or employees for covered positions. The contractor shall follow any additional procedures specified in the contract.

**402 CONTRACTOR EVALUATION OF CRIMINAL BACKGROUND AND TRAFFIC RECORD CHECK**

**402.1** The contractor shall consider a variety of factors in determining an employee's or applicant's suitability for employment based on a criminal background check conducted pursuant to this section, but shall not consider arrest records and juvenile records. Possession of one (1) or more of the following criminal background events may make the applicant or employee ineligible for employment or voluntary service:

- (a) A felony conviction; or
- (b) A serious misdemeanor conviction.

**402.2** Except as provided in 402.3(c) of this section, the Contractor shall closely consider the following variables and evaluate each criminal background check report on a case-by-case basis to determine if an applicant or employee subject to a criminal background check shall be ineligible for employment or voluntary service:

- (a) The recency of any conviction;
- (b) The age of the applicant or employee at the time of any conviction;
- (c) Any false statements made by the applicant or employee concerning the form or forms described in section 401.5 of this section, or the discovery of any intentional false statements of material fact or deception or fraud in applying for employment, compensated or not, that would provide a basis for disqualification; and
- (d) The absence or presence of rehabilitation or efforts toward rehabilitation.

**402.3** The following provisions shall apply to criminal background checks of applicants for employment and unsupervised volunteer positions:

- (a) Based on the outcome of the criminal background check, the contractor shall determine whether to make or deny a final offer of appointment to the applicant.
- (b) Notwithstanding the considerations specified in sections 402.1 and 402.2, District agencies may establish alternative evaluation processes through contracts.

- (c) Notwithstanding the factors and variables specified in sections 402.1 and 402.2, an applicant who has been convicted of a crime against children or youth shall be ineligible for appointment to a position that provides direct services to children and youth.
- (d) If the contractor decides to deny an applicant an offer of employment, the contractor shall provide the applicant a written notification of the decision, with a copy to the Contracting Officer's Technical Representative (COTR). In the written notification contractor shall inform the applicant of his or her right, within ten (10) days of receiving the written notification, to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report, in writing.
- (e) Upon receiving a challenge to a criminal background check report, the appropriate administrative officer of the contractor shall promptly make a determination on the case and inform the appointee of the decision, in writing, with a copy to the personnel authority and the COTR.

**402.4** The following provisions shall apply to criminal background checks of employees and unsupervised volunteers:

- (a) Contractors subject to the provisions of the Act and this chapter shall conduct periodic criminal background checks for current employees and unsupervised volunteers.
- (b) An employee or unsupervised volunteer who fails a periodic criminal background check may be subject to administrative action up to and including, but not limited to, reassignment and termination. In determining what action is to be taken, the contractor shall consider the factors set forth in sections 402.1 and 402.2 as well as any other similar factors, except that a criminal background check that sets forth a conviction for a crime against children or youth shall result in termination.
- (c) At the contractor's discretion, an employee or unsupervised volunteer who fails a periodic criminal background check may be reassigned to a non-covered position.
- (d) If the contractor decides to take administrative action against an employee or unsupervised volunteer, the contractor shall provide the employee or unsupervised volunteer a written notification of the decision, with a copy to the COTR. In the written notification the contractor shall inform the employee or unsupervised volunteer of his or her right, within ten (10) days of

receiving the written notification, to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report, in writing.

- (e) Upon receiving a challenge to a criminal background check report, the appropriate administrative officer of the contractor shall promptly make a determination on the case and inform the employee or unsupervised volunteer of the decision, in writing, with a copy to the personnel authority and the COTR.

**402.5** For applicants or employees whose official duties would include driving a motor vehicle to transport children or youth, the contractor will judge records of traffic infractions on an individual basis. A pattern of disregard for traffic regulations, the frequency of traffic violations, or one or more convictions for driving under the influence of intoxicants or drugs may result in a determination that an applicant or employee is ineligible for employment or unsupervised voluntary service in a covered position.

**402.6** District agencies may establish more stringent driving record requirements through a contract.

#### **403 ACTION AGAINST CONTRACTOR**

**403.1** The Chief Procurement Officer may take corrective or adverse action, in accordance with Section 8, "Default" of the Standard Contract Provisions for use with District of Columbia Supplies and Services Contracts, that are made a part of the contract, against any covered child or youth services contractor who is found to have violated the provisions of this chapter.

