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October 3, 2008

Zoning Commission of the District of Columbia
One Judiciary Square, Suite 210-South
441 Fourth Street, NW
Washington, DC 20001

Re: ZC Case 08-06-3 (Loading)

This letter addresses issues also discussed at your hearing September 4 on the above-captioned topic.

The concepts being advanced could lead to fundamental changes in requirements affecting loading requirements within the District of Columbia and I endorse such review in light of changes in needs since first adopted fifty years ago and since "updated" more than 20 years ago (in 1985).

The hearing notice sets out six topics, as follows:

1. Size of Loading Berths
2. Sharing Loading Facilities
3. Relief of Loading Requirement
4. Location of Loading Areas
5. Loading Access
6. Trash Enclosures

The hearing notice does not propose use- or zone-specific changes in minimum numbers of loading and service delivery spaces, although the notice does suggest ending any requirement for larger (55 ft.) loading berths that now exists. Presumably, as details of minimum *numeric* requirements would combine both prospectively, the details of which will be addressed later as a part of consideration of changes to the various base zone and overlay zone provisions.

Through this letter, I urge you to proceed with amendments adapting the changes to be formally advertised in certain ways, as follows:

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ZONING COMMISSION
District of Columbia
CASE NO. 08-06-3
EXHIBIT NO. 12
ZONING COMMISSION
District of Columbia
CASE NO. 08-06-3
EXHIBIT NO. 12

1. **Size of Loading Berths**

Before acting to adopt the provisions set out by the Office of Planning, please review the regulations now in effect issued by the Department of Motor Vehicles (Title 18, Chapter 25; copy enclosed), particularly as to size (weight of vehicles should not be of much concern to zoning regulations). **DMV rules already limit length, width, and height.**¹

As to length, unless granted a special permit, single unit vehicles may not exceed 40 feet (10 feet longer than the 30 foot standard that has been in effect for some time). From my own observation, I find hardly any single unit vehicles that deliver on a recurring basis to the same property – the longer single unit vehicles tend to be moving vans. I do not have data on the length of single unit vehicles that are operating on District streets to bring goods to or from locations across the city, but these are sometimes longer than 30 feet. During the hearing, the Commission asked DC-DoT to provide information about truck lengths to the record and that report should be evaluated to see if it suggests any changes to be advertised for later hearing and formal consideration. Concurrently, the Commission might propose an operating rule that would complement rules regarding public space, namely that vehicles engaged in delivery, loading, and unloading may not be placed in a way that projects into public space without approval to do so nor cross a property line, similar to parking standards (see §§ 2115.13 and 2117.7 of the present parking provisions of the Zoning Regulations).

As to width, even where wider vehicles are allowed, the present 12' width requirement for loading berths seems appropriate.

As to height, DMV sets the limit at thirteen feet six inches (13 ft., 6 in.). Vertical clearance of fourteen feet (14 ft.) is now required in zoning, which is generally sufficient. However, where the approach to a *covered* loading berth is not level, a greater height may be needed to allow the full length of a truck (and trailer) to pass below to account for crests and dips and the arc a longer vehicle describes when in motion.

As to the required dimensions of loading platforms, it would make sense to have their required minimum width be the same as the width of the loading area if located to the rear thereof as is often the case. If not at the rear, then placement and other metrics should be considered to ensure the overall configuration “works.” (It follows, then, that if an appeal is granted to relieve a width requirement of a loading berth, it should also apply to the required width of that loading berth’s platform automatically).

¹ Please note that while the DMV rules (18 DCMR Chapter 25) are clear, they also permit exceptions. I have very little knowledge of the practices followed or enforcement levels of these regulations. However, I understand the regulations apply to nearly all trucks operating on DC streets without respect to the jurisdiction in which they are registered (Federal vehicles, including military ones, being exempt).

2. Sharing Loading Facilities

The idea of allowing sharing of loading resources on a matter-of-right basis within a building is most appropriate – and should be extended to trash facilities (see Topic 6 below) as well.

That said, care must be taken to ensure that “sharing” is understood and applied so as to be effective for all parts of the entire building or complex of buildings where there are multiple buildings (as is otherwise allowed at times by right or on appeal and, in particular, that horizontal and vertical subdivisions into various assessment and taxation, condominium, or air rights parcels) and does not operate at cross purposes to the objective. Moreover, sharing should be allowed to materialize in larger projects built in phases as they develop rather than having successive elements having to produce discrete areas for “their” loading.

The Commission should also clarify the related interpretive provisions as much as possible. In this regard, the Commission should at least continue the present rule that determines needs loading requirements on the basis of 90 percent of the uses in a building with multiple uses or preferably supplant that standard with the more flexible concept now under consideration in the parking update that would be based on whatever use is the more/most demanding in the building.

3. Relief of Loading Requirement

While the recommendation of the Office of Planning contemplates full relief from loading requirements if access cannot be provided from an alley (or side street in corner lot situations), these provisions are not in full accord with recently issued proposed regulations from the DC Department of Transportation (DC-DoT), as is further discussed below.

Over and above the inconsistency between the OP proposal and DC-DoT’s proposed specifications, there are a host of issues about the adequacy of any public alley that ostensibly “serve” the rear of future buildings. While DC-DoT is striving to establish a minimum width of paved public alleys at twenty feet (20.0 ft.), what exists is quite often less than that, typically fifteen feet (15 ft.) with portions of that given over to telephone poles and other intrusions. If an alley is in two way operation and trucks attempt to pass each other, the alley must be wider than is typical. Even if in one-way operation, any paved public alley that is less than ten feet (10.0 ft.) wide is all but useless for trucks. Thus, additional and appropriately tailored exclusions should be proposed and discussed at any future hearing.

