

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority set forth in sections 3(b) and 5(3)(D) of Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(b) (2009 Repl.) and D.C. Official Code § 50-921.04(3)(D) (2009 Repl. & 2011 Supp.) and coupled with the signed approval of the Director of the District Department of Public Works, as required in D.C. Official Code § 50-921.04(3)(D); Mayor's Order 2011-122 (July 19, 2011);sSection 3(a) of the Residential Parking Protection Pilot Act of 2011, effective October 11, 2011 (D.C. Act 19-159; 58 DCR 8883), or any substantially identical successor legislation, (the “Pilot Act”); and the Motor Vehicle Parking Regulation Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-97; 18 DCMR § 2411.14); hereby gives notice of the intent to adopt amendments to Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR). The amendments will establish the Ward 1 Enhanced Residential Parking Program (ERPP Program) and make other minor revisions.

An initial Notice of Proposed Rulemaking (1st NOPR) was published on June 17, 2011, at 58 DCR 5188. Although a number of comments were received on the 1st NOPR, the only comments that prompted a substantive change to the instant rulemaking were those pertaining to residents that park motor vehicles on streets that border Ward 1. The instant Rulemaking removes the rule that had previously maintained the status quo of Title 18, Section 2411.20 for residents on both sides of any Ward 1 street that are within one block of a new ward boundary under the Ward Redistricting Amendment Act of 2001, effective October 2, 1991 (D.C. Law 14-27; 48 DCR 6380), where vehicles displaying a valid residential parking permit may be parked provided that the residential parking permit is valid for a ward on either side of the ward boundary street. Under the instant Rulemaking, the ERPP Program may apply to such boundary streets in Ward 1.

In addition, the rulemaking clarifies that each Ward 1 Advisory Neighborhood Commission (ANC) may only “opt-out” from participating in the ERPP Program, and may do so simply by resolution, thereby eliminating the prior Rulemaking’s requirement for the ANC to utilize a notification and approval process for ascertaining support from residents for the ANC’s inclusion in the ERPP Program, and to include that specific information in the ANC resolution.

Final rulemaking action to adopt these amendments shall be taken in not less than ten (10) days from the date of publication of this notice in the *D.C. Register*, but not until the rules are submitted to the D.C. Council for a 30-day period of review, excluding weekends, holidays and Council recess, as required by Section 3(a) of the Pilot Act. If the Council does not approve or

disapprove of the rules, in whole or in part, by resolution, within this thirty (30)-day review period, the proposed rules will be deemed approved. The Director finds good cause for the shortened notice and comment period because the revisions to the proposed rulemaking are mostly for clarification purposes and the proposed rulemaking is substantially similar to the 1st NOPR.

Chapter 24, STOPPING, STANDING, AND OTHER NON-MOVING VIOLATIONS, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Section 2411, RESIDENTIAL PERMIT PARKING, is amended as follows:

Subsection 2411.24 is amended to read as follows:

2411.24 As provided in § 2424.6, within the Ballpark Performance Parking Pilot Zone, parking a motor vehicle on a residential permit parking street shall be restricted, as follows:

- (a) All residential streets east of South Capitol Street, S.E. to a consecutive two (2) hour period between 7:00 a.m. and 9:30 p.m. Monday through Saturday, unless the motor vehicle displays a valid Zone 6 residential permit parking sticker or visitor permit for the designated area;
- (b) All residential streets west of South Capitol Street, S.E. to a consecutive two (2) hour period between 7:00 a.m. and 12:00 a.m. (midnight) Monday through Sunday, unless the motor vehicle displays a valid Zone 6 residential permit parking sticker or visitor permit for the designated area; and
- (c) On all streets in the Ballpark Zone on the opposite side of the street, as designated 7:00 a.m. to 9:30 p.m. or 7:00 a.m. to 12:00 a.m. (midnight), no parking may occur unless the motor vehicle displays a valid Zone 6 residential permit parking sticker or visitor parking permit for the designated area.

A new subsection 2411.25 is added to read as follows:

2411.25 An Enhanced Residential Permit Parking (ERPP) program shall be established within the boundaries of Ward 1:

- (a) Each Ward 1 Advisory Neighborhood Commission (ANC) may implement an ERPP program within the ANC's respective boundaries. The ERPP program shall include the following elements:

- (1) One side of each residential block, or fifty percent (50%) of the parking spaces within the ANC boundaries, shall be reserved for Zone 1 Resident Only Parking; the opposite side of the residential block shall be designated as described in § 2411.1;
 - (2) A motor vehicle without a valid Zone 1 parking sticker shall not park on any portion of a street in Ward 1 that has been reserved for Zone 1 Resident Only Parking under the process established in this regulation;
 - (3) Any resident owning a vehicle registered at an address within the ERPP program area shall be eligible to apply for residential permit parking decals as provided by the Department of Motor Vehicles; and
 - (4) All visitors within the ERPP area shall be eligible to participate in the visitor parking pilot program that the Director implements pursuant to § 2414.7;
- (b) Each Ward 1 ANC may, by resolution voted upon in accordance with the law governing ANCs, choose not to participate in the ERPP program. Absent such a resolution, all of the provisions of § 2411.25(a) shall apply to each residential block of the Ward 1 ANC unless prohibited by § 2411.25(c) or § 2411.25(d);
 - (c) Any blocks within a streetscape construction project impact zone in Ward 1 shall be excluded from the ERPP program until the Director of the District Department of Transportation declares that all major construction associated with the streetscape construction project impact zone is complete; and.
 - (d) For purposes of this section, the phrase “streetscape construction project impact zone” means an area designated by the District Department of Transportation where, due to the nature and duration of a streetscape project (that is, a roadway construction project on a commercial street), a local or small business as defined in D.C. Official Code §§ 2-218.31 and 2-218.32 (2011 Repl.) may experience demonstrated losses during the construction period.

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 Samuel D. Zimbabwe, Associate Director, Policy, Planning and Sustainability Administration, District of Columbia Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. Comments may also be sent electronically to Policy.DDOT@dc.gov. Additional copies of this proposal are available, at cost, by writing to the above address, and are available electronically, at no cost, on the Department's web site at www.ddot.dc.gov.