

AN ACT

Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Office of Administrative Hearings Establishment Act of 2001 to expand its jurisdiction to infractions of rules promulgated pursuant the Department of Transportation Establishment Act of 2002; to amend the Department of Transportation Establishment Act of 2002 to authorize the District Department of Transportation to plan, develop, finance, and operate a local passenger bus service to be known as the DC Circulator, and to establish the DC Circulator Fund; and to amend Title 18 of the District of Columbia Municipal Regulations to establish the routes, fares, and forms of payment for the DC Circulator passenger bus service, and to establish a fine for boarding a DC Circulator bus without a valid form of payment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District Department of Transportation DC Circulator Amendment Act of 2006”.

Sec. 2. Section 6(a) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(a)), is amended as follows:

Amend
§ 2-1831.03

- (a) Paragraph (7) is amended by striking the word “and” after the semicolon.
- (b) Paragraph (8) is amended by striking the period at the end of the text and inserting the phrase “; and” in its place.
- (c) A new paragraph (9) is added to read as follows:

“(9) All adjudications involving infractions of rules established pursuant to title III of the Department of Transportation Establishment Act of 2002, passed on 2nd reading December 5, 2006 (Enrolled version of Bill 16-634) and Chapter 15 of Title 18 of the District of Columbia Municipal Regulations.”.

Sec. 3. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

- (a) Sections 2 through 9b are designated as “Title I. General.”.

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(b) Sections 10 through 11 are designated as "Title II. Conforming Amendments."

(c) Section 2 (D.C. Official Code § 50-921.01) is amended by striking the phrase "and coordinating the transportation system," and inserting the phrase ", coordinating, and operating the transportation system, including the DC Circulator pursuant to title III," in its place.

Amend
§ 50-921.01

(d) Section 5(2) (D.C. Official Code § 50-921.04(2)) is amended as follows:

Amend
§ 50-921.04

(1) Subparagraph (J) is amended by striking the word "and" at the end.

(2) Subparagraph (K) is amended by striking the phrase "travel;" and inserting the phrase "travel; and" in its place.

(3) A new subparagraph (L) is added to read as follows:

“(L) Operate, develop, and finance the DC Circulator pursuant to title III.”.

(e) A new Title III is added to read as follows:

“Title III. DC Circulator Bus Service.

"Sec. 11a. Definitions.

"For the purposes of this title, the term:

"(1) "DC Circulator" means a local transit facility passenger bus service operated by the District of Columbia government that provides a network of fixed-route bus service solely within the District of Columbia.

"(2) "DC Circulator Fund " means the fund established by section 11c.

"(3) "Department" means the District Department of Transportation.

"(4) "Ticket" means passes, tokens, or any other form of payment, including those sold in bulk for resale, that may be used in lieu of cash.

"(5) "WMATA" means the Washington Metropolitan Area Transit Authority created pursuant to the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01).

"Sec. 11b. DC Circulator.

"The Department shall have the power to:

"(1) Plan, develop, finance, operate, control, and regulate the DC Circulator, including fares, charges, tickets, fines, and the establishment of routes and schedules;

"(2) Sell space on and within DC Circulator vehicles or other assets for the display of advertisements and enter into one or more agreements with entities to sell such space on such vehicles or other assets in return for a fee, a percentage of such revenues, or as a gift or donation of services approved by the Mayor; and

"(3) Enter into contracts with third parties, including WMATA for the procurement, construction, operation, and maintenance of DC Circulator vehicles or other assets.

"Sec. 11c. DC Circulator Fund establishment.

"(a) There is hereby established the DC Circulator Fund as a nonlapsing, revolving special purpose revenue fund, the funds of which shall be for the Department to pay for goods, services, property, or for any other authorized purpose, subject to authorization by Congress,

into which shall be deposited all revenue collected pursuant to section 11b by the District, WMATA, or their agents, and all monetary gifts intended to be used to assist in the funding of the DC Circulator.

"(b) Notwithstanding subsection (a) of this section, during any period of time in which a contract with WMATA is in effect, monies from the payment of fares, the purchase of tickets, and the sale of advertising space by third parties may be, with the written consent of the Chief Financial Officer for the District of Columbia and pursuant to the terms of the contract, deposited in a WMATA interest bearing account for the benefit of the District of Columbia and used by WMATA to offset its costs of contract performance, but only to the extent that Congress has appropriated funds to the District to perform or procure those services.

"Sec. 11d. Fares; structure; purpose.

"(a) Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the Department, so as to result in revenues that shall:

"(1) Pay the operating expenses and provide for repairs, maintenance, and depreciation of the DC Circulator vehicles or other assets owned or controlled by the District;

"(2) Provide for payment of all principal and interest on outstanding revenue bonds; and

"(3) Provide funds for any purpose the Department considers necessary and desirable to carry out the purposes of this section.

"(b) Nothing in subsection (a) of this section shall prevent the Department from offering tickets at no cost or at discounted prices as part of the Department's marketing of the DC Circulator.

"Sec. 11e. Rulemaking; enforcement.

