

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the District Department of Transportation (“DDOT”), pursuant to the authority set forth in Sections 5(2)(N) and 11r 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(2)(N) and 50-921.76 (2012 Repl. & 2014 Supp.)), and Mayor’s Order 2013-198, dated October 24, 2013, hereby gives notice of this proposed action to adopt rules that amend Chapter 16 (DC Streetcar) and Chapter 22 (Moving Violations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this rulemaking is to establish routes and hours of operations for the DC Streetcar system, prohibit actions that impede the operation of the DC Streetcar system, and allow vehicles to safely pass streetcars on the left side when a travel lane on that side is available.

An initial Notice of Proposed Rulemaking was published in the *D.C. Register* on August 29, 2014, at 61 DCR 8979. In response to public comments received, the proposed rulemaking was revised to strike the provision that prohibited riding a bicycle within a streetcar guideway. Additional comments were received to revise the definition of a streetcar guideway, but DDOT determined that the definition is sufficiently clear.

Final rulemaking action to adopt these amendments shall be taken in not less than fifteen (15) days after the date of publication of this notice in the *D.C. Register*. Pursuant to D.C. Official Code § 2-505 (2012 Repl.), 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 DDOT has already held meetings with stakeholders and addressed the issues raised in the previous round of comments. DDOT does not anticipate any new comments to the rulemaking as the only changes made since it was last published on August 16, 2013 is the removal of the prohibition of bicycles on the streetcar guideway.

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

Chapter 16, DC STREETCAR, is amended to read as follows:

1600 GENERAL PROVISIONS

1600.1 This chapter applies to the passenger light rail transit service operated by the District Department of Transportation (“DDOT”), known as the DC Streetcar.

1601 IMPEDING THE STREETCAR SYSTEM

1601.1 It shall be unlawful to park, stop, or stand a vehicle:

- (a) On a streetcar guideway; or

(b) Adjacent to a streetcar platform.

1601.2 A vehicle in violation of this section shall be subject to removal or impoundment at the vehicle owner's expense, pursuant to 18 DCMR § 2421.

1602 ROUTES AND HOURS OF OPERATION

1602.1 The following routes are established for the DC Streetcar:

(a) H Street – Hopscotch Bridge to the intersection of Benning Road and Oklahoma Avenue., N.E.

1602.2 The standard operating hours for the routes established in Subsection 1602.1 may operate seven (7) days a week during the hours listed below are:

(a) Monday through Thursday – 6:00 a.m. to 12:00 midnight;

(b) Friday – 6:00 a.m. to 2:00 a.m.;

(c) Saturday – 8:00 a.m. to 2:00 a.m.; and

(d) Sunday and holidays – 8:00 a.m. to 10:00 p.m.

1602.3 The Director of DDOT (“DDOT Director”), or the operator of the DC Streetcar system with the consent of the DDOT Director, may expand or reduce the hours of operation of the DC Streetcar on specific days due to special events or unusual circumstances.

1603 RESERVED

1604 DAMAGING OR TAMPERING WITH THE STREETCAR SYSTEM

1604.1 The following acts are prohibited:

(a) Breaking, damaging, defacing, tampering with, or removing any part of a streetcar, streetcar guideway, or streetcar platform; or

(b) Interfering with or preventing the operation of a streetcar, streetcar platform, or streetcar guideway.

1604.2 Except as provided in Subsection 1604.3, only a person authorized by DDOT may manipulate any of the levers, buttons, cranks, brakes, or other mechanisms of a streetcar, including the emergency stop device, or to set a streetcar into motion.

1604.3 An act that is otherwise prohibited under Subsection 1604.2 may be taken:

- (a) To respond to an emergency or in furtherance of public safety; but only to the extent a reasonable person would perform the act in such a situation, or
- (b) By or under the direction of a person authorized as part of his or her official duties to take or direct such action.

1605 CONDUCT IN THE STREETCAR SYSTEM

1605.1 While on a streetcar, the following acts are prohibited:

- (a) Transporting any item that blocks the aisle or the areas of the streetcar reserved for passengers in wheelchairs or who use mobility aids;
- (b) Transporting a bicycle on a streetcar between 7:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 7:00 p.m. Monday through Friday, except holidays;
- (c) Transporting a bicycle on a streetcar in a manner that blocks access to any seats;
- (d) Bringing or carrying food or beverages in open containers;
- (e) Consuming food or beverages;
- (f) Bringing or carrying any animal upon the streetcar, except in the case of a guide or service animal, including a service animal in training, that has been individually trained to assist persons with disabilities and is under the control of its handler, housebroken and restrained by leash, harness, or other device made for the purpose of controlling the movement of an animal;
- (g) Soliciting signatures or circulating petitions; and
- (h) Distributing with or without charge any goods, wares, merchandise, books, magazines, newspapers, bills, or other literature of a commercial or non-commercial nature.

1605.2 While on a streetcar or a streetcar platform, the following acts are prohibited:

- (a) Operating a sound-emitting device, unless the only sound produced by such item is emitted by a personal listening attachment (earphone) audible only to the person carrying the device producing the sound;
- (b) Riding a skateboard, in-line skates, roller-skates, or a bicycle;
- (c) Smoking tobacco, an electronic cigarette, or any other substance, or carrying any lighted or smoldering substance, in any form;

- (d) Engaging in commercial activity, including selling or offering to sell any goods, wares, merchandise, books, magazines, newspapers, or any article of value, or taking orders for or selling subscriptions to same for future delivery, or distributing commercial advertising matter; and
- (e) Soliciting donations.

1605.3 The following acts are prohibited at any time:

- (a) Hanging onto or attaching oneself to any exterior part of a streetcar or touching a moving streetcar vehicle from outside the vehicle;
- (b) Walking between coupled streetcar vehicles;
- (c) Throwing an object at or from any streetcar or at any person or thing on or in any streetcar or streetcar platform; and
- (d) Posting signs or notices on a streetcar vehicle, streetcar platform, or streetcar guideway.

1699 DEFINITIONS

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

Streetcar guideway – the area where streetcars operate, including the streetcar track, overhead wiring, and the airspace between, above, and surrounding the streetcar tracks through which the streetcar or its appurtenances will pass while operating on the streetcar track.

Streetcar platform – the public right of way designated for public use as an embarkation/disembarkation or waiting area for the streetcar, the stairways, ramps, and sidewalks that provide direct access to the embarkation/disembarkation or waiting area; and all equipment and fixtures, including streetcar shelters, in the embarkation/disembarkation or waiting area.

Valid fare media – a printed slip of paper or other official means of indicating purchase of a transit fare.

Chapter 22, MOVING VIOLATIONS, is amended as follows:

Section 2211 is amended as follows:

Subsection 2211.1 is amended by amending paragraph (c) to read as follows:

- (c) When there are other travel lanes to the left of the streetcar tracks for vehicles to proceed in the same direction.

All persons interested in commenting on the subject matter in this second 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, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@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.