

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA) hereby gives notice, pursuant to D.C. Code Section 6-203 (2007 Ed.), of its intent to adopt the following proposed amendments of Chapter 61 of Title 14 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The proposed amendments contain the rules governing victims of domestic violence who have applied for admission pursuant to a Memorandum of Agreement with a Public Housing Authority of another jurisdiction.

Amendment: Amend Chapter 61, Admission and Recertification, Preferences for Public Housing, Section 6105.3, to read in its entirety as follows:

6105.3 The DCHA shall select families from the waiting list in the Emergency Category by date and time of application, except when a situation is a federally or locally declared natural disaster or civil disturbance or where the applicant is being admitted pursuant to a mutual agreement with another public housing authority, in which case the Executive Director has the discretion to waive date and time of application in selection. Any determination by the Executive Director to waive the date and time of application must be in writing stating the maximum number of applications that will be selected under these provisions or any limits on time for the waiver, with such waiver being approved for form and legal sufficiency by General Counsel and published in the D.C. Register.

All persons desiring to comment on the subject matter of this rulemaking should file comments in writing no later than thirty (30) days after the publication of this Notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599; copies of these rules may be obtained from DCHA at that same address. Alternatively, copies of the rules can be requested from and comments can be sent to Mashanda Y. Mosley, Assistant General Counsel, Office of the General Counsel, District of Columbia Housing Authority, at MMosley@dchousing.org.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY**NOTICE OF PROPOSED RULEMAKING**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA) hereby gives notice, pursuant to D.C. Code Section 6-203 (2007 Ed.), of its intent to adopt the following proposed amendments and restatements of selected provisions of Chapter 84 of Title 14 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The proposed amendments contain the rules governing notice, abatement and termination process for participants who fail to recertify their eligibility.

Amendment: Amend Chapter 84, Rent Subsidy Programs: Certifications, to add a new section 8410 and Amend Sections 8902 and 8903 of Chapter 89, Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs

8410 Notice, abatement, and termination process for participants who fail to recertify their eligibility.

8410.1 At least one hundred fifty (150) days but no more than one hundred eighty (180) days prior to a participant's Family's anniversary date, DCHA shall send by regular mail to the Family's address a notice informing the head of household of the following:

- (a) The date, time and location of a recertification interview with DCHA staff which shall be at least thirty (30) days from the date of the notice;
- (b) Instructions on how to reschedule the recertification interview if the date in the notice is unacceptable;
- (c) A list of documents and information that must be brought to the recertification interview;
- (d) Notice that failure to attend the recertification interview or to timely and completely provide all required information may result in termination of participation in the Program or the loss of rental assistance; and
- (e) Forms that must be completed prior to the recertification interview will be included with the notice.

8410.2 In the event the Participant fails to attend the recertification interview scheduled in section 8410.1 or does not provide all the requested information in a timely manner, DCHA shall send a notice to the address of the Participant's assisted unit by regular mail informing the Head of the Household of the following:

- (a) The Head of Household failed to attend the scheduled recertification interview and/or they failed to provide the requested information or documentation;

- (b) If the failure was to provide information or documents, the notice shall list the missing information or documents and establish a deadline not less than 15 nor more than 30 days from the date of the notice to provide the missing information or documents. The Participant, or any person acting on his or her behalf, may submit the information on any participant walk-in day or on any other day designated by DCHA. DCHA shall provide written confirmation of all information and/or documents received from the Family;
- (c) If the failure was to attend the scheduled recertification interview, the notice will set a date and time for a second interview that is not less than 15 nor more than 30 days from the date of the notice, and shall provide a method by which the Head of Household can reschedule that interview if necessary; and
- (d) Notice that failure to attend the second interview and completely comply with the information request may result in termination from the Program and will result in an abatement of the Housing Assistance Payments.

8410.3. In the event the participant fails to attend the second recertification interview scheduled pursuant to section 8410.2 and has not rescheduled that interview, and/or fails to provide the requested information by the deadline, DCHA shall send a notice to the address of the Participant's assisted unit, addressed to the Head of the Household and include the following information:

- (a) The Head of Household has failed to recertify his or her eligibility as required by the regulations governing the Program;
- (b) The Housing Assistance Payments will abate beginning on the date indicated in the notice, which shall be no sooner than 30 days from the date of the notice;
- (c) The participant will be responsible for payment of the full contract rent until such time as he or she provides all required information;
- (d) The notice shall provide that DCHA shall send a copy of the notice to the landlord;
- (e) The Head of Household has a right to cure the failure to recertify his or her eligibility by:
 - (1) scheduling and attending a recertification interview or meeting with an HCVP employee on a participant walk-in day;
 - (2) providing all the requested information; and
 - (3) completing the recertification process.
- (f) The date by which the cure must be completed, the cure date, which shall be sixty (60) days prior to the participant's anniversary date (the "Cure Date");

- (g) The participant has a right to challenge the abatement of housing assistance payments by requesting an informal hearing in accordance with the provisions of Chapter 89 of these regulations. So long as the participant requests a timely hearing, benefits shall continue pending the outcome of the hearing;
- (h) The participant has the right to request additional time or assistance with the recertification process as a reasonable accommodation of his or her disability;
- (i) If the failure to recertify is cured in a timely manner then the housing assistance payments to the landlord will begin on the first day of the following month.
- (j) No retroactive payments will be made; and
- (k) If the participant family fails to cure by the Cure Date, then DCHA shall send a notice of termination consistent with the provisions of 14 DCMR 8902.3.

MODIFICATIONS TO CHAPTER 89

ADD: 8902.2 (g) abatement of HAP pursuant to 14 DCMR 8410.3

MODIFY: 8902.3 to delete the sentence “Notices under 8902.1(j) shall be sent by both certified and regular mail.” and substitute with “Notices under this Section and under Section 8401 shall be sent by regular mail to the address for which the assistance is being provided, and to any other address the participant or his or her representative has provided to DCHA in writing for the purpose of receiving mail (including but not limited to a Post Office box, hospital, treatment facility, other medical facility, or social services agency).

ADD the following subsections to 8903.1:

(f) Notwithstanding the foregoing, an applicant or participant shall be entitled to a hearing upon request made after the expiration of the thirty (30) day period if the applicant or participant demonstrates good cause for failing to request a hearing within the thirty (30) day period. In determining whether the applicant or participant has demonstrated good cause, the hearing officer shall consider the following factors, among any others presented by the applicant or participant:

- (1) Whether the applicant or participant received notice of the DCHA action for which an informal hearing is sought;
- (2) Whether the applicant or participant has acted in good faith;
- (3) Whether the applicant or participant took reasonably prompt action under all the circumstances;
- (4) Whether the applicant or participant presents a facially meritorious defense or challenge to the DCHA action at issue; and

- (5) Any mitigating circumstances related to a disability, incapacity, or emergency of the applicant or participant or a member of the household.

(g) The applicant or participant shall be presumed to have received notice if DCHA can show it was mailed to the applicant at his or her address(es) on record or to a participant at the participant's address(es) on record, and was not returned to DCHA. The participant bears the burden of rebutting this presumption by showing, whether by credible testimony or other evidence, that notice was not received. Receipt of actual notice shall not preclude a participant from establishing good cause as set forth in subsection (f).

(h) Where the challenged action involves termination of assistance or abatement of HAP payments, and the participant has requested a hearing in accordance with subsection (f), DCHA shall take the following actions:

- (1) If assistance has not yet abated or terminated, DCHA shall continue assistance to the participant until such time as the hearing officer has determined whether a hearing on the merits shall be granted, and if a hearing is granted, until such time as a final determination has been made according to the procedures provided in these regulations;
- (2) If payments have abated or assistance has terminated, DCHA shall schedule a preliminary hearing to take place within not less than five or more than ten business days of receipt of the request by the Office of Fair Hearings, solely to determine whether the participant has demonstrated good cause as set forth in 8903.1(f). If the hearing officer determines that the participant has made such a showing, assistance shall be retroactively reinstated to the date of termination, pending a full hearing and final determination according to the procedures provided in these regulations. If DCHA fails to schedule such a preliminary hearing within ten business days, assistance shall be automatically reinstated retroactively, pending the scheduling and outcome of such hearing; or
- (3) The hearing officer shall make his or her best effort to render a decision on the good cause showing on the day of the preliminary hearing but, said decision shall be made no more than three (3) business days after the preliminary hearing.

All persons desiring to comment on the subject matter of this rulemaking should file comments in writing no later than thirty (30) days after the publication of this Notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599; copies of these rules may be obtained from DCHA at that same address. Alternatively, copies of the rules can be requested from and comments can be sent to Mashanda Y. Mosley, Assistant General Counsel, Office of the General Counsel, District of Columbia Housing Authority, at MMosley@dchousing.org.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGFORMAL CASE NO. 990, IN THE MATTER OF THE DEVELOPMENT OF LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under District of Columbia Official Code § 34-401¹, hereby gives notice of its intent to adopt the following amendments to Chapter 27 of Title 15 of the District of Columbia Municipal Regulations (“DCMR”) in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. Chapter 27, which is entitled “Regulation of Telecommunications Service Providers,” contains the Commission’s rules and service quality standards for telecommunications service providers in the District of Columbia. The following proposed amendments to Chapter 27 will establish the Commission’s reporting requirements for service outages and incidents resulting in personal injury for telecommunications service providers in accordance with the “Omnibus Utility Amendment Act of 2004”² and D.C. Official Code § 34-2002(g).³

Title 15, Chapter 27:**2740 REPORTING REQUIREMENTS FOR SERVICE OUTAGES AND INCIDENTS RESULTING IN PERSONAL INJURY OR DEATH**

- 2740.1 The provisions of section 2740 except as otherwise reflected, shall apply to all telecommunications service providers serving at least 100 customers or 100 access lines, excluding telecommunications service providers that utilize local access obtained from the incumbent local exchange provider via resold or commercially negotiated agreements.
- 2740.2 Telecommunications service providers shall report to the Commission and to the Office of the People’s Counsel certain telecommunications service outages and disruptions. Telecommunications service providers shall report incidents that result in the loss of human life or personal injury

¹ D.C. Official Code § 34-401 (2008 Supp.).

² D.C. Official Code § 34-401 (2008 Supp.).

³ D.C. Official Code § 34-2002(g) (2008 Supp.).

requiring hospitalization directly or indirectly arising from or connected with the maintenance or operation of the telecommunications system within the District of Columbia.

2740.3 All service outages shall be communicated by telephone or email to the Commission as soon as practicable, but not later than one (1) hour after the telecommunications service provider has determined that a service outage has occurred.

2740.4 Each telephone or email communication rendered by the telecommunications service provider subsequent to a major service outage shall, at a minimum, state clearly the following information:

- (a) The location of the service outage(s);
- (b) The estimated total number of customers out of service;
- (c) A preliminary assessment as to the cause of the service outage(s); and
- (d) The estimated repair and/or restoration time.