"(a) The Mayor, or his designee, may promulgate, amend, or repeal rules to implement the provisions of this title, including the manner and amount of any fares, fees, or fines, pursuant to the Mayor's authority under Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

"(b) Civil fines, penalties, and fees may be imposed as sanctions for an infraction of any rule promulgated under subsection (a) of this section pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

"Sec. 11f. Consolidation with WMATA.

"The District Department of Transportation shall coordinate with WMATA to evaluate whether operations under this title should be consolidated with existing services provided by WMATA, while maintaining the distinctive features of the DC Circulator service.

"Sec. 11g. Jurisdictional applicability.

"The District Department of Transportation is authorized to plan, develop, finance, and operate the DC Circulator, as set forth in this title, solely within the District of Columbia. Any

expansion of the DC Circulator or such like service by another name into a jurisdiction beyond the District of Columbia shall require Council approval.”.

Sec. 4 Title 18 of the District of Columbia Municipal Regulations is amended as follows:

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(a) A new Chapter 15 is added to read as follows:

“CHAPTER 15 DC CIRCULATOR

“1500 GENERAL PROVISIONS

“1500.1 There is established a passenger bus service to provide a network of fixed-route bus services within the District of Columbia, to be known as the DC Circulator.

“1500.2 The purpose of the DC Circulator is to relieve transportation congestion and improve the mobility of residents, workers, and tourists.

“1501 ROUTES

“1501.1 The following routes are established for the DC Circulator:

“(a) Capitol Hill Loop – Union Station to points in the Capitol Hill neighborhood, which may include the Capitol South and Navy Yard Metro Stations;

“(b) East-West Loop – Union Station, Massachusetts Avenue, N.W., the Washington Convention Center, and Georgetown;

“(c) Georgetown Loop – Georgetown, Foggy Bottom Metro Station, and other points bordering the Georgetown neighborhood;

“(d) Monuments Loop – Monuments and museums on the National Mall;

“(e) North-South Loop – Mt. Vernon Square, 7th or 9th Street, NW, the National Mall, and Water Street, SW; and

“(f) Smithsonian Loop – Constitution Avenue, 4th Street, Independence Avenue, and 17th Street.

“1501.2 The routes established in § 1501.1 may operate 7 days a week between the hours of 5:00 a.m. and midnight.

“1502 FARES

“1502.1 The fares to board a DC Circulator bus shall be as follows:

“(a) Persons between the ages of five (5) and sixty-four (64): One dollar (\$1.00)

“(b) Persons sixty-five (65) years of age and older: Fifty cents (50¢)

“(c) Persons who present a valid MetroAccess card: Free of charge

“1502.2 A person sixty-five (65) years of age and older may pay the fare established in § 1502.1(b) upon presenting the DC Circulator bus driver or fare collector with valid photo identification or a valid Medicare card.

“1502.3 Passes that permit unlimited daily, three-day, weekly, monthly, or yearly use of the DC Circulator may be sold as follows:

“(a) Daily Pass \$3.00

“(b) Three-Day Pass \$7.00

“(c) Weekly Pass \$11.00

- “(d) Monthly Pass \$40.00
- “(e) Yearly Pass \$450.00

“1502.4 Except for children under the age of five (5) years old and uniformed District, Capitol, and National Park Service police officers, no person shall board a DC Circulator bus without:

- “(a) Depositing the applicable fare into the bus fare box;
- “(b) Touching the target point of the bus fare reader with a funded rechargeable fare card;
- “(c) Presenting a valid DC Circulator pass;
- “(d) Displaying a valid DC Circulator, Metrobus, or Metrorail pass, WMATA student farecard, or MetroAccess Card;
- “(e) Displaying a DC Circulator, Metrobus, or Metrorail transfer issued less than 2 hours prior to boarding; or
- “(f) Displaying a transfer from a bus, train, or other vehicle upon the execution of an agreement between the Department and the owner or operator of such vehicle regarding the use of transfers.

“1599 DEFINITIONS

“1599.1 When used in this chapter, the following terms shall have the meaning ascribed:

- “Department – District Department of Transportation.
- “Metrobus – A bus operated by the Washington Metropolitan Area Transit Authority.
- “Metrorail – A train operated by the Washington Metropolitan Area Transit Authority.
- “Rechargeable fare media – a plastic, permanent farecard issued by the Department or WMATA embedded with a computer chip that keeps track of the fare value of the farecard. A WMATA SmartTrip Card is an example of a rechargeable fare media.
- “WMATA or Metro – the Washington Metropolitan Area Transit Authority.”.
- (b) Subsection 2603.1 (18 DCR § 2603.1) is amended by adding the following:
 - “Boarding a DC Circulator bus without depositing payment, using a rechargeable fare card, presenting a DC Circulator pass, or displaying a valid pass, transfer, or MetroAccess card (§ 1502.4) \$25.00.”.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 6. Conditional applicability.

This act shall apply subject to the inclusion of its fiscal effect in an approved budget and financial plan.

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Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia