

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF PROPOSED RULEMAKING

The Interim Director and the Board of Trustees of the District of Columbia Public Library (“DCPL”), at its regular meeting held June 11, 2003 introduced the proposed amendment to § 810 to Chapter 8, Title 19 of the D.C. Municipal Regulations. At its regular meeting of November 12, 2003 the District of Columbia Library Board of Trustees took final action to approve and adopt the new amendment § 810 to Chapter 8, Title 19 of the D.C. Municipal Regulations. The Board of Library Trustees through D.C. Official Code §39-105 (2001 Ed.) designated the Chief Librarian to establish rules and manage the day-to-day operations of the library. The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, 29 Stat. 244, ch. 315, § 5; April 1, 1926, 44 Stat. 230, ch. 98, §5; Mar. 3, 1979, D.C. Law 2-139, § 3205 (jjj), 25 DCR 5740; Sept. 5, 1985, D.C. Law 6 – 17, § 2, 32 DCR 3582; Apr. 12, 1997, D.C. Law 11-259, § 316, 44 DCR 1423; Oct. 21, 1998, 112 Stat. 2681 – 146, Pub. L. 105 – 277, § 156 (codified at D.C. Official Code § 39-105, 2001 Ed.); 27 DCRR §2.1, 24 DCR 11011, 11014 (June 30, 1978); as amended by Final Rulemaking published at 38 DCR 1011 (February 8, 1991), hereby gives notice of its intent to adopt the following regulation to § 810 to Chapter 8, Title 19 of the D.C. Municipal Regulations in not less than seven (7) days from the date of publication of this notice in the D.C. Register. The current proposed rules will supersede the proposed rules published in the D.C. Register December 19, 2008. The current proposed rules are being re-filed with a request for a shortened comment period of seven (7) calendar days due to the DCPL removing the original behavior guideline #23 filed in the December 19, 2008 proposed rules, as a result of a public comment received regarding such. There have been no other modifications to the other rules as published on December 19, 2008. The newly adopted legislation will uphold the DCPL policy to provide and maintain a safe and secure environment in which every customer can attain equitable access to information, expanded opportunities and an increased quality of life. The guidelines will act as library rules of conduct for our customers, in order to deter and/or minimize the effect of unacceptable behavior by defining such behavior so that individuals may conduct themselves in a manner consistent with the purposes and functions of DCPL.

Add a new § 810 to Chapter 8, Title 19 of the D.C. Municipal Regulations as follows:

810. Behavior Guidelines and Response Matrix

810.1 It is the policy of the District of Columbia Public Library (“DCPL”) to provide and maintain a safe and secure environment in which every customer can attain equitable access to information, expanded opportunities and an increased quality of life. The behavior guidelines or library rules of conduct are developed only to deter unacceptable customer behavior that may interfere or disturb other library customers or promote an unsafe and insecure environment. It is DCPL’s intention that by developing these guidelines its customers are free from harassment, abuse, harm or undue stress when

utilizing its facilities. The DCPL wants to ensure its customers an environment that will provide a lifelong learning experience that is conducive to reading and use of information resources that will aid one’s personal growth and development, while also ensuring that its customers, both internal and external, receive the highest quality of services possible. More importantly, the DCPL wants to guarantee that those customers using the library and its resources have a safe, comfortable environment that supports appropriate library services.

810.2 For the safety and comfort of the public and staff, and to create an environment conducive for library business the following activities are prohibited on library property and facilities:

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
SMOKING #1							
	1st Offense			X			
	Repeat Offense				X		
*GAMBLING #2							
	1st Offense			X			
	Repeat Offense				X		
*FIGHTING #3							
	1st Offense					X	
	Repeat Offense						X
SLEEPING, LYING, OR PLACING HEAD ON TABLES OR ON THE FLOORS #4							
	1st Offense	X					
	Repeat Offense		X	X			

