

DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules (Panel) pursuant to the authority set forth under §§8(b)(1)(B), 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§50-307(b)(1)(B), 50-308(b)), hereby gives notice of its proposed rulemaking action taken on Tuesday, October 7, 2003, to amend, Appendix 8-1 (Zone and Subzone Boundaries) and Appendix 8-2 (Taxicab Zone Map), Chapter 8 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The Panel proposes to eliminate subzone 5-A. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the D.C. Register. Comments should be filed with Kimberly A. Lewis, Attorney Advisor and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES**

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules (Panel) pursuant to the authority set forth under §§8(b)(1)(A), 9(b) and 18 (a) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§50-307(b)(1)(A), 50-308(b), 50-317(a)), hereby gives notice of its proposed rulemaking action taken on Tuesday, September 2, 2003, to amend, Chapter 8 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"), the rates and charges governing taxicab service in the District of Columbia. The proposed rulemaking will amend Appendix 8-2 (Taxicab Zone Map and Charges).

The Panel proposes to amend Appendix 8-2 (Taxicab Zone Map and Charges) by adding an averaged ten percent (10%) increase, to each current zone fare charge. The last taxicab rate increase was effective May 25, 2001. The current taxicab zone fares and the proposed fares are set out below:

<u>No.</u> <u>Zone</u>	<u>Current</u> <u>Fares</u>	<u>Proposed</u> <u>Fares</u>
1	\$5.00	\$5.50
2	\$6.90	\$7.60
3	\$8.60	\$9.50
4	\$10.30	\$11.40
5	\$11.60	\$12.80
6	\$12.80	\$14.10
7	\$14.70	\$16.20
8	\$15.60	\$17.20

The Panel proposed to increase the current charge for radio dispatch service calls. Therefore, the Panel proposed to amend § 802.1 as follows:

802.1 Taxicab service in response to a telephone call shall be two dollars in addition to all other charges.

The Panel also proposes to increase other taxicab rates and charges as shown in Appendix 8-2 by adding fifty cents (\$.50) to the wait time rate for radio dispatch service after five (5) minutes. It also proposes an additional charge of five dollars (\$5.00) to the current hourly rate for taxicabs employed on an hourly basis along with an added increase of fifty cents (\$.50) for additional wait time of fifteen (15) minutes or fraction thereof for such service. Moreover, the Panel

proposes to increase the personal service charge by fifty cents (\$.50). Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the D.C. Register. Comments should be filed with Kimberly A. Lewis, Attorney Advisor and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Transportation, pursuant to the authority of Section 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002, (D.C. Law 14-137; D.C. Official Code § 50-921.06); 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.); Mayor's Order 96-8, dated February 9, 1996; and Mayor's Order 2003-11, dated January 16, 2003, hereby gives notice of its intent to amend subsections 4 and 8 of §3302 of chapter 33 of Title 24 of the District of Columbia Municipal Regulations (DCMR). The proposed amendments would establish a separate Public Right of Way Occupancy rental rate for subsurface stand-alone conduit applicable only to permittees that provide water distribution and sewage collection, treatment, and disposal systems and services. The amendments would also exempt such permittees from paying the rental rate if they have entered into, and are in compliance with, a separate rental agreement with the Director. Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

A notice of proposed rulemaking was published in the D.C. Register (50 DCR 8261) on October 3, 2003. The proposed rulemaking is now being re-submitted for publication due to a scrivener's error.

24 DCMR Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS, is amended as follows:

1. Subsection 3302.4 is amended to read as follows:

- 3302.4 All persons holding Public Right-of-Way Occupancy Permits issued pursuant to this section shall pay a rental fee as described herein. Except:
- (a) A Public-Right-of-Way Occupancy Permittee regulated by the Office of Cable Television and Telecommunications for the provision of cable or video services shall be exempt from the rental fee requirement for its stand-alone conduit, pipe, aerial wire, or surface structures housing transmission facilities related to its cable or video franchise; and
 - (b) A Public-Right-of-Way Occupancy Permittee that provides water distribution and sewage collection, treatment, and disposal systems and services, including the District of Columbia Water and Sewer Authority, shall be exempt from the rental fee requirement for such underground pipe if:

- (i) A separate rental agreement between the Permittee and the Director is in effect; and
- (ii) The Permittee is not in breach of any term of the agreement, as determined by the Director.

2. Subsection 3302.8 is amended to read as follows:

3302.8 Public Right-of-Way Occupancy Permittees with stand-alone conduits or pipes in the public right-of-way below the surface thereof shall pay the following rental fee:

- (a) \$ 0.88 per linear foot of public right-of-way occupied for all permittees other than those described in paragraph (b) of this subsection; or
- (b) \$0.31 per linear foot of public right-of-way occupied if the Public Right-of-Way Occupancy Permittee provides water distribution and sewage collection, treatment, and disposal systems and services, including the District of Columbia Water and Sewer Authority; and
- (c) Notwithstanding the foregoing, a Public Right-of-Way Occupancy Permittee shall not be obliged to pay a rental fee:
 - (i) For those stand-alone conduits or pipes that the Department can reasonably determine were abandoned prior to March 31, 2000; or
 - (ii) If the Public Right-of-Way Occupancy Permittee is exempted by § 3302.4 from payment of the rental fee.