#### **404 CONFIDENTIALITY**

**404.1** Criminal background check reports obtained under this section shall be confidential and are for the exclusive use of making employment-related determinations under this chapter. Contractors subject to this chapter shall not release or otherwise disclose the reports to any person, except when:

- (a) Required as one component of an application for employment with the contractor;
- (b) Requested by the Chief Procurement Officer or his or her designee during an official inspection or investigation;
- (c) Ordered by a court;
- (d) Authorized by the written consent of the person being investigated;



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(e) Otherwise required by the contract; or

(f) Utilized for a corrective or adverse action in a personnel proceeding, including but not limited to, an administrative action under section 402.4(b).

**404.2** An individual who discloses confidential information in violation of this section shall be guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

**404.3** Prosecutions for violations of this title shall be brought in the name of the District upon information by the Attorney General.

**405 PENALTY FOR PROVIDING FALSE INFORMATION**

**405.1** An applicant for employment or a volunteer position with a private agency covered by this chapter who provides false information in the course of applying for the position shall be subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982 (D. C. Law 4-164; D. C. Official Code § 22-2405(2001)), and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

**406 PENALTY FOR NON-COMPLIANCE WITH CRIMINAL BACKGROUND REQUIREMENTS**

**406.1** The penalty for non-compliance with the terms of the Act or these rules shall be specified in the contract.

**499 DEFINITIONS**

**499.1** When used in this chapter, the following terms have the meaning ascribed:

**Act (or Child and Youth Act)** – the Child and Youth, Safety and Health Omnibus Amendment Act of 2004 (D. C. Law 15-353, effective April 13, 2005).

**Agency that provides direct services to children and youth** – any public or private District agency that provides to children and youth, or for the benefit of children and youth, services that affect the health, safety, and welfare of children and youth, including individual and group counseling, therapy, case management, supervision or mentoring.

In accordance with Mayor's Order No. 2005-73, the following public agencies meet this definition and shall be subject to the criminal background check and traffic record check provisions of the Act and this chapter for purposes of their own activities, and the activities of private agencies who meet the definition of "an agency that provides direct services to children and youth as set forth in the Act, and who are parties to contracts entered into on behalf of the following agencies by the Office of Contracting and Procurement:

Department of Human Services  
Department of Health  
Department of Parks and Recreation  
Fire and Emergency Medical Services Department  
Metropolitan Police Department  
State Education Office of the Executive Office of the Mayor  
Department of Mental Health  
Child and Family Services Agency  
Department of Youth Rehabilitation Services

**Applicant** – an individual who has filed a written application for employment with a private District agency that provides direct services to children and youth or an individual who has made an affirmative effort through a written application or a verbal request to serve in a volunteer position with a public or private District agency that provides direct services to children and youth.

**Children** – individuals twelve (12) years of age and under.

**Contracting Officer's Technical Representative** – The agency employee responsible for general administration and day-to-day monitoring and supervision of the contract, and for advising the Contracting Officer as to the contractor's compliance or noncompliance with the contract.

**Covered position** – a position, compensated or voluntary, in a private District agency that provides direct services to children and youth, with duties and responsibilities that would require the employee or volunteer to provide direct services that affect the health, safety, and welfare of children and youth or services for the benefit of children and youth.

**Criminal background check** – the investigation of a person's criminal history through the record systems of the Federal Bureau of Investigation and the District of Columbia Metropolitan Police Department.

**Employee** – an individual who provides direct services to children and youth and is employed on a full-time, part-time, temporary or contractual basis by a private District agency that provides direct services to children and youth.

**Volunteer** – an individual who works, in either a supervised or unsupervised capacity, without any monetary or other financial compensation for a private District agency that provides direct services to children and youth.

**Youth** – individuals between thirteen (13) and seventeen (17) years of age, inclusive.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments no later than thirty (30) days after the date of publication of this notice in the

*D.C. Register.* Hand-delivered comments should be delivered, and mailed comments should be postmarked, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be delivered or mailed to Herbert R. Tillery, Deputy Mayor for Operations and Interim Chief Procurement Officer, Office of Contracting and Procurement, 441 Fourth Street, N.E., Suite 700 South, Washington, D.C. 20001. Copies of the proposed rules may be obtained from the above address.