2740.5 If the outage is required to be reported to the Federal Communications Commission pursuant to 47 C.F.R. §§ 4.9 and 4.11, then the telecommunications service provider shall file a copy of the same reports with the Commission and the Office of the People's Counsel. If the outage occurs during the Commission's business hours, the telecommunications service provider shall file the relevant Notification Communications Outage Report required pursuant to 47 C.F.R. §§ 4.9 and 4.11 with the Commission and the Office of the People's Counsel within two (2) hours after the Notification has been filed with the Federal Communications Commission. For outages occurring outside of the Commission's normal business hours, the telecommunications service provider shall file with the Commission and the Office of the People's Counsel within one (1) hour of the next business day the relevant Notification Communications Outage Report filed with the Federal Communications Commission pursuant to 47 C.F.R. §§ 4.9 and 4.11.

2740.6 For those outages that are reported to the Federal Communications Commission, within one (1) business day of submission of the Initial Communications Outage Report and the Final Communications Outage Report to the Federal Communications Commission pursuant to 47 C.F.R. §§ 4.9 and 4.11, the telecommunications service provider shall file a copy of the District-specific portion of those reports with the Commission and the Office of the People's Counsel.

- 2740.7 If the telecommunications service provider withdraws any report that is submitted to the Federal Communications Commission pursuant to 47 C.F.R. § § 4.9 and 4.11 as well as the Commission and the Office of the People's Counsel, the telecommunications service provider shall file with the Commission and the Office of the People's Counsel the withdrawal filed with the Federal Communications Commission within one (1) business day of submission of the withdrawal. The telecommunications service provider shall also explain the reasons for the withdrawal.
- 2740.8 The telecommunications service provider shall provide its customer service representatives or other appropriate employees with specific restoration information, including estimated restoration times, to enable the customer service representatives or appropriate employees to respond to customer inquiries regarding the service outage.
- 2740.9 The telecommunications service provider shall file a written report concerning all service outages with the Public Service Commission and the Office of People's Counsel within five (5) days following the end of a service outage. Each written report shall, at a minimum, state clearly the following information:
- (a) A description of the service outage(s) and/or incident(s) and information as to the cause of the event(s);
 - (b) The actual repair and restoration times of the service outage(s) and/or incident(s);
 - (c) A description of the restoration effort;
 - (d) The total number of customers affected by the service outage;
 - (e) A self-assessment of the telecommunications service provider's restoration efforts in the District of Columbia; and
 - (f) A description of the steps that the telecommunications service providers will undertake to prevent such outages in the future or improve repair times and processes.
- 2740.10 The Commission may request, if necessary, additional information concerning any service outage, if necessary.
- 2740.11 For incidents occurring during the Commission's normal business hours, telecommunications service providers shall communicate by telephone or email all incidents that result in the loss of human life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or

operation, to the Commission and the Office of the People's Counsel within one hour upon receiving notice of the incident.

2740.12 For incidents occurring outside of the Commission's normal business hours, telecommunications service providers shall communicate by telephone or email all incidents that result in the loss of human life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or operation, to the Commission and the Office of the People's Counsel within the first hour of the next business day.

2740.13 Each telephone or email communication concerning the loss of human life and/or personal injury requiring hospitalization shall, at a minimum, state clearly the following information:

- (a) The location of the incident(s);
- (b) The date and time of the incident(s);
- (c) The total number of persons affected;
- (d) A brief description of the incident; and
- (e) Identification of a contact person and contact information.

2740.14 A written report concerning the loss of human life and/or personal injury requiring hospitalization shall be submitted to the Commission and to the Office of the People's Counsel within thirty (30) days after the completion of any internal investigation or notification of the completion of any governmental investigation of any incident that results in the loss of life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or operations. If there is no investigation, the report shall be submitted thirty (30) days after the incident. The report shall include:

- (a) A description of the incident(s) and information as to the cause of the event(s);
- (b) The location of the incident(s);
- (c) The exact date and time of the incident(s) occurrence; and
- (d) The total number of persons affected;
- (e) Any other known relevant information about the incident not provided in the original notification; and

- (f) The steps the telecommunications service provider will take to prevent such an occurrence in the future.

2740.15 The Commission may request, if necessary, additional information concerning any incident that results in the loss of life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or operations.

2740.16 Initial telephone or email communications filed under section 2740 are not presumed to be confidential. Subsequent written reports (including any FCC reports) filed under section 2740 are presumed to be confidential. Challenges to the confidentiality of these reports shall follow the procedures outlined in the Commission's rules governing confidential and proprietary information.

2799 DEFINITIONS

"Service outage" means an outage that lasts for at least 30 minutes and affects 100 or more customers or 100 or more lines.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments and reply comments not later than thirty (30) and forty-five (45) days, respectively, after publication of this notice in the *D.C. Register* with Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, DC 20005. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpSC.org or at cost, by contacting the Commission Secretary at the above address.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of sections 3(b), 5(3)(D)(i) and 5(3)(D)(iii) 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(b), 50-921.04(3)(D)(i), and 50-921.04(3)(D)(iii)), and Mayor's Order 2009-23 (March 2, 2009), 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 96-8, (February 9, 1996), hereby gives notice of the intent to add a new Chapter 16 to Title 24 of the Public Space and Safety Regulations. Proposed Chapter 16, entitled "Valet Parking," establishes the general provisions governing valet parking services that utilize the District of Columbia's public space.