**Such violations are generally more serious in nature & may result in an arrest*

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
DISTRIBUTING OR POSTING PRINTED MATERIALS WITHOUT AUTHORIZATION FROM AN ASSOCIATE DIRECTOR OF MARTIN LUTHER KING JR. MEMORIAL LIBRARY OR ASSOCIATE DIRECTOR OF NEIGHBORHOOD LIBRARIES, OR THE BRANCH MANAGER # 5							
	1 st Offense Repeat Offense	X	X	X			
TRESPASSING IN NONPUBLIC AREAS OR BEING IN THE LIBRARY WITHOUT PERMISSION OF AN AUTHORIZED LIBRARY EMPLOYEE BEFORE OR AFTER LIBRARY OPERATING HOURS AND CAMPING ON LIBRARY GROUNDS #6							
	1 st Offense Repeat Offense			X	X X	X	
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
*USE OR POSSESSION OF ILLEGAL DRUGS OR OPENED ALCOHOLIC BEVERAGES #7							
	1st Offense					X	
	Repeat Offense						X
*ENTERING THE FACILITY WITHOUT WEARING SHIRT AND/OR SHOES #8							
	1st Offense	X	X				
	Repeat Offense			X			
MORE THAN ONE LARGE AND ONE PERSONAL BAG NOT EXCEEDING A TOTAL OF TWO (2) BAGS FOR EACH CUSTOMER. THE OFFICIAL AIRPORT STANDARD "CARRY ON" SIZE - 9x14x22" WILL BE APPLIED TO THE LARGE BAG #9							
	1st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
<p>*USING LIBRARY RESTROOMS FOR INAPPROPRIATE USE, E.G., BATHING, SHAMPOOING, DOING LAUNDRY, AND CHANGING CLOTHES #10</p>	1 st Offense			X			
	Repeat Offense				X		
<p>*ANY ACTIVITY THAT INTERFERES WITH CUSTOMER OR STAFF USE OF THE LIBRARY, INCLUDING BUT NOT LIMITED TO:</p> <ul style="list-style-type: none"> • VERBALLY HARASSING OTHERS; • USE OF OBSCENE LANGUAGE; • STALKING #11	1 st Offense	X	X				
	Repeat Offense			X	X		
<p>EXCESSIVE NOISE, INCLUDING LOUD CONVERSATION AND MUSIC #12</p>	1 st Offense	X					
	Repeat Offense		X				

**Such violations are generally more serious in nature & may result in an arrest*

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
*INDECENT EXPOSURE, SEXUAL ACTIVITY, OR NAKEDNESS #13							
	1st Offense					X	
	Repeat Offense						X
ANIMALS, OTHER THAN SERVICE ANIMALS ASSISTING PERSONS WITH DISABILITIES # 14							
	1st Offense	X					
	Repeat Offense		X				
SELLING, SOLICITING OR PANHANDLING UNLESS AUTHORIZED BY CHIEF LIBRARIAN OR DESIGNEE. AUTHORIZED ACTIVITIES MAY NOT OBSTRUCT ENTRANCE TO AND EXITS FROM THE LIBRARY #15							
	1st Offense	X					
	Repeat Offense		X	X			

**Such violations are generally more serious in nature & may result in an arrest*

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
MOVING LIBRARY FURNITURE OR EQUIPMENT WITHOUT AUTHORIZATION FROM DCPL STAFF # 16							
	1st Offense	X					
	Repeat Offense		X	X			
BLOCKING LIBRARY ENTRANCES AND AISLES OR INTERFERING WITH THE FREE ACCESS TO BUILDING AND MATERIALS #17							
	1st Offense	X					
	Repeat Offense		X	X			
ABUSE OF INTERNET GUIDELINES (SEE INTERNET GUIDELINES.) #18							
	1st Offense			X			
	Repeat Offense				X		
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALT	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
FRAUDULENT USE OF OTHER PEOPLE'S LIBRARY CARD OR NUMBER FOR ANY PURPOSE, INCLUDING RESERVING COMPUTERS # 19							
	1st Offense			X			
	Repeat Offense				X		
*STEALING, DAMAGING, ALTERING, OR INAPPROPRIATE USE OF LIBRARY PROPERTY INCLUDING MATERIALS, COMPUTER HARDWARE AND SOFTWARE, PRINTERS, COPIERS, PHONES OR OTHER EQUIPMENT # 20							
	1st Offense				X		
	Repeat Offense					X	

**Such violations are generally more serious in nature & may result in an arrest*

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
*CARRYING FIREARMS AND DANGEROUS WEAPONS OF ANY TYPE OR ITEMS THAT COULD POTENTIALLY BE USED AS A WEAPON #21							
	1st Offense Repeat Offense					X	X
FOOD AND BEVERAGES IN THE FOLLOWING AREAS: NEVER PERMITTED IN ANY DESIGNATED SPECIAL COLLECTION AREA, E.G., BLACK STUDIES CENTER, WASHINGTONIANA, CHILDREN'S ILLUSTRATOR COLLECTION, AND COMPUTER LAB. MAY BE PERMITTED IN SPECIFIC ANNOUNCED LOCATIONS BY THE LIBRARY. #22							
	1st Offense Repeat Offense	X	X				
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	OFFENSES	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
UNATTENDED PACKAGES, LUGGAGE, OR BAGS. THE LIBRARY IS NOT RESPONSIBLE FOR LOST OR MISSING ITEMS #23							
	1st Offense	X					
	Repeat Offense		X				
USE OF ROLLER SKATES, SCOOTERS, SKATEBOARDS, BICYCLES, OR OTHER SIMILAR DEVICES #24							
	1st Offense	X					
	Repeat Offense			X			
CHILDREN UNDER AGE EIGHT WITHOUT APPROPRIATE SUPERVISION (SEE "UNATTENDED CHILDREN'S POLICY".) #25							
	1st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
CHILDREN UNDER AGE SIXTEEN (16) DURING REGULAR SCHOOL HOURS [TRAUNCY] BETWEEN THE HOURS OF 9:30 A.M. THROUGH 2:00 P.M. WITHOUT PARENTAL/GUARDIAN CONSENT. STAFF WILL NOTIFY PARENT OR GUARDIAN IF TRUANCY OCCURS (D.C. OFFICIAL CODE, TITLE 32-221 (2001 ED.)) D.C. SCHOOLS DEFINE TRUANCY AS THOSE STUDENTS WHO ARE ABSENT FROM SCHOOL WITHOUT A VALID REASON (WITH OR WITHOUT PARENTAL KNOWLEDGE OR CONSENT #26							
	1 st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	OFFENSES	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
ADULTS AND TEENS, AGE FOURTEEN (14) AND OLDER, ARE RESTRICTED FROM CHILDREN'S AREAS AND COMPUTERS. THIS EXCLUSION DOES NOT APPLY TO PARENTS, GUARDIANS OR CARETAKERS WHEN PRESENT WITH CHILDREN IN THE AREA AND THOSE ADULTS THAT ARE SELECTING CHILDREN'S MATERIALS #27							
	1 st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	OFFENSES	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
ADULTS ARE RESTRICTED FROM TEENS AREAS AND COMPUTERS. THIS EXCLUSION DOES NOT APPLY TO PARENTS, GUARDIANS OR CARETAKERS WHEN PRESENT WITH TEENS IN THE AREA AND THOSE ADULTS WHO ARE SELECTING TEEN MATERIALS #28							
	1 st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

810.3 A customer that is aggrieved by an administrative decision involving a violation of the DCPL Behavior Guidelines may appeal the decision in writing to the DCPL Office of Public Safety within ten (10) working days of the decision. The Appeal Officer of the DCPL Office of Public Safety shall review the record regarding the incident giving rise to the decision. The Appeal Officer may affirm, modify, or overrule the decision based upon his/her review of the record. Send written appeal to:

Appeal Officer
DCPL, Office of Public Safety
Martin Luther King Jr. Memorial Library
901 'G' Street, N.W.
3rd Floor
Washington, D.C. 20001

810.4 If a customer enters any DCPL property while an official bar is in effect, the customer is subject to arrest for unlawful entry pursuant to D.C. Official Code §22-3302 (2001 Ed.).