**COMMISSION ON SELECTION AND TENURE OF ADMINISTRATIVE LAW  
JUDGES OF THE OFFICE OF ADMINISTRATIVE HEARINGS****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings ("Commission"), pursuant to the authority of section 14(b) of the Office of Administrative Hearings Establishment Act of 2001 ("Act"), effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §2-1831.11(b)(2004 Supp.)), hereby gives notice of the adoption on an emergency basis of amendments to Chapter 37 of Title 6 DCMR. The amendments will provide greater flexibility for the selection of Administrative Law Judges by eliminating the requirement that candidates take a qualifying examination.

This emergency action is necessary because: 1) the Office of Administrative Hearings ("OAH") established by the Act adjudicates enforcement actions by District of Columbia agencies that involve the peace, health, safety and welfare of the public; and 2) the OAH has a shortage of Administrative Law Judges to adjudicate these actions. The adoption of this emergency rulemaking will result in a more efficient and flexible system of selecting Administrative Law Judges to fill the vacancies at OAH, by focusing more on the candidates' legal knowledge, experience in the practice of law, training, analytical skills, judgment, judicial temperament, case management skills, and their ability to contribute to the mission of the OAH. These emergency rules were adopted by the Commission on April 14, 2005 and became effective immediately on that date. This emergency rulemaking will expire on August 12, 2005 or upon publication of final rulemaking in the *D.C. Register*, whichever occurs first.

Pursuant to Section 14(b) of the Act, this proposed rulemaking was transmitted to the Council for a forty-five (45) day period of review. The proposed rule will become effective upon publication in the *DC Register*, which publication cannot occur until affirmative approval of the Council or until the 45-day period has expired if the Council has taken no action and the proposed rules are deemed approved.

Chapter 37 of Title 6 DCMR is amended as follows:

Section 3702.11, 3702.12 and 3703.9 are deleted in their entirety.

Section 3704 is deleted in its entirety.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to The Honorable Robert R. Rigsby, Chairperson, Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings, 825 North Capitol Street, N.E., Suite 4150, Washington, D.C. 20002. Comments must be received not later than thirty (30) days after the publication of

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this notice in the D.C. Register. Copies of this proposal may be obtained, at cost, by writing to the above address.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

DOCKET NO. 05-26-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 emergency rulemaking which amends Chapter 40 of the Vehicles and Traffic Regulations (18 DCMR) to establish no parking during stadium events-RFK Stadium permit holders exempted for the various locations in Ward 6.

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), is necessary to provide residents in the surrounding RFK Stadium Armory Complex area adequate parking with the start of Major League Baseball and other special events. This will prohibit motorists from violating the residential parking and neighborhood parking near RFK Stadium. Therefore, we propose to institute "No Parking During Stadium Events -- Zone 6 Permit Holders Exempted" parking modification for the streets and blocks listed below.

This emergency action was taken to provide for the immediate preservation of the residential and neighborhood quality of life. The emergency rulemaking was adopted on May 5, 2005 and became effective immediately upon that date.

The Director also gives notice of intent to take final rulemaking action to adopt this amendment in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

These emergency rules will expire on September 2, 2005, or upon the publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

Title 18 DCMR, Section 4019, Parking Restrictions, Subsection 4019.14, (b) Northeast Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

**"No Parking During Stadium Events -- Zone 6 Permit Holders Exempted" for the following locations:**

Street Name	Street Name Suffix	Post Directional Code	Block Number	Block Side	Zone	Student Restricted
13TH	ST	NE	UNIT	B	6	N
13TH	ST	NE	100	B	6	N

