**DISTRICT DEPARTMENT OF TRANSPORTATION**

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Transportation (Department), pursuant to the authority set forth in sections 5(3)(D) and 6(b) 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(3)(D)(2009 Repl. & 2011 Supp.) and D.C. Official Code § 50-921.05(b)(2009 Repl.)(transferring the parking management function previously delegated to the Department of Public Works under section III (H) of Reorganization Plan No. 4 of 1983)), and the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91, ch. 76, sec. 3; D.C. Official Code § 50-2603(5) (2009 Repl.)), hereby gives notice of this final action to adopt rules to amend chapter 24 (Stopping, Standing, Parking, and other Non-Moving Violations), chapter 26 (Civil Fines for Moving and Non-Moving Infractions) and chapter 99 (Definitions) of title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking establishes a new point-to-point car-sharing program to allow point-to-point car-sharing members to park point-to-point car-sharing vehicles registered in the District of Columbia in residential permit parking zones and at meters without paying. This point-to-point car-sharing program will expand transportation options for the residents, visitors and commuters of the District of Columbia, maintain and enhance mobility and access to jobs, housing, education, shopping and recreation, and improve access to car-sharing vehicles.

Proposed Regulations were published in a Notice of Proposed Rulemaking on November 4, 2011, in the *D.C. Register* at 58 DCR 9405. No comments were received and no substantive changes were made to the text of the proposed rulemaking. The agency took final rulemaking action on December 9, 2011. This final rulemaking shall become effective upon publication of this notice in the *D.C. Register*.

**Title 18 of the DCMR is amended as follows:**

**Chapter 24, Stopping, Standing, Parking, and Other Non-Moving Violations, is amended as follows:**

**Section 2404, Parking Meters and Parking Meter Zones, is amended to read as follows:**

Subsection 2404.3 is amended by striking the phrase “section 2426” and inserting the phrase “§ 2406.18” in its place.

Subsection 2404.8 is amended by striking the phrase “Except as provided in § 2404.9,” and inserting the phrase, “Except as provided in §§ 2404.9 and 2406.18,”

**Section 2406, Parking Prohibited by Posted Sign, is amended as follows:**

**Subsection 2406.12 is amended as follows:**

Paragraph (a) is amended by inserting the phrase “reserved on-street” in front of the phrase “car-sharing company”.

Paragraph (d) is amended by inserting the phrase “reserved on-street” in front of the phrase “car-sharing vehicles”.

**A new subsection 2406.18 is added to read as follows:**

2406.18 The Director is authorized to establish a point-to-point car-sharing management program allowing point-to-point car-sharing vehicles to be parked in any residential permit parking zone and at parking meters without payment at the time of parking, provided:

1. Parking in residential permit parking zones and at parking meters pursuant to this section shall be permitted only for vehicles registered to and operated by any point-to-point car-sharing company in the District that enters into a one (1)-year contract with the District that shall include, but not be limited to, the following provisions:
   * + - 1. The company must indemnify the District against legal liabilities associated with the use of public space with point-to-point car-sharing operations;
         2. All company point-to-point car-sharing vehicles parked in the District, regardless of whether they are located on private or public space, must be registered in the District of Columbia and display District license plates; and
         3. At least seven (7) point-to-point car-sharing vehicles must be located in low-income neighborhoods as identified by DDOT even if such locations are not desired or requested by the company;
2. In addition to the general provisions listed in § 2428.2, the Department may charge for the point-to-point car-sharing program a fee for the use of residential permit parking zones and metered parking spaces should it determine that doing so is in the public interest;
3. Notwithstanding §2404.8 of this chapter, the Director may permit a car-sharing vehicle registered in the point-to-point car-sharing program to park in a metered parking zone without payment at the time of parking; provided that the vehicle displays an annual permit purchased by the company for all of its registered point-to-point car-sharing vehicles;
4. Notwithstanding §2404.3 of this chapter, the Director may permit a car-sharing vehicle registered in the point-to-point car-sharing program to park in a metered parking zone past the maximum amount of time for that metered zone provided that the vehicle displays an annual permit purchased by the company for all of its registered point-to-point car-sharing vehicles;
5. Car-sharing vehicles registered in the point-to-point car-sharing program may not be parked at times and locations in the District when and where parking is prohibited, including but not limited to, a.m. and p.m. rush hour restricted streets and snow emergency routes;
6. Notwithstanding § 2413.13 of this chapter, a point-to-point car-sharing vehicle registered in the point-to-point car-sharing program may park in a residential permit parking zone, provided it displays a valid annual permit described in paragraph (g) of this subsection;
7. The annual permit for a point-to-point car-sharing vehicle shall be a non-transferable sticker issued by the Director and it shall be affixed by its own adhesive to the lower left (driver's) side of the windshield so that its contents are clearly visible through the windshield of the vehicle;
8. A point-to-point car-sharing vehicle located in the District, regardless of whether they are parked on private or public spaces, must be registered in the District of Columbia and display District license plates;
9. The point-to-point car-sharing company must maintain at least fifty (50) vehicles in its fleet and must maintain one percent (1%) of its fleet in each Ward of the city at any point in time and must maintain an area of operation that includes the entire District of Columbia, excluding National Park Service land. To account for time required to move cars, car-sharing companies shall be allowed a maximum of two (2) hours with zero (0) vehicles in a Ward;
10. DDOT reserves the right to terminate the agreement at any time;
11. If the one (1)-year permit expires and the District of Columbia does not re-sign or reissue it, or if DDOT terminates the agreement, no vehicles registered to the point-to-point car-sharing company may be parked in any residential permit parking zone past the time allowed for vehicles without a residential permit parking sticker or be parked at a meter without paying the applicable fee; and
12. The point-to-point car-sharing company shall provide DDOT with data on a quarterly basis to help evaluate the impact of the program. DDOT shall provide the point-to-point car-sharing company with the specific performance measures and the dates that information shall be provided to DDOT. The performance measures may include:
13. D.C. Membership and rate-of-growth;
14. Geographical distribution of membership in a format that DDOT determines;
15. Utilization per vehicle per month for each vehicle;
16. Annual membership survey including questions regarding:
17. The number of cars owned by the members prior to membership;
18. The number of cars owned by the member at the time of the survey;
19. If the purchase of a vehicle planned prior to membership was subsequently abandoned due to membership;
20. If miles regularly traveled by the member increased, declined or remained the same after membership;
21. Whether walking, biking and transit trips by the member increased, declined or remained the same after membership; and
22. How trips would have been taken if a car-sharing vehicle were not available.

**Chapter 26, Civil Fines for Moving and Non-Moving Infractions, is amended as follows:**

**Section 2601, Parking and Other Non-Moving Infractions, is amended as follows:**

Subsection 2601.1 is amended by striking the phrase “car-sharing vehicle” as stated in the fine for “No parking except car-sharing vehicles [§ 2406.12 (c)], and inserting the phrase “reserved on-street car-sharing vehicle” in its place.

**Section 9901, Definitions, is amended as follows:**

**Subsection 9901.1 is added to read as follows:**

9901.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

**Six (6) new definitions are added in alphabetical order to read as follows:**

**Point-to-Point car-sharing company** – a registered D.C. company whose primary business is to rent car-sharing vehicles to the public that will be used in the point-to-point car-sharing program.

**Point-to-Point car-sharing program** – a program authorizing point-to-point car-sharing vehicles to be parked by point-to-point car-sharing customers in residential permit parking zones and at metered parking spaces without having to pay the associated fee.

**Point-to-Point car-sharing vehicle** – a vehicle registered in the District to a point-to-point car-sharing company to be used in the point-to-point car-sharing program.

**Reserved on-street car-sharing company** – a registered D.C. company whose primary business is to rent car-sharing vehicles to the public that will be used in the reserved on-street car-sharing program.

**Reserved on-street car-sharing program** – a program authorizing the reservation of public space for the exclusive use of car-sharing vehicles.

**Reserved on-street car-sharing vehicle** – a vehicle registered in the District to a reserved on-street car-sharing company to be used in the reserved on-street car-sharing program.