

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to the authority under section 18 (e) of A Regulation Governing Vending Businesses in Public Space, enacted December 13, 1974, Reg. 74-39, 21 DCR 1285 as amended by section 2 (k) of the Vendors Regulation Amendments Act of 1978, effective June 30, 1978, D.C. Law 2-82, 24 DCR 9293, Reorganization Plan No. 1 of 1986, effective September 7, 1987, and Mayor's Order 87-202, effective September 10, 1987, hereby gives notice of the adoption of the amendments to Chapter 5 of Title 24, "Vendors and Solicitors," of the District of Columbia Municipal Regulations. The amendments will allow the Director and the Office of the Mayor to administer a pilot program for street vending for the purpose of identifying the location of each sidewalk vendor site on each block of the Central Vending Zone; reviewing the appropriateness of a vending business located within 50 feet of a store that sells the same, substantially the same, or similar goods; determining an appropriate mix of vending sites for vendors of food, fruit or flowers, general merchandise, shoe shine, and street photographers; identifying the best lottery or alternative system for matching vendors with sidewalk and roadway vendor sites; determining a two year public space rental fee for each vending site; and developing a minimum of four distinct design standards for vending stands, food carts (including ice cream), and roadway vehicles. Licenses issued under this program will be restricted to those persons who agree to sign a contract with the entity designated by the Mayor to administer the pilot program.

A Notice of Public Hearing was published *D.C. Register* on June 10, 2005. The public hearing was held on June 15, 2005 to obtain comments on the vending demonstration zone pilot program. On June 16, 2005 the emergency rulemaking was adopted. The Notice of Emergency and Proposed Rulemaking was published on June 24, 2005 at 52 DCMR 5953. No changes have been made to the emergency and proposed rulemaking. These final rules will become effective upon publication of this notice in the *D.C. Register*.

24 DCMR Chapter 5 is amended as follows:

Paragraph (a) of Subsection 501.4 is amended to read as follows:

- (a) No more than three (3) sidewalk vendors shall be permitted to occupy any side of any block in the central vending zone or neighborhood commercial zone as these zones are delineated in section 515 of this chapter, except that no vending shall be allowed in the locations restricted under section 515 of this chapter, and no vending site shall be located in front of a predominately residential building. The provisions of this section shall not apply to vending designs or sites approved for evaluation by the Public Space Committee in a vending demonstration zone authorized under 501.4 (b) and 501.4 (f).

A new paragraph (g) is added to subsection 501.4 to read as follows:

- (g) Any licensed vendor operating within the geographical boundaries of the vending demonstration area approved by the Council in the request for proposals issued according to the provisions of section 501.4 (b) and 501.4 (f) of this chapter shall only operate at the space assigned to him or her under the plan approved by the Public Space Committee, and shall be required to have an approved operating agreement with the Public Space Planning and Management Corporation for the duration of the vending demonstration program.

A new subsection 510.24 is added to read as follows:

- 510.24 The provisions of this chapter shall not apply to vending designs or sites approved for evaluation in a vending demonstration zone authorized under § 501.4(b) and § 501.4 (f) of this chapter.

Subsection 512.1 is amended to read as follows:

- 512.1 The Director shall issue a request for proposals every eight (8) years to develop a minimum of four (4) distinct design standards for vending stands, food carts (including ice cream), and roadway vehicles. The initial request for proposals shall be issued within six (6) months of the effective date of the Omnibus Regulatory Reform Amendment Act of 1998. The design standards shall be adopted by regulation, after public hearing. Each vendor shall have the design of their stand, cart, or vehicle approved by the Public Space Committee of the Department of Public Works prior to new licensure or license renewal. The design of each stand or cart or kiosk operating within a vending demonstration area shall be approved by the Public Space Planning and Management Corporation as part of the operating agreement with each vendor who operates the stand or cart or kiosk at its assigned site. The Public Space Planning and Management Corporation shall not approve food carts or tables for operation on a sidewalk vending site to exceed a length of 8 feet, a width of 4 ½ feet and a height of 7 ½ feet. The provisions of §§ 512.3 through 512.12 of this chapter shall not apply to vending designs or sites approved for evaluation in a vending demonstration zone authorized under § 501.4 (b) and § 501.4 (f) of this chapter.

Subsection 515.16 is amended as follows:

The preamble "Sidewalk vending business or operation shall be prohibited on the following streets:" is deleted and the following language is inserted to read as follows:

- 515.16 Except for vending sites approved for evaluation in a vending demonstration zone authorized under § 501.4 (b) and § 501.4 (f), sidewalk vending business or operation shall be prohibited on the following streets:

A new subsection 515.33 is added to read as follows:

