DISTRICT DEPARTMENT OF TRANSPORTATION

FOURTH NOTICE OF EMERGENCY RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority in Section 11e(a) of the Department of Transportation Establishment Act of 2002 ("Establishment Act"), effective March 6, 2007 (D.C. Law 16-225; D.C. Official Code § 50-921.35(a) (2014 Repl. & 2019 Supp.)), and Mayor's Order 2009-43, dated March 26, 2009, hereby gives notice of the adoption of emergency rules that modify Chapter 15 (DC Circulator) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

DDOT is issuing this notice of emergency rulemaking in keeping with the public health emergency extended by Mayor's Order 2020-127, dated December 18, 2020: Extension of the Public Emergency and Public Health Emergency and Implementation of a Holiday Pause on Various Activities to Flatten the Curve of COVID-19 Cases. The rulemaking suspends fares so that passengers can enter and exit Circulator buses from the rear door, encouraging physical distancing. A previous emergency rulemaking, introduced by DDOT in keeping with the public emergency and public health emergency originally declared by Mayor's Orders 2020-045 and 2020-046, dated March 11, 2020, promulgated similar rules, for similar purposes. That rulemaking was published in the *D.C. Register* on April 17, 2020, at 67 DCR 4402, and expired on July 16, 2020. A second emergency rulemaking, based on Mayor's Order 2020-075 and published in the *D.C. Register* on September 11, 2020, at 67 DCR 10974, expired on September 30, 2020. A third emergency rulemaking, published in the *D.C. Register* on October 16, 2020, at 67 DCR 12057, expired on January 28, 2021. That expiration date was based on the assumption that safety precautions enabling the resumption of fare collection would be installed by the beginning of 2021. However, those precautions are not yet installed, and Mayor's Order 2020-127, by extending the public health emergency established in Mayor's Order 2020-45 and reaffirmed in Mayor's Order 2020-75, indicates that physical distancing of riders and drivers on public transportation vehicles is still necessary as more people are now moving around the District and physical distancing is still an important component to reducing the spread of COVID-19.

The emergency rulemaking is necessitated by an immediate need to preserve the public safety and welfare with safe access to Circulator buses for residents and visitors to use in the District. Allowing residents and visitors to enter and exit the Circulator buses from the rear door (unless the wheelchair-accessible front door is needed) will encourage social distancing, allowing them to practice safe distancing (especially from the driver) as advised by the Centers for Disease Control and Prevention.

This emergency rule was adopted on January 29, 2021, and became effective immediately. This emergency rule will remain in effect until May 28, 2021, one hundred twenty (120) days from the date it was adopted, or the expiration of Mayor's Order 2020-045, dated March 11, 2020, and any substantially similar successor Mayor's Order, whichever comes first.

Chapter 15, DC CIRCULATOR, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended by adding a new Section 1504 to read as follows:

1504 TEMPORARY FEE SUSPENSION

1504.1 Notwithstanding Sections 1502 and 1503 of this chapter, the Circulator shall be free of charge for all riders. It will remain free of charge for the duration of the public health emergency declared by Mayor's Order 2020-045, dated March 11, 2020, as extended by any successor Mayor's Order.