Proposed regulations were published in a Notice of Proposed Rulemaking on September 8, 2006, in the *D.C. Register* at 53 DCR 7439. In response to the comments received, the regulations were revised to: (1) explain that a person providing valet parking services for a one-time, non-recurring event at a private residence is exempt from having to obtain a valet parking permit; (2) note that a person that has been issued a Certificate of Occupancy must obtain a valet parking permit in order to provide valet parking services; (3) rename a "Valet Parking Zone" to "Valet Staging Zone"; (4) require an applicant for a valet parking permit to verify that the applicant has access to off-street parking spaces in an amount equal to at least 10% (vs. 30%) of the full occupancy rate of the business served; (5) require applicants to post a notice stating intent to obtain a valet parking permit; (6) allow the use of one Valet Staging Zone for several businesses in the same vicinity; (7) state that a material change of a valet parking permit includes a proposed change in the Valet Parking Operator; and (8) clarify that the public space rental fee is \$15/sq-ft. (vs. \$15/linear-ft.).

A second Notice of Proposed Rulemaking was published on June 15, 2007, in the *D.C. Register* at 54 DCR 5850. In response to the comments received, the regulations have been revised to: (1) require the Valet Parking permit application to include a copy of the business licenses of all businesses to be served by the Valet Staging Zone; (2) clarify that the Valet Parking Plan must be accompanied by a copy of the Valet Parking Operator's business license issued by the District if the Valet Parking Operator is required to have such; (3) clarify that the Public Space Committee in deciding whether to approve an application may consider violations of the Valet Parking permit or any law or regulation; (4) require the prominent display, by the Valet Parking Operator, of the Valet Parking permit; (5) prohibit parking at a metered parking space; and (6) add as a reason for suspension or revocation of permit "The peace, order, or quiet in the immediate environs of a Valet Staging Zone is negatively impacted."

A third Notice of Proposed Rulemaking was published on February 22, 2008, in the *D.C. Register* at 55 DCR 1809. In response to the comments received, the proposed regulations

have been revised to: (1) create exceptions for legal agreements, binding conditions or requirements with other entities such as the Alcoholic Beverage Regulation Administration (ABRA); the Board of Zoning Adjustment (BZA), or community organization(s); (2) establish a separate event venue valet parking permit for the occasional use of valet parking services; (3) simplify and streamline the valet parking application process and operating procedures; (4) clarify the Public Space Committee's role and approval process; (5) note that the annual public space occupancy fee to rent curbside space for valet parking services will be 50¢ per hour per twenty linear feet of street along the curb; and (6) create a fees and penalties section to include a detailed schedule of fines for specific valet parking offenses.

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

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

Chapter 16 VALET PARKING

1600 GENERAL PROVISIONS

- 1600.1 No person shall conduct, operate, maintain, or provide Valet Parking services utilizing public space within the District of Columbia without a permit from the Department. A person providing Valet Parking services for a non-recurring, one-time event at a private residence shall be exempt from the provisions of this chapter.
- 1600.2 A person that has been issued a Certificate of Occupancy and that provides Valet Parking services in public space on an ongoing basis shall obtain either a Standard Valet Parking permit or an Event Venue Valet Parking permit.
- 1600.3 A Standard Valet Parking permit authorizes a Permittee to utilize a Valet Staging Zone on an on-going basis for Valet Parking services. An Event Venue Valet Parking Permit authorizes a Permittee to utilize a Valet Staging Zone for occasional use for Valet Parking services.
- 1600.4 A Permittee shall use a DCRA-licensed Valet Parking Operator to provide Valet Parking services, if such a license is required.
- 1600.5 Upon approval by the Director, full payment of the public space rental fees, and the application review fee specified in this chapter, the Department shall issue a Valet Parking permit for the rental of public space for Valet Parking services.
- 1600.6 Each Permittee shall hold harmless and indemnify the District, and its officers, agents, and employees from all suits, claims, charges, and judgments to which the District, its officers, agents, and employees may be subject on account of the issuance of a Valet Parking permit, the

operation of Valet Parking services, or injury to any person or damage to any property, including the property of the District of Columbia arising in connection with the Permittee's Valet Parking Operator's actions or operations.

1601 STANDARD VALET PARKING PERMIT FEES

- 1601.1 The application fee for an annual Standard Valet Parking permit is Fifty Dollars (\$50) per location, payable at the time the Valet Parking permit application is presented to the Department.
- 1601.2 The annual renewal application fee for a Standard Valet Parking permit is Fifty Dollars (\$50) per Applicant per location.
- 1601.3 The annual public space occupancy fee to rent curbside space for Valet Parking services shall be Fifty Cents (50¢) per hour per twenty linear feet (20 linear-ft.) of street along the curb.
- 1601.4 The Permittee also shall be responsible for any direct costs or loss of revenue incurred by the Department, including costs for creating and installing signs and new sign posts for a Valet Staging Zone and loss of parking meter fee revenue, as a result of the creation or operation of the Valet Staging Zone.

1602 STANDARD VALET PARKING PERMIT APPLICATION PROCEDURE

- 1602.1 An Applicant shall submit an application to the Department to rent public space for a Standard Valet Staging Zone in the District of Columbia to offer Valet Parking services at the same location on an on-going basis. The application form shall be furnished by the Department.
- 1602.2 Each completed Standard Valet Parking permit application shall be accompanied by a Valet Parking Plan that shall include, but not be limited to, the following information:
- (a) The name, mailing address, email address and telephone number of the Applicant(s);
 - (b) A copy of the Applicant's business license(s) issued by the DCRA, if the Applicant is required to have a business license;
 - (c) A copy of the Applicant's Certificate of Occupancy issued by DCRA for the facility used by the Applicant for the business for which the Valet Parking service will be provided, if the Applicant is required to have one;

- (d) The name, mailing address, email address, and telephone number of the Valet Parking Operator;
- (e) A copy of the Valet Parking license issued by DCRA or other District agency, if the Applicant is required to have such a license;
- (f) A copy of the Valet Parking Operator's liability insurance certificate;
- (g) One (1) original and five (5) copies each of three (3) eight inch by ten inch (8 in. x 10 in.) glossy photographs of the public space, including the curb space and road way, of the proposed Valet Staging Zone. The photographs shall show the following views of the proposed Valet Staging Zone:
 - (1) Frontal view;
 - (2) Sharp angle right side view; and
 - (3) Sharp angle left side view;
- (h) Six (6) copies of a traffic flow plan, including a map, that provides all proposed routes from the Valet Staging area to the off-street parking facility location(s) where the motor vehicles will be parked;
- (i) The name, address, and telephone number of the off-street parking facility where motor vehicles will be parked during Valet Parking hours;
- (j) Verification of access to off-street parking spaces in the off-street parking facility described in subsection (i); and
- (k) Verification that adjacent property owners, i.e. property owners to the immediate left, right, under, and on top of the property, have been provided thirty (30) days advance notice of the Valet Parking application and Valet Parking Plan.

1602.3 The Applicant shall post a notice of its intent to obtain a Valet Parking permit in a conspicuous site at the street frontage near the proposed Valet Staging Zone and on the entrance to the building for thirty (30) days. The Applicant shall make the Standard Valet Parking application and Valet Parking Plan available for public viewing during the thirty (30) day notice period.

1603 STANDARD VALET PARKING PERMIT APPLICATION REVIEW

1603.1 The Public Space Committee is responsible for reviewing Standard Valet Parking permit applications.

- 1603.2 The Public Space Committee shall consider the following factors in its review of Standard Valet Parking permit applications:
- (a) Whether the Valet Parking operation will disrupt vehicular or pedestrian traffic;
 - (b) Whether the Valet Parking operation will pose a threat to public safety or welfare;
 - (c) The existence of any legally binding conditions on or requirements of the Applicant's Valet Parking operations approved or imposed by public entities such as but not limited to: the Board of Zoning Adjustment; the Alcoholic Beverage Control Board; or other legally binding valet parking agreements;
 - (d) The size and characteristics of the public space required for the Valet Staging Zone;
 - (e) The anticipated traffic conditions at the time of Valet Parking operations; and
 - (f) In the case of permit renewals, previous violations of the Standard Valet Parking permit conditions, or any provision of this chapter, or any other law or regulation.

1603.3 If the Standard Valet Parking application is approved by the Public Space Committee, the Applicant shall be informed in writing.

1603.4 If the Standard Valet Parking application is denied, the Applicant shall be informed of the reason for the denial in writing.

1604 STANDARD VALET PARKING STAGING ZONE

1604.1 The location of the Valet Staging Zone as well as the size, hours of operation, and dimensions associated with the Valet Staging Zone shall be included in the Valet Parking permit.

1604.2 The Department shall post signs indicating the location and hours of operation of each Valet Staging Zone for which a permit has been granted.

1604.3 Valet Parking services shall be offered only in the location and during the hours specified by the Department.

1604.4 No parking shall be allowed in the Valet Staging Zone during the posted hours of operations.

- 1604.5 The Valet Staging Zone shall be used by the Permittee only for the immediate drop-off and pick-up of motor vehicles during the hours specified in the Valet Parking permit issued by the Department.
- 1604.6 Only motor vehicles being utilized as described in § 1604.5 shall occupy space in a Valet Staging Zone during the posted hours provided that the operator of a motor vehicle may stop momentarily in a Valet Staging Zone to discharge or pick-up passengers.

1605 STANDARD VALET PARKING OPERATIONS

- 1605.1 The Permittee shall prominently display the Standard Valet Parking permit at all approved times when Valet Parking services are offered by the Permittee.
- 1605.2 Notwithstanding 24 DCMR § 108, the Permittee may utilize either a valet stand or a freestanding valet sign, but in no case shall the Permittee utilize both a valet stand and a freestanding valet sign.
- 1605.3 A valet stand located in the public space shall:
- (a) Not occupy more than three feet by three feet (3 ft. x 3 ft.) nor at any time reduce the pedestrian walkway to a clear unobstructed width of less than eight feet (8 ft.) in the Central Business District and six feet (6 ft.) in all other areas of the District;
 - (b) Not be permanently affixed to the public space in any manner;
 - (c) Be easily moveable by one person;
 - (d) Not be placed in public space except during the hours approved for valet parking operations;
 - (e) Indicate any fees for Valet Parking;
 - (f) Include an approved sign attached to the stand not larger than three feet high by three feet wide (3 ft. x 3 ft.) with an area no smaller than 12 inches by 18 inches (12 in. x 18 in.) indicating the name of the Permittee, name of the Valet Parking Operator, the Standard Valet Parking Permit number, and the fee, if any, for Valet Parking;
 - (g) Be secured and locked when left unattended;
 - (h) Identify the Permittee and the permit number;
 - (i) Be readily visible at the point where motor vehicles are accepted for Valet Parking; and

(j) Comply with all applicable laws and regulations.

1605.4 A freestanding valet sign located in public space shall:

- (a) Not occupy more than three feet by three feet (3 ft. x 3 ft.) nor at any time reduce the pedestrian walkway to a clear unobstructed width of less than eight feet (8 ft.) in the Central Business District and six feet (6 ft.) in all other areas of the District;
- (b) Not be permanently affixed to the public space in any manner;
- (c) Be easily moveable by one person;
- (d) Not be placed in public space except during the hours approved for valet parking operations;
- (e) Indicate any fees for Valet Parking;
- (f) Be readily visible at the point where motor vehicles are accepted for Valet Parking; and
- (g) Comply with all applicable laws and regulations.

1605.5 Valet Parking services shall be offered only during the hours specified in the Valet Parking permit.

1605.6 Valet Parking Operators shall comply with all applicable traffic laws and parking regulations when providing Valet Parking services.

1606 STANDARD VALET PARKING DUTIES

1606.1 A Permittee who is issued a Standard Valet Parking permit for Valet Parking services shall not park motor vehicles anywhere in the public space, including, but not limited to, on-street parking, on alleys, metered parking spaces, and areas designated as Residential Permit Parking zones.

1606.2 The Permittee shall apply to the Department for any of the following changes to an approved Standard Valet Parking permit. These changes may be approved by the Department without review by the Public Space Committee. These proposed changes may take effect once the Permittee has filed an application with the Department for these changes. Within two (2) weeks of filing an application for any of the following changes, the Department shall issue a revised Standard Valet Parking permit or shall notify the Applicant in writing that the application is denied, specifically listing the reasons for denial. If denied, the Permittee may appeal the decision of the Department to the Public Space Committee. If an appeal is not filed within fifteen (15) days of the receipt of the notice

of denial, the Applicant must revert to operations under the prior approved Standard Valet Parking permit.

- (a) A proposed reduction in the size of the Valet Staging Zone or hours of operation for Valet Parking;
- (b) A change in the name, address, or telephone number of the Permittee;
- (c) A proposed change to the Permittee's business license as issued by DCRA;
- (d) A change in the name, address, or telephone number of the Valet Parking Operator;
- (e) A proposed change to the Valet Parking Operator's liability insurance certificate;
- (f) A proposed change in the Valet Parking Operator;
- (g) A change in the name, or telephone number the off-street parking facility; or
- (h) A proposed change in the location of the off-street parking facility (requires submission of a new traffic flow plan as outlined in § 1602.2(h) of this chapter).

1606.3 The Permittee shall inform the Department in writing of any of the following changes to the approved Standard Valet Parking permit. These proposed changes must be approved by the Public Space Committee. The Department will prepare the revised Valet Parking permit to reflect any changes approved by the Public Space Committee.

- (a) A proposed expansion of or change in the location of the Valet Staging Zone;
- (b) A proposed increase in the hours of operation; or
- (c) A proposed change in the location of the Permittee's business.

1607 EVENT VENUE VALET PARKING PERMIT FEES

1607.1 The application fee for an annual Event Venue Valet Parking permit is Fifty Dollars (\$50) per Applicant payable at the time the application is presented to the Department for processing.

1607.2 The annual renewal application fee for an Event Venue Valet Parking permit is Fifty Dollars (\$50) per Applicant.

1607.3 The annual public space occupancy fee to rent curbside space for Valet Parking services shall be Fifty Cents (50¢) per hour per twenty linear feet (20 linear-ft.) of street along the curb.

1607.4 The Permittee also shall be responsible for any direct costs or loss of revenue incurred by the Department, including costs for creating Emergency No Parking signs for a Valet Staging Zone and loss of parking meter fee revenue, as a result of the creation or operation of the Valet Staging Zone.

1608 EVENT VENUE VALET PARKING APPLICATION PROCEDURE

1608.1 An Applicant shall submit an application to the Department to rent public space for an Event Venue Valet Parking permit to offer Valet Parking services at the same location on an occasional basis. The application form shall be furnished by the Department.

1608.2 Each completed Event Venue Valet Parking permit application shall include, but not be limited to, the following information:

- (a) The name, mailing address, email address and telephone number of the Applicant(s);
- (b) A copy of the Applicant's business license(s) issued by the DCRA, if the Applicant is required to have a business license;
- (c) A copy of the Applicant's Certificate of Occupancy issued by DCRA for the facility used by the Applicant for the business for which the Valet Parking service will be provided, if the Applicant is required to have one; and
- (d) Six (6) eight inch by ten inch (8 in. x 10 in.) glossy photographs of the public space, including the curb space and road way, of the proposed Valet Staging Zone(s). The photographs shall show the following views of the proposed Valet Staging Zone:
 - (1) Frontal view;
 - (2) Sharp angle right side view; and
 - (3) Sharp angle left side view.

1609 EVENT VENUE VALET PARKING APPLICATION REVIEW

1609.1 The Public Space Committee is responsible for reviewing Event Venue Valet Parking applications.

- 1609.2 The Public Space Committee shall consider the following factors in its review of Event Venue Valet Parking applications:
- (a) Whether the Valet Parking operation will disrupt vehicular or pedestrian traffic;
 - (b) Whether the Valet Parking operation will pose a threat to public safety or welfare;
 - (c) The existence of any legally binding conditions on or requirements of the applicant's valet parking operations approved or imposed by public entities such as but not limited to: the Board of Zoning Adjustment; the Alcoholic Beverage Control Board; or other legally binding valet parking agreements;
 - (d) The size and characteristics of the public space required for the Valet Parking operations; and
 - (e) In the case of permit renewals, previous violations of the Event Venue Valet Parking permit conditions, or any provision of this chapter, or any other law or regulation.

