

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
AND
DEPARTMENT OF MOTOR VEHICLES**

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances, pursuant to the authority set forth in section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-559), and the Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904); § 6 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03); § 105 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law. 2-104; D.C. Official Code § 50-2301.05); and Mayor's Order 2007-168, dated July 23, 2007, hereby give notice of the following correction to the Emergency and Proposed Rulemaking published in the District of Columbia Register, and issued by the Department of Motor Vehicles, on May 28, 2010 at 57 DCR 4665. The Emergency and Proposed Rulemaking amended Chapter 26 of Title 18 of the DCMR to modify fines for traffic infractions.

The fine for Improper Riding on an Automobile is corrected to read \$100, such that the relevant section of the Rulemaking reads as follows:

Automobile	
Improper riding on [§ 2213.6]	\$100
Permitting passenger to ride on [§ 2213.5]	\$25
Operating with door(s) open [§ 2214.3]	\$25

Due to the error, the Department of Motor Vehicles has not and will not charge the designated fine amount until publication of this notice in the D.C. Register.

Inquiries regarding this notice shall be addressed by mail to Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001 or via telephone at (202) 727-5090.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority of sections 3(b), 5(3)(D)(i), 5(3)(D)(iii), 6(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 §§ 50-921.02(b), 50-921.04(3)(D)(i), 50-921.04(3)(D)(iii), 50-921.05(c), and 50-921.06) (2009 Repl); Mayor's Order 2009-62 (April 21, 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.*) (2008 Repl.); Mayor's Order 96-8 (February 9, 1996); the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-801 *et seq.*) (2008 Repl. and 2009 Supp.) ("Litter Control Act"); and Mayor's Order 2000-184 (December 5, 2000), hereby gives notice of the adoption on an emergency basis of amendments to Title 18 (Vehicles and Traffic) and Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations. The amendments provide in part that standing or parking in a valet parking zone or valet staging zone is illegal and that valet parking is an activity that cannot be performed without a permit; list the fines associated with valet parking; establish that violations of the valet parking regulations may be enforced and adjudicated under the Litter Control Act; and clarify when a valet parking permit is required if valet staging occurs in a circular driveway.

Emergency action is necessary because DDOT is scheduled to commence its enforcement of the valet parking regulations in May 2010. However, there is currently no definitive mechanism under which notices of infractions of the valet parking regulations may be enforced and adjudicated. In addition there is a need to clarify when a valet parking permit is required before enforcement of the regulations commences. Thus, immediate adoption of these regulations is necessary to protect public safety.

This emergency rulemaking was adopted on May 26, 2010, and became effective immediately on that date.

The Director also gives notice of intent to take final rulemaking action to adopt this rulemaking in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

The emergency rulemaking will expire on September 23, 2010, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 2409, **RESTRICTED USE OF VALET PARKING, BUS, TAXICAB, AND SIGHTSEEING ZONES AND STANDS**, is amended as follows:

The section heading is amended to read as follows:

2409 **RESTRICTED USE OF VALET PARKING, VALET STAGING, BUS, TAXICAB, AND SIGHTSEEING ZONES AND STANDS**

Subsection 2409.1 is amended to read as follows:

2409.1 The Director may:

- (a) Prohibit parking and/or standing at bus stops, zones, and stands; taxicab stands; valet parking zones; valet staging zones; and sightseeing stands;
- (b) Determine the dimensions of the area where parking and standing at such stops, zones, and stands will be prohibited; and
- (c) Erect signs designating the areas where parking and/or standing are prohibited.

Subsection 2409.3 is amended to read as follows:

- 2409.3 (a) Except as provided in paragraph (b) of this subsection, no person shall stand or park a vehicle in a valet parking zone or valet staging zone unless authorized to do so; in a bus stand, stop, or zone, other than a bus authorized to use the bus stand, stop, or zone; in a taxicab stand, other than a taxicab authorized to use the taxicab stand; or in a sightseeing stand, other than a sightseeing vehicle authorized to use the sightseeing stand.
- (b) A driver of a passenger vehicle may stop momentarily in a stand, stop, or zone described in paragraph (a) of this subsection for the purpose of and while actually picking up or discharging passengers, as long as such stopping does not interfere with any vehicle, bus, taxicab, or sightseeing vehicle about to enter the stand or zone designated for the use of such vehicle.

Section 2601, **CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS**, is amended as follows:

Subsection 2601.1 is amended to add the following infraction:

INFRACTION (DCMR Citation)	FINE	In Ballpark Zone [§§ 2404.24, 2424.12]	During Ballpark Events [§ 2424.12]
Valet parking zone, Valet staging zone	100.00		

[§ 2409.3]

Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:

Section 101, **STREETS AND ROADS**, subsection 101.5 is amended to read and subsection 101.8 is added to read as follows:

- 101.5 No part of any street shall be used for the keeping, depositing, storing, displaying, selling, valet staging or valet parking of vehicles of any kind, except when authorized under a permit issued in conformity with the provisions of chapter 3 or 16 of this title.
- 101.8 Any person issued a valet staging or valet parking permit pursuant to section 101.5 shall comply with all terms and conditions of the permit and Chapter 16 of this title, as that chapter is amended from time to time.

Subsection 1380.4 is amended to add the following Valet Parking infractions and penalties:

Infraction	Penalty
Providing valet parking without a valid Valet Parking permit (24 DCMR 1600.1)	\$ 300 per occurrence
Failure to display a Valet Parking Permit (24 DCMR 1605.1 - Standard Valet Parking permits) (24 DCMR 1611.2 - Event Venue Valet Parking permits)	\$ 50 per occurrence
Unauthorized staging - applies only to Standard Valet Parking permits (24 DCMR 1604.3)	\$ 150 per occurrence
Parking motor vehicle in public space in violation of Valet Parking permit - applies only to Standard Valet Parking permits (24 DCMR 1606.1)	\$ 250 per occurrence
Failure to notify Department of any change to Valet Parking permit (24 DCMR 1606.2, 1606.3, 1612.3, 1612.4)	\$ 25/change/day

Leaving a motor vehicle awaiting valet parking in a Valet Parking Staging Zone beyond 10 minutes - applies only to Standard Valet Parking permits (24 DCMR 1604.5) \$ 100 per occurrence

Subsection 1600.1, **GENERAL PROVISIONS**, is amended to read as follows:

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. A person providing Valet Parking services from the section of a circular driveway between the property line and the closest edge of the sidewalk shall be exempt from the provisions of this chapter.

Section 1607.3, **EVENT VENUE VALET PARKING PERMIT FEES**, is amended to read as follows:

1607.3 The public space occupancy fee to rent curbside space for Valet Parking services is fifty cents (50¢) per hour per twenty (20) linear feet of street along the curb.

Section 1613, **PENALTIES, SUSPENSION, AND REVOCATION**, is amended as follows:

The section heading is amended to read as follows:

1613 SUSPENSION AND REVOCATION

Subsection 1613.1 is amended to read as follows:

1613.1 [Repealed]

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 policy.ddot@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.

WASHINGTON CONVENTION AND SPORTS AUTHORITY**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Board of Directors of the Washington Convention and Sports Authority (“Authority”), pursuant to section 203 of the Washington Convention Center Authority Act of 1994, D.C. Law 10-188, D.C. Code § 10-1201.03 as amended (the “Act”), hereby gives notice of its adoption, on an emergency basis, of the following amendment to Chapter 3 of Title 19 of the District of Columbia Municipal Regulations. The amendment reflects changes to the Act as a result of the Fiscal Year 2010 Budget Support Act of 2009, D.C. Law 18-111, which effectuated the merger of the Washington Convention Center Authority and the D.C. Sports and Entertainment Commission into the Washington Convention and Sports Authority, and which expanded the Authority’s statutory purpose.

The amendment would provide flexibility in the Authority’s procurement process, particularly when entering into sole source contracts regarding the Authority’s real estate interests, as well as agreements to attract, sponsor or fund tourism, sports and entertainment and other events for the District of Columbia as required by the Act. Issuance of the rules on an emergency basis is necessary to pursue and/or finalize agreements for several major, high-profile events that are crucial to the economic welfare of the District. The emergency rules were adopted on June 3, 2010 and shall remain in effect for up to 120 days unless superseded by another rulemaking notice.

The Authority also gives notice of its intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

Chapter 3 of Title 19 of the District of Columbia Municipal Regulations is amended as follows:

**CHAPTER 3. WASHINGTON CONVENTION AND SPORTS AUTHORITY:
PROCUREMENT****308. Sole Source Procurement.**

308.1 The CCO shall take all reasonable steps to avoid using sole source procurements.

308.2 The CCO may procure goods, services, or construction on a sole source basis without following the procedures set forth in sections 304, 305, and 306 if the CCO:

- (a) makes a written determination that the minimum needs of the Authority can only be met by such goods, services or construction and that the proposed sole source is the only source capable of providing them; or
- (b) makes a written determination that such goods, services or construction related to a transaction by the Authority regarding real property which it owns, intends to acquire, or which is under its control.

308.3 The CCO's written determination shall include the following:

- (a) for a determination made under subsection 308.2(a):
 - (i) a description of the Authority's requirement, including the estimated cost;
 - (ii) an explanation of the unique nature of the procurement and of the contractor's unique qualifications;
 - (iii) a determination that the costs to the Authority will be fair and reasonable; and
 - (iv) a description of the market survey conducted and list of potential sources contacted, or an explanation for why such description or list was not possible.
- (b) for a determination under subsection 308.2(b):
 - (i) a description of the goods, services or construction which are related to the real property transaction;
 - (ii) the estimated cost to the Authority of the related goods, services or construction; and
 - (iii) a determination that the costs to the Authority of the goods, services or construction will be fair and reasonable.

308.4 The CCO shall include all applicable standard contract clauses in any procurement made under Sections 308.2 and 308.3.

308.5 The CCO may enter into agreements to sponsor, or otherwise provide funding and/or in-kind services to, events that promote tourism, leisure travel, sports, sports teams, recreational events or entertainment events on a sole source basis without following the procedures set forth in sections 304, 305, 306, or this Section 308. In entering into any such agreement(s), the CCO shall ensure that the Authority's support is publicly recognized through methods which may include, but shall not be limited to, display of the Authority's marks, logos or brands during the sponsored event; press or media advisories; and, signage.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with the Office of the General Counsel, Washington Convention and Sports Authority, Walter E. Washington Convention Center, 801 Mount Vernon Place, N.W., Washington, DC 20001. Copies of this Notice may be obtained by writing to the foregoing address.