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than seven (7) days after the date of the publication of this notice in the D.C. Register. Comments should be submitted to Grace Perry-Gaiter, DCPL, General Counsel, Martin Luther King Jr. Memorial Library, 901 'G' Street, N.W., 4th Floor, Washington, D.C. 20001. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Office of Tax and Revenue (“OTR”), pursuant to the authority set forth in D.C. Official Code §§ 47-820.02(d) and 47-885 (2001), Section 155 of the District of Columbia Appropriations Act, 2001 (P.L. 106-522, D.C. Official Code § 1- 204.24c (2001)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 3, REAL PROPERTY TAXES, of Title 9 of the District of Columbia Municipal Regulations (“DCMR”).

An owner of a resale restricted residential property (as defined under D.C. Official Code § 47-820.02) shall complete the form devised by the Deputy Chief Financial Officer in order to receive the benefit. The benefit is typically a reduced taxable assessment that is not based upon the estimated market value of the residential real property. Generally, the benefit shall be effective beginning with the half tax year when the property was purchased by the owner.

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

(1) New section 367 is added to Title 9 of the DCMR to read as follows:

367 REQUIREMENT TO FILE FORM BEFORE BENEFITING FROM TAXABLE ASSESSMENT AS A RESALE RESTRICTED PROPERTY

367.1 Residential real property that qualifies as “resale restricted properties,” as that phrase is defined under D.C. Official Code § 47-820.02, shall receive a benefit as determined under such statute.

367.2 Filing the applicable form devised by the DCFO shall be a means of providing notice to the DCFO that the real property is resale restricted.

367.3 The form shall be completed and filed before the benefit under D.C. Official Code § 47-820.02 may be received.

367.4 The benefit shall be effective beginning with the half tax year when the owner purchased the resale restricted real property, as determined by the date of the deed or the date the deed was acknowledged, whichever is later.

367.5 No benefit shall be received prior to the date the owner purchased the resale restricted real property or 3 years, whichever is sooner.

Comments on this proposed rulemaking should be submitted in writing to Ms. Sonia Mittal, Assistant General Counsel, Office of Tax and Revenue, 941 North Capitol Street, N.E., Suite 810, Washington, DC 20002, not later than thirty (30) days after publication of this notice in the

D.C. Register. Copies of this rule and related information may be obtained by writing to the person at the address stated herein.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the Department of Transportation, pursuant to the authority of section 5(4)(A), 6(b) and (c) and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(4)(A), 50-921.05(b) and (c), and 50-921.06), and sections 603 and 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198, D.C. Official Code §§ 10-1141.03 and 10-1141) and Mayor's Order 96-175 (December 9, 1996), hereby gives notice of the intent to amend Title 24, of the District of Columbia Municipal Regulations by amending section 225.1 to include a new list of fees for public space permits, and revising the public utility exemptions from public space rental fees.

A notice of proposed rulemaking on this issue was published in the D.C. Register on October 10, 2008, at 55 DCR 10389. This amendment was revised in response to comments received by the public and to address a duplication of the originally proposed fee for the Fair Market Component for the Parking Lane and the fee established for prohibiting parking in DCMR Title 18 Section 2407.20 and 2407.21. A permit and fee to abandon or remove a fuel tank or vault was added to be consistent with the fee for installation of a fuel tank, as listed in the first publishing. In response to additional comments, the amount of linear feet charged for the installation of overhead electrical or communication wire was increased from 100 feet to 300 feet, while the incremental fees remained the same. Similarly, the amount of linear feet charged for the excavation for pipe, conduit or cable was increased from 150 feet to 200 feet, while the incremental fees remained the same. Also, a new definition for public utility was added to include the Water and Sewer Authority. Finally, the fee for Subsurface Fuel Tank was moved from the Major Excavation section to the Fixture(s) and Paving (other) section. Spelling corrections and adjustments to the order of fines were also made in this amendment.