1609.3 If the Event Venue Valet Parking application is approved by the Public Space Committee, the Applicant shall be informed in writing.

1609.4 If the Event Venue Valet Parking application is denied, the Applicant shall be informed of the reason for the denial in writing.

1610 EVENT VENUE VALET PARKING STAGING ZONES

1610.1 The location(s) and dimensions of all Valet Staging Zone(s) shall be determined by the Department.

1610.2 The Department shall issue Emergency No Parking signs to be posted by the Permittee at least seventy-two (72) hours in advance of the day that Valet Parking services shall be provided to indicate the Valet Staging Zone for Event Venue Valet Parking.

1610.3 The Valet Staging Zone shall be used by the Permittee only during the hours and days posted on the signs issued in accordance with section 1610.2 of this chapter.

1610.4 Only motor vehicles engaged in Valet Parking shall occupy space in a Valet Staging Zone provided that the operator of a motor vehicle may stop momentarily in a Valet Staging Zone to discharge or pick-up passengers.

1611 EVENT VENUE VALET PARKING OPERATIONS

- 1611.1 Upon confirmation of an event, but in no case later than three (3) days prior to the event the Event Venue Valet Parking Permittee shall:
- (a) Notify the Department of the event and specify the approved location(s) in public space that will be used to conduct Valet Parking operations;
 - (b) Provide the name, mailing address, email address, and telephone number of the Valet Parking Operator;
 - (c) Provide the Valet Parking Operator's business license number and Valet Parking Operator licensed issued by the District;
 - (c) Remit to the Department the fees set forth in § 1607 of this chapter;
 - (d) Obtain the appropriate number of Emergency No Parking signs from the Department; and
 - (e) Post Department-issued Emergency No Parking signs at least seventy-two (72) hours prior to the confirmed event.
- 1611.2 The Permittee shall prominently display the Event Venue Valet Parking permit at all approved times when Valet Parking services are offered by the Permittee.
- 1611.3 Notwithstanding 24 DCMR § 108, an Event Venue Valet Parking Permittee may utilize either a valet stand or a freestanding valet sign, but in no case shall the Permittee utilize both a valet stand and a freestanding valet sign.
- 1611.4 A valet stand located in the public space shall:
- (a) Not occupy more than three feet by three feet (3 ft. x 3 ft.) nor at any time reduce the pedestrian walkway to a clear unobstructed width of less than eight feet (8 ft.) in the Central Business District and six feet (6 ft.) in all other areas of the District;
 - (b) Not be permanently affixed to the public space in any manner;
 - (c) Be easily moveable by one person;
 - (d) Not be placed in public space except during the hours approved for valet parking operations;

- (e) Indicate any fees for Valet Parking;
- (f) Include an approved sign attached to the stand not larger than three feet high by three feet wide (3 ft. x 3 ft.) with an area no smaller than 12 inches by 18 inches (12 in. x 18 in.) indicating the name of the Permittee, name of the Valet Parking Operator, the Event Venue Valet Parking permit number, and the fee for Valet Parking;
- (g) Be secured and locked when left unattended;
- (h) Identify the Permittee and the permit number;
- (i) Be readily visible at the point where motor vehicles are accepted for Valet Parking; and
- (j) Comply with all applicable laws and regulations.

1611.5 A freestanding valet sign located in public space shall:

- (a) Not occupy more than three feet by three feet (3 ft. x 3 ft.) nor at any time reduce the pedestrian walkway to a clear unobstructed width of less than eight feet (8 ft.) in the Central Business District and six feet (6 ft.) in all other areas of the District;
- (b) Not be permanently affixed to the public space in any manner;
- (c) Be easily moveable by one person;
- (d) Not be placed in public space except during the hours approved for valet parking operations;
- (e) Indicate any fees for Valet Parking;
- (f) Be readily visible at the point where motor vehicles are accepted for Valet Parking; and
- (g) Comply with all applicable laws and regulations.

1611.6 Valet Parking services shall be offered only during the hours specified in the Emergency No Parking sign(s) issued by the Department.

1611.7 Valet Parking Operator shall comply with all applicable traffic laws and parking regulations when providing Event Venue Valet Parking services.

1611.8 The Permittee shall remove the Emergency No Parking sign(s) no later than the expiration time of the last day stated on the Emergency No Parking signs issued in accordance with section 1610.2 of this chapter.

1612 EVENT VENUE VALET PARKING DUTIES

- 1612.1 Written notice of each event shall be made to the Department by the Permittee at least three (3) business days prior to the event for which Valet Parking services in the Valet Staging Zone will be provided. The method for providing notification will be established by the Department.
- 1612.2 The Department shall issue Emergency No Parking signs after a showing by the Applicant that:
- (a) The Event Venue possesses sufficient liability insurance;
 - (b) The Event Venue agrees to comply with all applicable laws and regulations; and
 - (c) The Event Venue has satisfied all financial obligations under § 1607 of this chapter.
- 1612.3 The Permittee shall apply to the Department for any of the following changes to an approved Event Venue Valet Parking permit. These changes may be approved by the Department without review by the Public Space Committee. These proposed changes may take effect once the Permittee has filed an application with the Department for these changes. Within two (2) weeks of filing an application for any of the following changes, the Department shall issue a revised Event Venue Valet Parking permit.
- (a) A proposed reduction in the size of any approved Valet Staging Zone;
 - (b) A change in the name, address, or telephone number of the Permittee; or
 - (c) A proposed change to the Permittee's business license as issued by DCRA.
- 1612.4 The Permittee shall inform the Department in writing of any of the following changes to the approved Event Venue Valet Parking permit. These changes must be approved by the Public Space Committee. The Department shall prepare a revised Event Venue Valet Parking permit to reflect any changes approved by the Public Space Committee.
- (a) A proposed expansion of or change in the location of any Valet Staging Zone; or
 - (b) A proposed change in the location of the Permittee's business.

