

## DEPARTMENT OF PUBLIC WORKS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director, D.C. Department of Public Works, pursuant to the authority set forth in section 2(c) of the District of Columbia Solid Waste Disposal Act of 1989, effective July 25, 1989 (D.C. Law 8-16; 36 DCR 4155), as amended by section 6012 of the "Solid Waste Disposal Cost Recovery Act of 2007", effective September 18, 2007 (D.C. Law 17-20), and Mayor's Order 2005-123, dated August 29, 2005, hereby gives notice of the adoption on an emergency basis of the following rules to amend Chapter 7 of Title 21 DCMR, "Water and Sanitation" by amending the fees for the disposal of solid waste at the District's waste-handling facilities.

This emergency action is based on an increase in the cost that the District must pay for the disposal of solid waste delivered to its solid waste transfer facilities and is taken to permit the District to pass this cost on to customers of the solid waste-handling facilities. Without this action, the District will be unable to recoup this increased cost and District of Columbia taxpayers will be forced to subsidize private waste hauling companies delivering solid waste to the waste-handling facilities for transfer and disposal. This emergency rule was adopted on May 22, 2007, and will become effective on June 7, 2008.

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.

The emergency rule will expire on October 3, 2007, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

Chapter 7 of Title 21, DCMR, is amended as follows:

Subsection 720.5 is amended to read as follows:

720.5 Beginning on June 7, 2008, the applicable fees for the disposal of construction and demolition debris at the waste-handling facilities shall be one hundred and ten dollars and zero cents (\$ 110.00) for each ton disposed; Provided, that a minimum fee of fifty five dollars and zero cents (\$ 55.00) shall be imposed on each load weighing one thousand pounds (1,000 lbs.) or less.

Subsection 720.8 is amended to read as follows:

720.8 Beginning on June 7, 2008, the applicable fees for the disposal of each ton of solid waste at the waste-handling facilities, excluding those wastes specified in §§ 720.5, 720.6, and 720.7, shall be seventy one dollars and eighteen cents (\$ 71.18) for each ton disposed; provided, that a minimum fee of thirty five dollars and fifty nine cents (\$ 35.59) shall be imposed on each load weighing one-thousand pounds (1,000 lbs.) or less.

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 Christine V. Davis, General Counsel, Department of Public Works, 2000 14th Street, N.W., 6th Floor, Washington, D.C. 20009. Copies of this proposal are available, at cost, by writing to the above address.

## DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY RULEMAKING

The Chairperson of the District of Columbia Taxicab Commission, pursuant to the authority set forth under section 105 of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2023; D.C. Official Code § 50-381(a) (2007 Supp)), Mayor's Order, 2007-231, dated October 17, 2007, hereby gives notice of the emergency rulemaking action taken on Tuesday, May 27, 2008 to amend Section 801.6 of Title 31 of the District of Columbia Municipal Regulations to extend for a one hundred and twenty (120) day period the one dollar (\$1.00) per taxicab trip fuel surcharge, set to end at midnight May 28, 2008. The extension will begin at 12:01 a.m. Thursday May 29, 2008 and will end at midnight, Thursday, September 25, 2008, unless superseded by another rulemaking notice.

The emergency rulemaking action is to offset the rising increases in fuel cost. Without the fuel surcharge, taxicab operators may not be able to continue to meet their public service obligations to provide vital transportation service to the public and preserve the status quo. The increased costs of fuel may cause many taxicab operators to leave the industry or discontinue taxicab service because they may not earn a fair return on their investment. Also, taxicab operators may not be able to meet basic health and welfare needs for themselves or their families. The potential termination of taxicab service may affect senior citizens and persons with disabilities who rely on taxicab service for medical care, extended health services, physical therapy, social, and other supportive services.

The fuel surcharge will only affect taxicab fares for service provided within the District of Columbia and does not apply to interstate fares.

Title 31 DCMR, Chapter 8, OPERATION OF TAXICABS, Section 801, Passenger Rates and Charges, is amended as follows:

A new paragraph 801.6(m) to read as follows:

801.6 (m)     Emergency Fuel Surcharge - A \$1.00 emergency fuel surcharge applies to each taxicab trip within the District of Columbia for a one hundred and twenty (120) day period, which will begin at 12:01 a.m., Thursday, May 29, 2008 and which will end at midnight, Thursday, September 25, 2008.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of Sections 3(b), 4(a)(5)(A), 5(4)(A), 6(b) and (c) and 7 of Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.03(5)(A), 50-921.04(4)(A), 50-921.05(b) and (c), and 50-921.06); Mayor's Order 2007-179 (August 3, 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 96-175, (December 9, 1996), hereby gives notice of the adoption on an emergency basis of amendments to Chapter 33 of Title 24, of the *District of Columbia Municipal Regulations* (DCMR), which is entitled "Public Space and Safety." The proposed amendments establish curbside loading and unloading zones for intercity bus services.

This emergency action is necessary because of rapidly expanding demand for intercity bus service has resulted in several bus services utilizing public streets in lieu of off-street depots. Intercity bus loading, in particular, adversely impacts the safety and welfare of current residents and businesses. Immediate solutions must be implemented within the District to protect public safety and discourage the unauthorized and inappropriate use of the public rights-of way for intercity bus loading and unloading, to alleviate congestion, and to improve the efficiency of intercity communications via business and personal travel.