- 515.33 A vending demonstration area as described in the request for proposals issued pursuant to section 501.4 (b) of this chapter is hereby established within the Central Vending Zone. The demonstration area shall consist of all public space within the following boundaries:
- (a) Commencing at the building line at the southeast corner of Square 200, (H and Vermont, NW) and moving northeast along the building line parallel to Vermont Avenue, Across I Street to the centerline of 15th Street NW;
 - (b) Northward along the centerline of 15th Street, past K Street, to a point where the southern building line of Square 216, if extended, would intersect;
 - (c) Eastward along the southern building line of Square 216 to the centerline of Vermont Avenue;
 - (d) Southward across K Street along the centerline of 15th Street to a point where the southern building line of Square 218, if extended, would intersect;
 - (e) Eastward along the southern building line of Square 218, and continuing through the southern portion of Franklin Square, to the intersection of the building lines on the southwest corner of 285;
 - (f) Southward across Eye Street and along the western building line of Squares 286 and 287;
 - (g) Eastward along southern building lines of Squares 287, and 318 to the centerline of 11th Street NW;
 - (h) Northward along the centerline of 11th Street NW to the centerline of New York Avenue NW;
 - (i) Northeast along the centerline of New York Avenue NW to the centerline of 9th Street NW;
 - (j) Southward along the centerline of 9th Street NW to the point where the southern building line of Square 404, if extended, would intersect;
 - (k) Eastward along the southern building line of Square 404;
 - (l) Northward along the western building line of Square 404 to the centerline of Eye Street;

- (m) Eastward along the centerline of Eye Street to the point where the western building line of Square 428, if extended, would intersect;
- (n) Southward along the western building line of Square 428 and 429;
- (o) Eastward along the southern building line of Square 429 to the centerline of 6th Street NW;
- (p) Southward along the centerline of 6th Street to the point where the northern building line of Square 459, if extended, would intersect;
- (q) Southwest along the northern building line of Square 459 to the centerline of 7th Street;
- (r) Northward along the centerline of 7th Street to D Street, then westward along D Street to a point where the eastern building line of Square 407, if extended, would intersect the centerline of D Street;
- (s) Northward along the eastern building line of Square 407;
- (t) Westward along the centerline of E Street to 15th Street NW;
- (u) Northward along the centerline of 15th Street NW to a point where the northern building line of Square 221 intersects;
- (v) Westward along the northern building line of Square 221 to a point where the western building line of Square 200, if extended, would intersect; and
- (w) Northeast along this line to the southeast corner of Square 200.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 75 of Title 17 DCMR (Business, Occupations & Professions) (May 1990). The purpose of this rulemaking is to clarify the educational and licensing requirements for the practice of new applicants and reinstatement of practitioners. Notice of Proposed Rulemaking was published in the D.C. Register on October 15, 2004 at 51 DCR 9722. No comments were received concerning these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These rules will be effective upon publication of this notice in the D.C. Register.

Chapter 75 (Massage Therapy) of Title 17 DCMR (Business, Occupational & Professions) (May 1990) is amended as follows:

Section 7502.8 is amended to read as follows:

- 7502.8 An applicant shall submit the following as part of a completed application form:
- (a) An official certified transcript of the applicant's successful completion of the required in-class training;
 - (b) A certificate of graduation from an approved school; and
 - (c) Certification, pursuant to § 7504.2, of the applicant's passing the required approved examination.

Section 7506.6 is amended to read as follows:

- 7506.6 To qualify for reinstatement of a license to practice massage therapy, an applicant shall submit proof pursuant to § 7506.7 of having completed continuing education credits which includes the following:
- (a) Six (6) hours of credit in an approved program for each year the license has expired up to 30 total hours of credit; and
 - (b) Twelve (12) hours of credit which shall include two (2) hours in professional ethics and three (3) hours in CPR and first aid training for the two (2) years preceding the reinstatement application.

Section 7511.3 is amended to read as follows:

7511.3 Students and applicants shall adhere to the following:

- (a) A student shall practice massage therapy only under the supervision of a licensed massage therapist; and
- (b) An applicant may practice massage therapy prior to licensure for 90 days under the supervision of a licensed massage therapist pursuant to § 7511.6.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

ERRATA NOTICE

This notice is to correct the title of the published final rulemaking found at 52 DCR 7224 published on August 5, 2005 for Title 30 of the DCMR. The correction to the final rulemaking found at 52 DCR 7224 published on August 5, 2005 is illustrated by showing the deleted word in strike-through text and added wording as bolded and underlined text. Amend the title of the final rulemaking to:

“THE DISTRICT OF COLUMBIA LOTTERY AND CHARITABLE GAMES
CONTROL BOARD NOTICE OF ~~PROPOSED~~ **FINAL** RULEMAKING”

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The District members of the Board of Directors ("the Board") of the District of Columbia Water and Sewer Authority ("the Authority"), pursuant to the authority set forth in section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3), (11) and 34-2202.16, at its regular meeting held on Sept. 1, 2005 took final action to adopt the following amendments to the Water and Sanitation Regulations (21 DCMR), as proposed in the "Rulemaking Proposal" of the Notice of Proposed Rulemaking. The rules adopt a new Right of Way Occupancy Fee Pass Through Charge / Pilot Fee.

