DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority in Section 8 of the Bicycle Commuter and Parking Expansion Act of 2007, effective February 2, 2008 (D.C. Law 17-103; D.C. Official Code § 50-1641.07) (2012 Repl.)), and Mayor's Order 2011-149, dated September 6, 2011, hereby gives notice of adoption of rules that amend Chapter 12 (Bicycles, Motorized Bicycles, and Miscellaneous Vehicles) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The final rules establish requirements for residential buildings with eight (8) or more units to provide sheltered and secure bicycle parking.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on March 21, 2014, at 61 DCR 2474. DDOT received comments from the public concerning the proposed rules, and no substantive changes were made. Pursuant to D.C. Official Code § 50-1641.07(b), these rules have been submitted to Council for review and approval. The Long Term Bicycle Parking Rulemaking Approval Resolution of 2014 (PR 20-1029) was passed on October 28, 2014. The Director adopted these rules as final on November 28, 2014, and they shall become effective upon publication of this notice in the *D.C. Register.*

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

Chapter 12, BICYCLES, MOTORIZED BICYCLES, AND MISCELLANEOUS VEHICLES, is amended as follows:

New Sections 1214, 1215, and 1216 are added to read as follows:

1214 BICYCLE PARKING REQUIREMENTS FOR RESIDENTIAL BUILDINGS

1214.1 All existing residential buildings with eight (8) or more units shall provide secure bicycle parking spaces for the storage of bicycles in operable condition.

1214.2 Each existing residential building covered by § 1214.1 shall provide a reasonable number of bicycle parking spaces within thirty (30) days after written request from one (1) or more tenants or property owners. A reasonable number shall be defined as the lesser of either:

(a) One (1) bicycle parking space for each three (3) residential units; or

(b) Enough bicycle parking to meet the requested demand.

1214.3 If a complaint of noncompliance with this requirement is filed with the District Department of Transportation (DDOT) by one or more residents, DDOT shall

facilitate discussions between the parties to determine the number of bicycle parking spaces that the residential building will provide. If the resident(s) and residential building cannot reach an agreement, DDOT shall make a determination of the number of bicycle parking spaces that the residential building shall provide.

1214.4 All new residential buildings with eight (8) or more units shall have at least one (1) secure bicycle parking space for each three (3) residential units.

1214.5 All substantially rehabilitated buildings with eight (8) or more units shall have at least one (1) secure bicycle parking space for each three (3) residential units or the same number of secure parking spaces as were in the building before the rehabilitation, whichever is greater.

1214.6 Where it can be demonstrated that providing sufficient bicycle parking spaces required under § 1214.2 or § 1214.4 is not physically practical, that undue economic hardship would result from strict compliance with the regulation, or that the nature of the building use is such that bicycle parking spaces would not be used, the District Department of Transportation Bicycle Program Office may grant, upon written application of the owner of the building, an appropriate exemption or reduced level of compliance. In such cases, the Bicycle Program Office shall issue to the building owner a written certificate documenting the exemption or reduced level of compliance.

1214.7 Any residential buildings that have been exempted from the requirements of this section due to the nature of the use of the building shall provide a minimum number of bicycle parking spaces equal to at least five percent (5%) of the number of people employed in the building or one (1) space, whichever is greater.

1214.8 The following types of buildings are exempt from the requirements of this section, in addition to those exempted under § 1214.6:

(a) Elderly housing buildings;

(b) Assisted living facilities; and

(c) Nursing homes.

1214.9 A residential building shall be deemed new or substantially rehabilitated if the building permit is issued on or after the date of the publication of these rules.

1215 BICYCLE PARKING IN RESIDENTIAL BUILDINGS: SPACE REQUIREMENTS

1215.1 If possible, all required bicycle parking spaces in a residential building shall be located within the building.

1215.2 If bicycle parking spaces must be located outside of the building, the spaces shall be secure, covered, and adjacent to the building.

1215.3 Interior bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level.

1215.4 Spaces shall be available to employees, residents, and other building occupants.

1215.5 Required bicycle parking shall be provided as racks or lockers.

1215.6 Interior bicycle racks for required parking shall be provided in a parking garage or a bicycle storage room.

1215.7 Where required bicycle parking is provided in a garage, it shall be clearly marked and separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barriers.

1215.8 For a bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room, unless otherwise illuminated in such a manner as to allow the bicycles to be clearly visible.

1215.9 Where required bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:

(a) Twenty-four inches (24 in.) in width at the door end;

(b) Eight inches (8 in.) in width at the opposite end;

(c) Seventy-two inches (72 in.) in length; and

(d) Forty-eight inches (48 in.) in height.

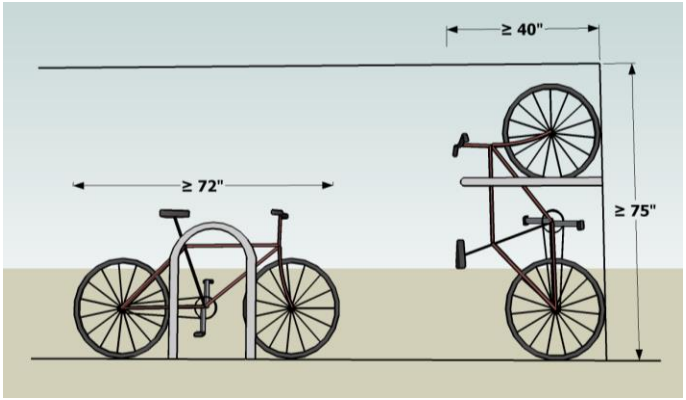
1215.10 Each required bicycle parking space shall be directly accessible by means of an aisle of a minimum width of forty-eight inches (48 in.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times.

1215.11 Bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. In addition, vertical bicycle space racks may be utilized provided they support the bicycle without the bicycle being suspended. Bicycle parking spaces may not exclusively consist of vertical bicycle space racks.

1215.12 Each required bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:

(a) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or

(b) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.



1216 BICYCLE PARKING IN RESIDENTIAL BUILDINGS: FINES

1216.1 A violation of Section 1214 or 1215 shall be a Class 4 civil infraction pursuant to Chapter 32 of Title 16 of the DC Municipal Regulations.

1216.2 Adjudication of any infraction of Section 1214 or 1215 shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

A new Section 1299 is added to read as follows:

1299 **DEFINITIONS**

1299.1 For the purposes of this chapter, the following terms and phrases shall have the meanings ascribed:

Assisted living facility – an Assisted Living Residence as defined by § 102.01(4) of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code § 44-102.01(4));

Elderly housing building – a building intended and operated for elderly residential occupancy.

New residential building – a residential building for which an application of construction was submitted after the publication date of these rules.

Nursing home – a building used for the purposes described in Section 2(a)(3) of the Health–Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5–48; D.C. Official Code § 44–501(a)(3)).

Substantially rehabilitated – any improvement to or renovation of a residential building permitted after the publication date of these rules, for which the improvement or renovation equals or exceeds fifty percent (50%) of the assessed value of the building before the rehabilitation.