

Government of the District of Columbia

Department of Transportation



Office of the Director

SHARED DOCKLESS VEHICLE PROGRAM PROCEDURES FOR REVIEW OF PERMIT DENIALS

I. Authority and Scope of Review

In accordance with Chapter 33, *Public Right-of-Way Occupancy Permits*, of Title 24 of the District of Columbia Municipal Regulations (DCMR), these procedures shall govern the review of denials by the Director of the District Department of Transportation (DDOT) of applications for the Dockless Shared Vehicle Program.

II. Review Procedure

A dockless vehicle operating company applicant that believes DDOT incorrectly scored a permit application and was thus denied a Shared Dockless Vehicle Program Public Right-of-Way Occupancy Permit (PROW-OP) may request an appeal by submitting a request in writing to the Director within fifteen (15) calendar days of receipt of this appeals notice.¹ Failure to submit a timely written appeal to the Director shall result in the applicant's waiver of any and all rights to challenge the Director's initial decision.

A request for an appeal must thoroughly describe the basis for the appeal and the specific rationale by which the applicant believes the decision should be reconsidered. A valid appeal shall be made on the basis that DDOT improperly or mistakenly applied the review criteria to the appellant's original application, made a mistake in analyzing or calculating an applicant's final score (or a component thereof), or improperly disqualified an application. An appeal request must not include additional information that should have been included in the original application, including supplemental responses to any of the application questions. The Director will not consider new information of this type when reviewing an appeal request.

Upon receipt of a valid appeal, the Director shall notify the application review panel and collect any relevant existing supporting documentation. The Director shall immediately forward the notice of appeal and supporting documentation to the Associate Director of the Public Space Regulation Division (Hearing Officer), for an independent review of the record. The burden of proof shall be on the applicant to demonstrate DDOT erred in evaluating the dockless vehicle operating company's application. There shall be no *ex parte* communication with the Director or the Hearing Officer concerning the pendency of an appeal at any time. In the event the Hearing Officer has any follow-up clarification questions, the Hearing

¹ Please note, a dockless vehicle sharing company with an active permit whose permit expires during the appeals review period must remove their assets from the public space at the expiration of their active permit.

Officer shall pose the question(s) in writing to the applicant or the application review panel, with a copy to the other party.

The Hearing Officer shall carefully review a timely and proper appeal on the basis by which it was made. The Hearing Officer may review the applicant's answers and the corresponding scores on the applicant's original application. If changes are recommended, they may be to increase or decrease scores based on the Hearing Officer's review. Such a reconsideration shall not include additional information or documentation that should have been included by the applicant in the original submission but shall include a review of the original application in consideration of the applicant's specific grievance as described in the appeal request.

III. Final Report and Recommendation from Hearing Officer

After a thorough review of the entire record, the Hearing Officer shall draft a final report within thirty (30) calendar days of the written and timely appeal request. The final report shall outline the nature of the appeal from the dockless vehicle operating company, the review of the record, and render a recommendation. The recommendation can be to:

- (1) Dismiss the appeal in its entirety;**
- (2) Recalculate appealed scores the Hearing Officer believes were evaluated in error; or**
- (3) For companies that are appealing DDOT's application disqualification the Hearing Officer may remand the application to the review panel for scoring.**

The Hearing Officer shall send a copy of the final report and recommendation to the applicant, the review panel and the Director upon completion.

IV. Final Decision

The Director shall review the record, the final report and recommendation of the Hearing Officer, and render a final decision on the appeal. The Director may either uphold the recommendation of the Hearing Officer or may reject the Hearing Officer's recommendation.

If the Director upholds a recommendation of the Hearing Officer to deny an appeal in its entirety, or if the Director rejects a recommendation by the Hearing Officer to grant an appeal, the applicant will not be granted a PROW-OP for the applicable permit period.

If the Director upholds a recommendation of the Hearing Officer to grant an appeal, and the recalculation of the total application score is greater or equal to the lowest application score of an accepted applicant, the appealing dockless vehicle operating company shall receive a PROW-OP.

An applicant who prevails on appeal will receive the same benefits as all other successful applicants as of the date on which the final decision is rendered, including the same vehicle minimum and cap. DDOT will not reimburse or otherwise provide the appealing dockless vehicle operating company with any compensation for loss of business based on non-operation during the review period. The applicable

permit fees per dockless vehicle will be pro-rated to the date on which a successful appeal is finalized by the Director.

If the Director upholds a recommendation of the Hearing Officer to grant an appeal of an application disqualification, the Director shall reconvene the application review panel. The panel shall then score the application pursuant to the review process used to review all other dockless permit applications.

The Director's final decision shall be binding and not subject to any further appeal.