The Authority's proposed rulemaking was originally published in the January 28, 2005 edition of the D.C. Register, (52 DCR 733) and in the May 6, 2005 edition of the D.C. Register, (52 DCR 4466). A public hearing was held on June 2, 2005. The Board of Directors voted after consideration of all comments received and the report of the rulemaking committee to revise the Right of Way Occupancy Fee Pass Through Charge / Pilot Fee to increase the rate from Thirty-Six Cents (\$.36) for each One Hundred Cubic Feet (100ft³) of water used to Forty-Two Cents (\$.42) for each One Hundred Cubic Feet (100ft³) of water used, effective October 1, 2005. Technical corrections were made to the proposed rulemaking to delete the title heading "Right of Way Occupancy Fee Pass Through Charge / Pilot Fee" and to renumber the section from 112.5 to 112.8. The noted changes are not substantive changes to the proposed regulations and do not impose additional requirements on the public.

This final rulemaking will be effective when published in the D.C. Register and the new rate will be effective on the stated date.

Title 21 DCMR, Chapter 1 WATER SUPPLY, Section 112 FEES, subsection 112.5 RIGHT OF WAY OCCUPANCY FEE PASS THROUGH CHARGE is amended and renumbered to read as follows:

112.8 The Right of Way Occupancy Fee Pass Through Charge / Pilot Fee, assessed to recover the cost of fees charged by the District of Columbia to the Water and Sewer Authority for use of District of Columbia public space and rights of ways, shall be as follows:

Effective October 1, 2005 the Right of Way Occupancy Fee Pass Through Charge / Pilot Fee of Thirty-Six Cents (\$.36) for each One Hundred Cubic Feet (100ft³) of water used shall be increased to Forty-Two Cents (\$.42) for each One Hundred Cubic Feet (100ft³) of water used.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The District members of the Board of Directors ("the Board") of the District of Columbia Water and Sewer Authority ("the Authority"), pursuant to the authority set forth in section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3), (11) and 34-2202.16, at its regular meeting held on Sept. 1, 2005 took final action to adopt the following amendments to the Water and Sanitation Regulations (21 DCMR). The rules adopt new retail water and sewer rates.

The Authority's proposed rulemaking was originally published in the January 28, 2005 edition of the D.C. Register, (52 DCR 735). A public hearing was held on June 2, 2005. The Board of Directors voted after consideration of all comments received and the report of the ratemaking committee to revise retail water and sewer rates to increase the rate for water service from \$1.83 per One Hundred Cubic Feet to \$1.93 per One Hundred Cubic Feet and to increase the sewer service rate from \$2.76 per One Hundred Cubic Feet to \$2.91 per One Hundred Cubic Feet, effective October 1, 2005.

This final rulemaking will be effective when published in the D.C. Register and the new rates will be effective on the stated dates.

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4100 RATES FOR WATER SERVICE, is amended to read as follows:

CHAPTER 41 RETAIL WATER AND SEWER RATES**4100 RATES FOR WATER SERVICE**

4100.1 The retail rate for unmetered water service for building construction shall be Eight Dollars and Fifty-Two Cents (8.52 cents) for each one thousand (1,000) bricks and Four Dollars and Twenty-Six Cents (\$4.26) for each cubic yard of concrete, with a minimum charge of One Dollar and Forty-Two Cents (\$1.42) for each separate building project.

4100.2 The retail rate for unmetered water service for domestic purposes shall be:

- (a) A base charge of Thirteen Dollars and Ninety-Five Cents (\$13.95) per year for all tenements two (2) stories high or less with a front width of sixteen (16) feet or less;
- (b) Eighty-Eight Cents (.88 cents) per year for each additional front foot or fraction of a foot greater than one half (1/2); and

- (c) One third (1/3) of the charges under subparagraphs (a) and (b) of this subsection per year for each additional story or part of a story.

4100.3 The retail rate for metered water service of One Dollar and Eighty-Three Cents (\$1.83) for each One Hundred Cubic Feet (100ft³) of water used shall be:

Effective October 1, 2005, increased from One Dollar and Eighty-Three Cents (\$1.83) for each One Hundred Cubic Feet (100ft³) of water used to One Dollar and Ninety-Three (\$1.93) for each One Hundred Cubic Feet (100ft³) of water used.

4100.4 The minimum rate for water furnished any premises through a metered service shall be Fourteen Dollars and Twenty-Four Cents (\$14.24) semiannually for up to (1,000) cubic feet of water.

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4101 RATES FOR SEWER SERVICE, subsection 4101.1 is amended to read as follows:

4101 RATES FOR SEWER SERVICE

4101.1 The retail rate for sanitary sewer service of Two Dollars and Seventy-Six Cents (\$2.76) for each One Hundred Cubic Feet (100ft³) of water used, shall be:

Effective October 1, 2005, increased from Two Dollars and Seventy-Six Cents (\$2.76) for each One Hundred Cubic Feet (100ft³) of water used, to Two Dollars and Ninety-One Cents (\$2.91) for each One Hundred Cubic Feet (100ft³) of water used.