Final rulemaking action to adopt these amendments shall be taken in not less than fifteen (15) days. Pursuant to DC Code §2-505, final rulemaking action may be made less than thirty (30) days from publication of proposed rulemaking upon a showing of good cause. The full comment period is not necessary because these rules have been published before and the only changes which were made were done so in collaboration with the commenters. Furthermore, most of the amended rulemaking has remained the same, and there has been ample time to comment on this rule. In addition, the current public space permit fees do not cover the administrative cost of reviewing and issuing permits. This shortened review period will help mitigate this budget shortfall.

Title 24, PUBLIC SPACE AND SAFETY, Chapter 2, RENTAL OF PUBLIC SPACE, Section 225, PUBLIC SPACE PERMIT FEES, is amended as follows:

A. Subsection 225.1 is amended to read as follows:

225.1 The following schedule of fees shall apply to public space permits:

Description of Permit	Permit Fee
(a) Administrative:	
Application Fee (New or Renewal)(Public Utilities Exempt)	\$50.00
(b) Temporary Occupancy:	
(1) Residential Moving Trucks (2 days maximum)	\$ 34.00
(2) Man Hole Access (each occurrence)	\$ 85.00
(3) Man Hole Access (Annual Permit)	\$2,585.00
(4) Ladders and scaffolding:	Permit Fee
	Per Month
Ladders and scaffolding placed in public space on public sidewalks, alleys or at commercial properties (see § 225.2 of this title)	\$ 50.00
(5) Receptacles for construction debris (e.g., Dumpsters™) placed in public space in areas zoned CR, C-1 through C-5, CM, M, SP-1 and SP-2, and W-1 through W-3:	Permit Fee
	Per Month
Months 1, 2, & 3	\$ 75.00
Months 4 & 5	\$100.00
Month 6 or more	\$150.00
(6) Receptacles for construction debris (e.g., Dumpsters™) placed in public space in areas zoned R-1 through R-5:	Permit Fee
	Per Month
Months 1, 2, & 3	\$ 75.00
Months 4 & 5	\$125.00
Month 6 or more	\$200.00
Other Temporary Occupancy	\$ 50.00
(c) Fair Market Component of Permit Fee for Temporary Occupancy in Excess of Thirty (30) Calendar Days as applied to paragraphs (d) through (k) of this subsection (Public Utilities Exempt):	
(1) Public Space Use Fee (Central Business District):	
	Fee/Sq-Ft/Day
Parking Lane	Fee established for prohibiting parking in DCMR Title 18 Section 2407.20 and 2407.21
1 st Travel Lane	\$ 0.040
2 nd Travel Lane and Each Add'l	\$ 0.080
Alley	\$ 0.020
Sidewalk	\$ 0.030

(2) Public Space Use Fee (Other than Central Business District):

Fee/Sq-Ft/Day

Parking Lane	Fee established for prohibiting parking in DCMR Title 18 Section 2407.20 and 2407.21
1 st Travel Lane	\$ 0.030
2 nd Travel Lane and Each Add'l	\$ 0.060
Alley	\$ 0.015
Sidewalk	\$ 0.020

(d) Fixture(s) and Paving (in Parking):

**Permit Fee
For First Thirty (30)
Calendar Days
(Additional Time May Require
Fair Market Component)**

Fence	\$ 50.00
Fence w/Brick Piers	\$ 75.00
Retaining Wall	\$ 75.00
Planter Box (each)	\$ 75.00
Coping	\$ 75.00
Steps	\$ 75.00
Over-Height Fence or Wall	\$135.00
Minor Repair of Fence, Wall or Paving	\$ 50.00
Minor Paving (less than 150 sq ft)	\$ 75.00

