

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

DOCKET NO. 04-09-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). The emergency rulemaking was adopted on March 18, 2004.

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 justified to protect the public from the hazardous condition of large trucks and buses not being able to pass one another on the street, backing up into the intersection, and blocking the crosswalk at M Street after making the left turn onto 26<sup>th</sup> Street. Therefore, since it is this Department's policy to protect the public from hazardous traffic conditions and the possibility of injury or death, an independent determination has been made by the District Department of Transportation to restrict all truck and bus traffic from making a left turn from westbound M Street, N.W., onto southbound 26<sup>th</sup> Street. Trucks and buses wanting to make deliveries on 26<sup>th</sup> Street can do so by way of Pennsylvania Avenue to northbound 26<sup>th</sup> Street. All commercial and residential establishments are located on the east side of the roadway:

This emergency action was taken to provide for the immediate preservation of the public health, safety and welfare.

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

These emergency rules became effective immediately and shall remain in effect until July 16, 2004, or until publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

The following rulemaking action is proposed:

Title 18 DCMR, Section 4015, NO LEFT TURN Restriction, Subsection 4015.11 (a) Northwest Section, is amended by adding the following to the list of locations where trucks and buses are restricted from making left turns at all times:

“Westbound M Street, N.W., so as to proceed southbound on 26<sup>th</sup> Street”.

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. 04-09-TS). Copies of this proposal are available, at cost, by writing to the above address.