This emergency rulemaking was adopted on May 29, 2008, and became effective immediately on that date.

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

The emergency rulemaking will expire on September 26, 2008, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

TITLE 24 DCMR, Chapter 33, **PUBLIC SPACE AND SAFETY**, is amended by adding a new section to read as follows:

**3307 OCCUPANCY OF THE PUBLIC RIGHT-OF-WAY BY INTERCITY BUSES**

3307.1 The Director may issue a permit to an intercity bus operator to occupy a portion of the public right-of-way to allow passengers to embark on and disembark from an intercity bus.

- 3307.2 Any intercity bus operator seeking to occupy the public right-of-way shall submit an application for a Public Right-of-Way Permit together with a non-refundable one hundred dollar (\$100) application fee.
- 3307.3 The application shall be in the form prescribed by the Director, and shall include, at a minimum, the following information:
- (a) The name and US DOT number of the intercity bus operator;
  - (b) The address, phone number, and e-mail address for the intercity bus operator;
  - (c) The District address, phone number, and e-mail address for the intercity bus operator or its agent;
  - (d) The date on which the intercity bus operator intends to begin operating intercity services to or from the District;
  - (e) The proposed schedule for intercity bus services in the District;
  - (f) A statement of indemnification of the District by the applicant against any liability arising out of the applicant's use of public right-of-way for intercity bus service;
  - (g) Copies of all business and vehicle licenses, insurance coverage and permits required by the Department of Consumer and Regulatory Affairs the Washington Metropolitan Area Transit Commission, and US DOT; and
  - (h) A proposal for orderly queuing of waiting passengers so that pedestrian movement along the sidewalk will not be obstructed and so that pedestrian movement from the sidewalk into adjacent buildings will not be impeded.
- 3307.4 The Director may consider the following factors in determining whether to designate public right-of-way as an intercity bus zone:
- a) The impact of a designated space on traffic flow and congestion for both vehicles and pedestrians;
  - b) The impact on pedestrian safety;
  - c) The need for and availability of general-purpose short-term parking; and

- d) The impact on rail and bus transit operations.
- 3307.5 The rental fee for the use of public right-of-way shall be one dollar and eighteen cents (\$1.18) for each 30-minute increment of public right-of-way used by the intercity bus operator for each arrival and departure in the intercity bus zone.
- 3307.6 A permit may be issued for a term of one (1) year. Authorized copies of the permit must be displayed in the right front windshield of each intercity bus using the designated intercity bus zone during passenger loading or unloading.
- 3307.7 The rental fee for an annual permit shall be paid prior to the issuance of the permit.
- 3307.8 An intercity bus operator shall not:
- (a) Vend tickets in the public space;
  - (b) Arrive sooner than thirty (30) minutes prior to scheduled departure in the intercity bus zone;
  - (c) Remain in the intercity bus zone for more than thirty (30) minutes after arrival; or
  - (d) Allow intercity bus passengers to obstruct the flow of pedestrian traffic in the public space and into adjacent buildings.
- 3307.9 An intercity bus operator shall be subject to the following fines:
- (a) Failure to obtain a permit for an intercity bus zone shall constitute a violation and subject the intercity bus operator to a fine of five hundred dollars (\$500) for the first offense, one thousand dollars (\$1,000) for the second offense, and fifteen hundred dollars (\$1,500) for each subsequent offense.
  - (b) Failure to display a permit for the use of an intercity bus zone shall constitute a violation and subject the intercity bus operator to a fine of one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense, and three hundred (\$300) per offense for each subsequent offense.
  - (c) Failure to abide by a condition of the permit shall constitute a violation and subject the intercity bus operator to a fine of two hundred dollars

(\$200) for the first offense and three hundred (\$300) per offense for each subsequent offense.

- (d) Falsification of information provided on the permit application shall constitute a violation. In addition to voiding any permit issued pursuant to an application containing falsified information, such violation shall subject the intercity bus operator to a fine of one thousand dollars (\$1,000) per offense.

3307.10 The following areas shall be designated as intercity bus zones:

- (a) The curb lane of northbound 10<sup>th</sup> Street, SW, south of D Street, SW, beneath the L'Enfant Promenade, as designated by signs.

3307.11 The provisions in this § 3307 shall be in effect until June 30, 2009.

Title 24 DCMR, Chapter 33, Section 3399, **DEFINITIONS**, is amended by adding the following new definitions in alphabetical order to Subsection 3399.1:

**Intercity bus** – A vehicle for hire seating more than 12 people used for regularly scheduled, city to city transportation.

**Intercity bus operator** – A company that operates intercity buses.

**Intercity bus service** – A series of regularly scheduled intercity bus trips on which intercity transportation is available to members of the public in exchange for a fee to an intercity bus operator.

**Intercity bus zone** – A segment of a curb lane designated by signs prohibiting general purpose parking or standing to facilitate loading and unloading of intercity buses providing regularly scheduled intercity bus service.

**US DOT** – United States Department of Transportation.

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 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](mailto: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](http://www.ddot.dc.gov).