(e) Fixture(s) and Paving (other):

**Permit Fee
For First Thirty (30)
Calendar Days
(Additional Time May Require
Fair Market Component)**

Pay Phone (each)	\$ 75.00
Street Furniture	\$135.00
Raised Planter Box(s) on Sidewalk	\$135.00
Moveable Planter Box(s) on Sidewalk	\$135.00
Bollards	\$135.00
Sign(s)	\$135.00
Canopy Sockets	\$ 75.00
Minor Paving (less than 150 sq ft)	\$ 75.00
Repair/Replace Existing Driveway	\$ 75.00
Close Existing Driveway	\$ 75.00
New Residential Driveway	\$ 75.00
New Commercial Driveway	\$135.00
New Circular Driveway	\$135.00
Sidewalk Paving (up to 300 linear ft)	\$135.00
Curb & Gutter (up to 300 linear ft)	\$135.00

Alley Paving/Roadway Paving (up to 300 linear ft)	\$135.00
Resurface Roadway (up to 300 linear ft)	\$ 75.00
Subsurface Fuel Tank (each – new or replacement)	\$250.00
Other Fixture(s) or paving in public space	\$135.00

(f) Building Projections:

**Permit Fee
For First Thirty (30)
Calendar Days
(Additional Time May Require
Fair Market Component)**

Porches & Steps (each)	\$ 75.00
Areaway (each)	\$ 75.00
Window Well (each)	\$ 75.00
Bay Window (each)	\$ 75.00
Projections Requiring Exception from Building Code (See 12A-3202.4) (each)	\$135.00

(g) Grading:

**Permit Fee
For First Thirty (30)
Calendar Days
(Additional Time May Require
Fair Market Component)**

Roadways, sidewalks and alleys	\$.00
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(h) Trees and Landscaping:

**Permit Fee
For First Thirty (30)
Calendar Days
(Additional Time May Require
Fair Market Component)**

Public Space Tree(s) (plant)	\$ 0.00
Public Space Tree(s) (remove)	\$ 100.00
Hedge(s) (plant)	\$ 75.00
Other Landscaping (Commercial)	\$ 75.00
Street Tree (s) (pruning)	\$ 75.00
Tree Space (s) (Not part of sidewalk paving permit)	\$ 75.00
Tree Fence (s)	\$ 50.00

(i) Minor Excavation:

**Permit Fee
For First Thirty (30)
Calendar Days
(Additional Time May Require
Fair Market Component)**

Test Pits, Boring & Cores (single)	\$ 50.00
Test Pits, Boring & Cores (Each Add'l)	\$ 20.00

Monitor Wells (single)	\$135.00
Monitor Wells (Each Add'l)	\$ 20.00
Conduit Relocation (up to 10 linear Ft)	\$ 50.00
Other Minor Excavation (up to 100 sq ft and not requiring sheeting & shoring)	\$ 85.00
House Service (each premise)	
Water/Fire Connection/Abandonment/Repair – up to 2 inch pipe size	\$ 50.00
Water Meter Pit and associated Pipe up to 2 inches	\$ 50.00
Gas Connection/Abandonment/Repair	\$ 50.00
Electric Connection/Abandonment/Repair	\$ 50.00
Communication Connection/Abandonment/Repair	\$ 50.00
Sanitary Sewer Connection/Abandonment/Repair – up to 4 inch pipe size	\$ 85.00
Storm Sewer Connection/Abandonment/Repair – up to 4 inch pipe size	\$ 85.00

(j) Major Excavation:

**Permit Fee
For First Thirty (30)
Calendar Days
(Additional Time May Require
Fair Market Component)**

Regulator Stations, above and below ground, and associated appurtenances installation or removal (each)	\$135.00
Washington Gas and Light – System Monitoring/Telemetric Equipment installation or removal (each)	\$ 85.00
Washington Gas and Light – Non-Emergency maintenance related excavations such as for cathodic protection activities, encapsulations, other O & M activities (each)	\$ 85.00
Gas Service Connection/Abandonment/Repair (each)	\$ 85.00
Electric Service Connection/Abandonment/Repair only	\$ 85.00
Electric Service Connection/Abandonment/Repair and associated Manhole and Conduit (each)	\$135.00
Transformer Vault and associated Manhole and Conduit (each)	\$250.00
Water/Fire Connection/Abandonment/Repair (each – over 2 inch pipe size)	\$ 85.00
Water Meter Manhole and associated piping(each)	\$135.00

Fire Hydrant Installation/Repair/Removal (each)	\$ 85.00
Sanitary/Storm Sewer Connection/Abandonment/Repair (each – over 4 inch pipe size)	\$135.00
Sanitary/Storm Sewer Manhole (each)	\$135.00
Communication Manhole (each)	\$135.00
Utility or Communication Excavation for Pipe, Conduit or Cable (each 200 linear feet or portion thereof)	\$135.00
Sheeting and Shoring (each 100 linear feet or portion thereof)	\$135.00
Abandonment or Removal of Subsurface Fuel Tank or Vault (each)	\$135.00

(k) Overhead Electrical/Communication:

**Permit Fee
For First Thirty (30)
Calendar Days
(Additional Time May Require
Fair Market Component)**

Install/Remove/Replace Overhead Electrical/Communication Wire Up to 300 linear feet	\$ 50.00
Each additional 300 linear feet or portion thereof	\$ 20.00
Install/Remove/Replace Utility/Communication Pole with or without Guy Wire	
First Pole	\$ 50.00
Each Additional Pole	\$ 20.00
Install/Remove/Replace Guy Wire for Utility/Communication Pole	
First Guy Wire	\$ 50.00
Each Additional Guy Wire	\$ 20.00

**(l) Moving Overweight, Over-length, or Over-width
equipment (excluding permits issued to the federal
government):**

	Permit Fee
Single Trip (each)	\$ 30.00
Round Trip (each)	\$ 50.00

(m) Miscellaneous:

	Permit Fee Per Month
All miscellaneous permits primarily benefitting the applicant	\$ 50.00

(n) Inspection Fee:

	Fee per Hour
Additional fee for any needed inspection of paving, repairing or altering of public space	\$ 50.00/hr

(o) Public Space Abutting Business (see § 201.1 of this title):**One-Time Permit Fee**

Use of public space by operators of abutting businesses

\$139.00

B. Subsection 225.6 is amended to read as follows:

225.6 No permit fee shall be charged to a public utility, as that term is defined in Section 2 of the Underground Facilities Protection Act of 1980, effective March 4, 1981 (DC Law 3-129, DC Official Code § 34-2701), for the following:

- (a) Work done exclusively for the District to service District owned fixtures;
- (b) Work done exclusively for District buildings and connections to the buildings;
- (c) Changes in existing structures made at the request of, or on order from the Mayor of the District;
- (d) For mains, conduits, or other structures laid or repaired in advance of new paving purely to avoid cuts, therein and as a result of notification to the permittee from the District that paving is contemplated;
- (e) Work done under contract for the District;
- (f) Work done to repair damages caused by construction done by the District or by a contractor for the District; or
- (g) Work done exclusively for agencies of the United States Government.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than fifteen (15) days after the publication of this notice in the D.C. Register, with Karina Ricks, Associate Director, District of Columbia Department of Transportation, 2000 14th Street, N.W., 7th Floor, Washington, D.C. 20009. You may also send comments electronically to publicspace.committee@dc.gov. Copies of this proposed rulemaking 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 website at www.ddot.dc.gov.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the Department of Transportation, pursuant to the authority of sections 5(4)(A), 6(b), and (c), 7, and 9c of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(4)(A), 50-921.05(b) and (c), 50-921.06, and 50-921.11(c)), and sections 603 and 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198, D.C. Official Code §§ 10-1141.03 and 10-1141) and Mayor's Order 96-175 (December 9, 1996), hereby gives notice of the intent to amend Title 24, of the District of Columbia Municipal Regulations by clarifying that revenue generated from public space rental fees are proceeds collected for the rental of public space to be deposited in the Department of Transportation Unified Fund. Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days.