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 date of publication of this notice in the D.C. Register, with Lars Etzkorn, Associate Director, Public Space Management, Department of Transportation, 2000 14th Street, N.W., 5th Floor, Washington, D.C. 20009. Copies of this proposal are available, at cost, by writing to the above address.

DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), gives notice of the adoption on an emergency basis of an amendment of Title 14 DCMR by adding a new Chapter 96, "Public Housing: Barring Policy."

The new chapter will be an instrumental tool in providing safe and secure communities for DCHA residents. The new chapter will permit unauthorized non-resident persons to be barred from DCHA properties and permit any individual who violates a Bar Notice to be arrested for unlawful entry. This action is based on DCHA's statutory authority, found at D.C. Code § 6-203, to bar unauthorized persons from DCHA property.

The emergency action is based on the need to protect the DCHA's residents from unauthorized persons entering DCHA property to engage in criminal activity or otherwise disturb the DCHA's residents' right to quiet enjoyment of their tenancy while the agency obtains input from various stakeholder groups including resident. This rulemaking is necessary for the immediate protection of the public safety and justifies emergency action.

A new chapter related to barring was previously adopted by the Board of Commissioners and published in the D.C. Register on July 18, 2003 as both emergency and proposed regulations. DCHA has received substantive comments in response to its earlier publication which are reflected in the provisions of the barring policy adopted on October 8, 2003. DCHA continues to obtain comments in order to draft a final rule, but until a final rule can be prepared with adequate input, the need to protect our residents has not lessened and therefore DCHA has adopted the emergency rules published herein.

This emergency rule is to be effective with its publication in the D.C. Register on November 7, 2003 and will expire on March 6, 2004, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

Amendment: the new Chapter 96 is to read as follows:

"CHAPTER 96 PUBLIC HOUSING: BARRING POLICY**Secs.****9600 BARRING POLICY**

9600.1 The DCHA's mission is to provide properties that are safe, decent, and sanitary dwelling units in which families may live. In addition, DCHA has the right and duty to refuse entrance or access to its property to any unauthorized person as defined in § 9600.2.

- 9600.2 No person may enter upon DCHA property unless that person is authorized to be on the property. The only persons authorized to be on DCHA property are residents of the property, members of the resident's household, resident's guests except as provided in § 9600.4, and persons employed by or doing business with DCHA at the property.
- 9600.3 Any person not identified in § 9600.2 as an authorized person may be subject to the issuance of a Bar Notice.
- 9600.4 Any resident's guest who engages in any activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or DCHA employees or violates DCHA policy is an unauthorized person.
- 9600.5 For any activity by a resident's guest that violates § 9600.4, a Temporary or Permanent Bar Notice may be issued to the unauthorized person as follows:
- (1) Temporary Bar Notices shall remain in effect for the first infraction for sixty (60) days, second infraction for six (6) months, and third infraction for one (1) year for the following infractions:
 - (a) Entering DCHA property without presenting identification or properly signing the visitor log;
 - (b) Using DCHA property or other dwelling units other than the location identified on the guest pass or visitor log;
 - (c) Unauthorized occupant residing in a dwelling unit;
 - (d) Disruptive conduct while on DCHA property.
 - (2) Permanent Bar Notices shall be remain in effect for five (5) years for all other activities that violate § 9600.4 including, but not be limited to, criminal or other activity involving drugs, violent activity, weapons, theft, assault, eviction from DCHA property for criminal or illegal activity, damage to property, and serious or repeated violations of DCHA policy.
- 9600.6 Bar Notices shall only be issued to bar unauthorized persons under §§ 9600.2 or 9600.4 from DCHA property. They may not be issued to bar persons from public streets or sidewalks, or private property adjoining DCHA property. The Bar Notice does not have to be served on DCHA property.

- 9600.7 Personal service or attempted service in writing of Bar Notices shall be made to each person barred from DCHA property. The Bar Notice shall reflect the method and manner of service upon the barred person.
- 9600.8 Bar Notices shall only be issued by the following persons:
- (a) Members of the DCHA Office of Public Safety including sworn officers and special police officers;
 - (b) Members of the Metropolitan Police Department;
 - (c) Members of cooperative law enforcement task forces as may be authorized by the Chief of DCHA Office of Public Safety; and
 - (d) Private security providers contracted by DCHA or DCHA's agent.
- 9600.9 The issuance of a Bar Notice requires the barred person to immediately leave the DCHA property from which the person was barred and not return for the period the Bar Notice remains in effect.
- 9600.10 Should the barred person fail to leave the DCHA property after the issuance of the Bar Notice, or later returns to the DCHA property noted on the Bar Notice at any time while the Bar Notice is in effect, the person may be arrested for "unlawful entry" pursuant to D.C. Code § 22-3302 (2001 ed.) as amended."

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than sixty (60) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Office of the General Counsel, District of Columbia Housing Authority, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599. Copies of these proposed rules may be obtained from the DCHA at the same address.