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13TH	ST	NE	200	B	6	N
13TH	ST	NE	300	B	6	N
13TH	ST	NE	400	B	6	N
13TH	ST	NE	600	B	6	N
13TH	ST	NE	700	B	6	N
13TH	ST	NE	800	B	6	N
14TH	ST	NE	UNIT	B	6	N
14TH	ST	NE	400	B	6	N
15TH	ST	NE	UNIT	B	6	N
15TH	ST	NE	100	B	6	N
15TH	ST	NE	300	B	6	N
15TH	ST	NE	400	B	6	N
15TH	ST	NE	500	B	6	N
15TH	ST	NE	600	B	6	N
16TH	ST	NE	300	B	6	N
16TH	ST	NE	700	B	6	N
18TH	PL	NE	300	B	6	N
18TH	ST	NE	600	B	6	N
18TH	ST	NE	700	B	6	N
A	ST	NE	1300	B	6	N
A	ST	NE	1400	B	6	N
A	ST	NE	1500	S	6	N
BENNING	RD	NE	1505	O	6	N
BENNING	RD	NE	1800	O	6	N
C	ST	NE	1300	B	6	N
CONSTITUTION	AVE	NE	1300	B	6	N
CORBIN	PL	NE	1300	B	6	N
D	ST	NE	1300	B	6	N
D	ST	NE	1400	B	6	N
D	ST	NE	1600	B	6	N
D	ST	NE	1800	B	6	N
E	ST	NE	1300	B	6	N
E	ST	NE	1400	B	6	N
E	ST	NE	1734	S	6	N
E	ST	NE	1800	B	6	N
EAST CAPITOL	ST	NE	1300	B	6	N
EAST CAPITOL	ST	NE	1400	B	6	N
EAST CAPITOL	ST	NE	1500	B	6	N
EAST CAPITOL	ST	NE	1700	B	6	N
EAST CAPITOL	ST	NE	1800	B	6	N
F	ST	NE	1300	B	6	N
F	ST	NE	1400	B	6	N
G	ST	NE	1300	B	6	N
G	ST	NE	1400	B	6	N
GALES	PL	NE	1700	B	6	N
KRAMER	ST	NE	1600	B	6	N
MARYLAND	AVE	NE	1300	B	6	N

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MARYLAND NORTH CAROLINA	AVE	NE	1400	B	6	N
NORTH CAROLINA	AVE	NE	1300	B	6	N
NORTH CAROLINA	AVE	NE	1400	B	6	N
NORTH CAROLINA	AVE	NE	1500	B	6	N
TENNESSEE	AVE	NE	100	B	6	N
TENNESSEE	AVE	NE	200	B	6	N
TENNESSEE	AVE	NE	300	B	6	N
TENNESSEE	AVE	NE	400	B	6	N
TENNESSEE	AVE	NE	500	B	6	N
TENNESSEE	AVE	NE	600	B	6	N

Title 18 DCMR, Section 4019, Parking Restrictions, Subsection 4019.14, (b) Northeast Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

**“No Parking During Stadium Events – Zone 6 Permit Holders Exempted” for the following locations:**

Street Name	Street Name Suffix	Post Directional Code	Block Number	Block Side	Zone	Student Restricted
13TH	ST	SE	100	B	6	N
13TH	ST	SE	200	B	6	N
13TH	ST	SE	300	B	6	N
13TH	ST	SE	500	B	6	N
14TH	ST	SE	UNIT	B	6	N
14TH	ST	SE	100	B	6	N
14TH	ST	SE	200	B	6	N
14TH	ST	SE	300	B	6	N
14TH	ST	SE	500	B	6	N
15TH	ST	SE	100	B	6	N
15TH	ST	SE	200	B	6	N
15TH	ST	SE	300	B	6	N
15TH	ST	SE	400	B	6	N
15TH	ST	SE	500	B	6	N
15TH	ST	SE	700	B	6	N
A	ST	SE	1300	B	6	N
A	ST	SE	1400	B	6	N
C	ST	SE	1300	B	6	N
C	ST	SE	1400	B	6	N
C	ST	SE	1500	B	6	N
D	ST	SE	1300	B	6	N
D	ST	SE	1400	B	6	N
D	ST	SE	1500	B	6	N



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E	ST	SE	1300	B	6	N
E	ST	SE	1400	B	6	N
E	ST	SE	1500	B	6	N
EAST CAPITOL	ST	SE	1300	B	6	N
EAST CAPITOL	ST	SE	1400	B	6	N
EAST CAPITOL	ST	SE	1500	B	6	N
G	ST	SE	1300	B	6	N
G	ST	SE	1400	B	6	N
G	ST	SE	1500	B	6	N
INDEPENDENCE	AVE	SE	1300	B	6	N
INDEPENDENCE	AVE	SE	1400	B	6	N
INDEPENDENCE	AVE	SE	1500	B	6	N
KENTUCKY	AVE	SE	100	B	6	N
KENTUCKY	AVE	SE	200	B	6	N
KENTUCKY	AVE	SE	300	B	6	N
KENTUCKY	AVE	SE	400	B	6	N
KENTUCKY	AVE	SE	500	B	6	N
KENTUCKY	AVE	SE	700	B	6	N
MASSACHUSETTS	AVE	SE	1300	B	6	N
MASSACHUSETTS	AVE	SE	1500	B	6	N
NORTH						
CAROLINA	AVE	SE	1300	B	6	N
PENNSYLVANIA	AVE	SE	1300	B	6	N
PENNSYLVANIA	AVE	SE	1400	B	6	N
PENNSYLVANIA	AVE	SE	1500	B	6	N
POTOMAC	AVE	SE	1300	B	6	N
POTOMAC	AVE	SE	1400	B	6	N
POTOMAC	AVE	SE	1500	B	6	N
SOUTH CAROLINA	AVE	SE	1300	B	6	N
SOUTH CAROLINA	AVE	SE	1400	B	6	N