1613 PENALTIES, SUSPENSION, AND REVOCATION

- 1613.1 The following is a schedule of fines that may be assessed against any person providing valet parking on the public space:
- (a) Providing Valet Parking in the public space without the appropriate Valet Parking permit – Three Hundred Dollars (\$300)
 - (b) Failure to display a Valet Parking permit – Fifty Dollars (\$50)
 - (c) Unauthorized staging – One Hundred Fifty Dollars (\$150) (Applies only to Standard Valet Parking permits)
 - (d) Failure to park motor vehicle in off-street facility – Two Hundred Fifty Dollars (\$250) (Applies only to Standard Valet Parking permits)
 - (e) Failure to remove Emergency No Parking signs as specified in §1611.8 – Twenty Five Dollars per sign per day (\$25/sign/day) (Applies only to Event Venue Valet Parking permits)
 - (f) Failure to notify Department of any change as required for Standard Valet Parking by §§ 1606.2 or 1606.3 or as required for Event Venue Valet Parking by §§ 1612.3 or 1612.4 – Twenty-Five Dollars per change per day (\$25/change/day)
 - (g) Parking a motor vehicle in a Valet Staging Zone – One Hundred Dollars (\$100)
 - (h) Leaving a motor vehicle awaiting Valet Parking in a Valet Staging Zone beyond ten (10) minutes – One Hundred Dollars (\$100)
- 1613.2 Upon providing fifteen (15) days written notice to the Permittee, the Department may suspend or revoke a Valet Parking permit for any of the following reasons:
- (a) The Valet Parking operation adversely impacts vehicular or pedestrian traffic;
 - (b) The Permittee violates a provision of this chapter or any condition or requirement of the Valet Parking permit;
 - (c) The Valet Parking Operator violates a provision of this chapter or the Valet Parking permit;
 - (d) The Permittee fails to submit timely payment of the applicable public space rental fees;
 - (e) The Permittee fails to inform the Department of any changes as required by section 1606.3 or 1612.4 of this chapter; or

- (f) The peace, order, or quiet in the immediate environs of a Valet Parking zone is negatively impacted.

1613.3 The Department may immediately suspend or revoke a Valet Parking permit if the Valet Parking operations pose a threat to public safety or welfare. The Department must provide notice in writing to the Permittee specifying the reasons for the immediate suspension or revocation no more than fifteen (15) days after the suspension or revocation.

1699 DEFINITIONS

1699.1 When used in this chapter, the following terms shall have the meaning ascribed below:

Applicant – a person who applies for a permit to offer valet parking services. Two or more persons applying jointly for a valet parking permit may be treated as a single applicant.

DCRA – the Department of Consumer and Regulatory Affairs.

Department – the District Department of Transportation.

Event – an occasional gathering such as a party, festival, reception, or other such activity that people attend for a common purpose.

Event Venue – a person holding a certificate of occupancy that owns or operates an establishment providing the location for occasional parties, festivals, receptions, or other such event at which persons gather for such activities.

Immediate – a period of time not to exceed ten minutes and shall represent the maximum time a vehicle is allowed to remain within a Valet Staging Zone.

Motor Vehicle – any vehicle propelled by internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, electric personal assistive mobility devices, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten miles per hour (10 miles/hr).

Permittee – a person who is issued a Valet Parking permit by the Department.

Person – a natural person or a corporation, company, firm, agency, association, partnership, organization, individually-owned business, or commercial entity.

Occasional or Occasional Use – less than four (4) times per week.

On-going basis – four (4) or more times per week.

Standard Valet Parking - valet parking provided on an on-going basis, as a service to customers of an establishment with a DCRA-issued Certificate of Occupancy.

Unauthorized Staging – the picking up or dropping off of motor vehicles outside of the approved valet staging zone.

Valet Parking – the act of removing a motor vehicle from the public right-of-way for the benefit of the motor vehicle’s operator, regardless of whether a fee is charged for the act. Attendant parking at an off-street parking facility shall not constitute valet parking. A person providing Valet Parking services for a non-recurring, one-time event at a private residence shall be exempt from the provisions of this chapter.

Valet Parking Operator – a person, who through its agents, authorized designees, employees, or representatives, provides the service of valet parking.

Valet Parking Plan – a plan submitted by an applicant that details the location of the valet parking service, the location where motor vehicles will be parked during valet parking hours, and the hours of operation for valet parking.

Valet Sign – a sign, no larger than three feet by three feet (3 ft. x3 ft.) and no taller than four feet (4 ft.), which is not permanently affixed to the public space that indicates the name of the Permittee, Valet Parking Operator, permit number, and any fees to be charged customers for valet parking services.

Valet Staging Zone – the public space adjacent to a curb reserved for valet parking.

Valet Stand – a cabinet or stand with or without an umbrella affixed thereto with a placard affixed in front and a customer key repository and valet ticket compartment that is not permanently affixed to the public space, which indicates the name of the Permittee, Valet Parking Operator, permit number and any fees to be charged to customers for valet parking services.

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. 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 ddot.dc.gov.