Title 24, PUBLIC SPACE AND SAFETY, Chapter 2, RENTAL OF PUBLIC SPACE, Section 225, PUBLIC SPACE PERMIT FEES, is amended by adding a new subsection 225.7 is added to read as follows:

225.7 The fees collected pursuant to this section are proceeds collected by the District for the rental of public space and shall be deposited in the Department of Transportation Unified Fund, as provided in paragraph 9c(c)(4) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.11(c)(4)).

All persons interested in commenting on the subject matter in this proposed rulemaking 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 of Columbia Department of Transportation, 2000 14th Street, N.W., 7th Floor, Washington, D.C. 20009. You may also send comments electronically to publicspace.committee@dc.gov. Copies of this proposed rulemaking 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 website at www.ddot.dc.gov.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 08-23

(Text Amendment – 11 DCMR)

**(Text Amendments to § 1706 to Remove Square 374, Lot 44 from the Downtown
Development District Housing Priority Area and to § 1706.8 (b) to Eliminate Reference to
Non-Existent Squares)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend §§ 1706.2 and 1706.8 of the Zoning Regulations (Title 11 DCMR).

The first proposed amendment would remove the property known as Square 384, Lot 44 from the Downtown Development District Housing Priority Area. Lot 44 is part of the former site of the Washington Convention Center, which was located on approximately 10 acres bounded by New York Avenue, and H, 9th and 11th Streets, N.W. As a result of the amendment, Lot 44 will not have to provide on-site or account off-site for at least 3.5 FAR of residential uses, but its matter of right development will be reduced to 6.5 FAR.

The Zoning Regulations do not expressly identify which lots are included within the Housing Priority Area, but cross reference a map that does. This map, known as Map B, is incorporated into the Zoning Regulations by § 1706.2. Therefore, that subsection is proposed to be amended to refer to an updated version of Map B that no longer depicts Lot 44 as being within the boundary of the Housing Priority Area.

The second proposed amendment is a purely technical change to § 1706.8 (b). That provision lists the squares or portions of square (but not the lots) included within Housing Priority Area, Subarea B. The proposed amendment would strike the references to Squares 344 and 373, which are now part of Square 374.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed:

Title 11 DCMR, Chapter 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT, § 1706 is proposed to be amended as follows (deleted text is shown with ~~striketrough~~, new text is shown as **bolded** and underlined):

1. Subsection 1706.2 is amended to read as follows:

1706.2 The housing requirements and incentives of this section shall be applicable only in the Housing Priority Area that is depicted in Map B ~~attached~~ **included as information supplemental** to the Office of Planning memorandum dated ~~June 7, 2006~~ **July 3, 2008** filed in Zoning Commission Case No. ~~05-43~~ **08-23**, which may be viewed in the Office of Zoning, and that is described by

squares in § 1706.8, provided that the transferable development rights provisions of § 1706.3 shall be applicable throughout the DD Overlay District. Map B is incorporated by reference.

2. Paragraph 1706.8 (b) is amended to read as follows

1706.8 For the purposes of permitting and governing combined lot developments as provided by § 1708, the Housing Priority Area is divided into three (3) subareas as follows:

(b) Housing Priority Area B, the Mount Vernon Square South area, comprises the DD/C-2-C and DD/C-3-C zoned properties that are located south of Massachusetts Avenue, including squares and parts of squares numbered 247, 283, 284, 316, 317, 342, 343, ~~344~~, 371, 372, ~~373~~, 374, 427, 428, 452, 453, 485, 486, 517, and 529, National Park Service Reservation 174, and the commercial and underdeveloped properties in square 247 with an approved plan unit development on or before January 18, 1991, for so long as the planned unit development approval remains valid;

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.