All persons interested in commenting on the subject matter in this emergency and 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 the Department of Transportation, Traffic Services Administration, 2000 14<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor, Washington, D.C. 20009 (Attention: Docket No. 05-26-TS). Copies of this proposal are available, at cost, by writing to the above address.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

DOCKET NO. 05-27-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 emergency rulemaking which amends Chapter 40 of the Vehicles and Traffic Regulations (18 DCMR) to establish no parking during stadium events – Zone 7 permit holders exempted.

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), is necessary to provide residents in the surrounding RFK Stadium Armory Complex area adequate parking with the start of Major League Baseball and other special events. This will prohibit motorists from violating the residential parking and neighborhood parking near RFK Stadium. Therefore, we propose to institute “No Parking During Stadium Events – Zone 7 Permit Holders Exempted” parking modification for the streets and blocks listed below:

This emergency action was taken to provide for the immediate preservation of the residential and neighborhood quality of life. The emergency rulemaking was adopted on May 2, 2005 and became effective immediately upon that date.

The Director also gives notice of intent to take final rulemaking action to adopt this amendment in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

These emergency rules will expire on September 2, 2005, or upon the publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

Title 18 DCMR, Section 4019, Parking Restrictions, Subsection 4019.14 (b) Northeast Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

**“No Parking During Stadium Events – Zone 7 Permit Holders Exempted” for the following locations:**

Street Name	Street Name Suffix	Post Directional Code	Block Number	Block Side	Zone	Student Restricted
24TH	ST	NE	600	B	7	N
34TH	PL	NE	300	B	7	N

34TH	ST	NE	400	B	7	N
34TH	ST	NE	500	B	7	N

All persons interested in commenting on the subject matter in this emergency and 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 the Department of Transportation, Traffic Services Administration, 2000 14<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor, Washington, D.C. 20009 (Attention: Docket No. 05-27-TS). Copies of this proposal are available, at cost, by writing to the above address.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

DOCKET NO. 05-31-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 emergency rulemaking which amends Chapter 40 of the Vehicles and Traffic Regulations (18 DCMR) to establish a one-way traffic operation for F Street, N.E.

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), is necessary to provide residents and the Security and Exchange Commission which is a Federal building with its entrances on F Street, protection for motorists using this block of F Street as a cut-through to avoid congestion on Massachusetts Avenue, N.E. Therefore, we propose to institute changing this exiting two-way operation to a one-way traffic operation westbound in the 200 block of F Street, N.E., for forty feet. This change will require the installation of a "Do Not Enter, 4-6:30 PM, Monday-Friday" for the streets.

This emergency action was taken to provide for the immediate preservation of the residential and neighborhood quality of life. The emergency rulemaking was adopted on May 5, 2005 and became effective immediately upon that date.

The Director also gives notice of intent to take final rulemaking action to adopt this amendment in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

These emergency rules will expire on September 2, 2005, or upon the publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

Title 18 DCMR, Section 4004, ONE-WAY STREETS, Subsection 4004.1, (b) Northeast Section, is amended by adding the following to the list of locations traffic is restricted to one direction of travel:

"F Street, N.E. from 2<sup>nd</sup> Street to a point approximately 40 feet east of 2<sup>nd</sup> Street, for westbound traffic only, 4-6:30 PM, Monday-Friday".

All persons interested in commenting on the subject matter in this emergency and proposed rulemaking action may file comments in writing, not later than thirty days (30) days after the publication of this notice in the D.C. Register, with the Department of Transportation, Traffic Services Administration, 2000 14<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor, Washington, D.C. 20009 (Attention: Docket No. 05-21-PS). Copies of this proposal are available, at cost, by writing to the above address.