Finally, whatever is established by the regulations that are ultimately adopted should be such that relief could be sought from and granted by the Board of Zoning Adjustment as a Special Exception (as is the case for many of the present parking requirements). There is no need to treat such situations as ones requiring a variance.

4. **Location of Loading Areas**

The Office of Planning is striving to have loading functions take place out of sight and would restrict loading to areas within the building or behind it. This effectively removes the option of having loading in side yards as is now allowed (mostly) by right.

While the suggestion alluded to above may seem sensible in conversation or loose description, it is important to note that its exact impact will follow the definition or practices establishing what is meant by both “rear” and “side,” particularly as it relates to flexibility that has long been allowed in determining, for example, what is the “front” of a building (on corner lots, for example) for various purposes, and whether any such determination (for any purpose) then sets the “rear” as the other face of whatever is “front.” It is also important, for consistent and predictable administration of the provisions, to know if the intent is to limit loading in all portions of side yards or just the “required side yard.” Moreover, the recommendation seems to ignore circumstances where there are either open or closed courts along a given side or rear of a building, it appears that loading could occur in court areas without restriction (as now drafted), but this may be an area that has been overlooked in its ramifications that also requires further study.

5. **Loading Access**

The Office of Planning is recommending that access to loading occur at the rear of buildings from an improved public alley; where this is not possible, the second option would be to gain access from a “secondary” street (for buildings on a corner lot or a through lot, for example). Finally, if neither of these results in access, OP suggests a building owner could request a curb cut and, *if not approved by DC-DoT*, the requirement would no longer stand.

The issue here is that DC-DoT has yet to adopt standards as to when it will or will not allow curb cuts. This is so even as that Agency published proposed rules September 25, 2008 on the question (copy attached).

While the proposed DC-DoT regulations are open to comment and are not yet final, a cursory examination of them (which I recommend you undertake) reveals that the key provision only states that the Director “may” grant a permit when no access can be provided from a “paved alley” (whether this includes private alleys is unclear) and it makes no reference to OP’s “secondary street” provision. Moreover, the language clearly provides that DC-DoT may not approve a curb cut for, it seems, any number of other unspecified reasons as the operating term “may” is so broad.²

² While in the abstract, parking needs for a building that has no alley access can be provided elsewhere on the public streets or on separate parking lots or garages, loading is inherently a function that requires adjacency. In this case, the only adjacent space left is “at the curb.” Thus, should DC-DoT not allow a curb cut to access areas to provide the loading area the use needs to receive goods and to transfer waste and recyclables (or, for that matter, parking for persons with mobility limitations), this should automatically dispose DC-DoT to provide for routine, **uncontested**, approval to establish flanking loading zones that

The most troublesome language of the proposed DC-DoT rule, however, comes at two later points in the DC-DoT proposal, namely where it spells out that a curb-cut can be rescinded at any time (§ 1203) and automatically expires on change of building ownership (§ 1202.4). Whims of the Agency could wind up closing access upon which a building and its tenants rely and be highly disruptive. Loading that is required, at a minimum, should have access guaranteed for the duration of any built improvements developed under the regulations in effect when built.

Clearly, the Zoning Commission is not in a position to specify how DC-DoT will proceed, but until there is clarity from DC-DoT on this point, imposing new limits introduces undesirable risk into the development process and in terms of effects that cannot be predicted on the urban fabric zoning is supposed to protect.

6. Trash Enclosures

The Office of Planning recommendations request that “trash areas” be enclosed for all developments over 2,000 square feet other than a one-family dwelling or flats.

While the intent of this seems clear, the proposition fails to provide any rationale for why this should be a provision for the Zoning Regulations in the first place. Is this not a topic that is more properly a function of the building or environmental codes? However, if “trash” is deemed to be an aspect of development to be subject to zoning, then the Commission should also weigh in on storage of other similar end products of building uses – both other waste (for example, grease or biohazards) and various recyclables – many or all of which are typically placed in some form of container prior to pickup. Should these be allowed outdoors or facing certain other uses, e.g., residential ones? Thus, there is a need to be clear as to the reach of any such provision.

Separate and apart from the question of whether to regulate this in the zoning regulations, enclosing them should also be analyzed, prior to set down, on how such a provision would affect new uses in existing building stock and any potential decisions the Commission makes on where “open” (not enclosed) loading activities may occur in the first place. This latter leads to the suggestion addition to induce placement of both areas for loading and space for all manner of waste and recyclable materials within the building(s) served, whether required by zoning or not.

mirror the days and hours such may be expected at the building where the curb cut has not been allowed (as well as other flanking curb segments restricted to parking for vehicles serving those with mobility limitations).

Suggested Additional Issues to Be Added to Scope of Future Hearing

7. Inducing Greater Enclosure of Loading and Waste/Recyclables Storage Areas

At present, loading can be provided in side and rear yard areas. When this happens, it virtually guarantees an impervious surface leading to it and for the area itself. Other provisions of present code allow rear yards to be occupied by low-lying portions of buildings, but such areas present “count” against maximum allowed Floor Area Ratio as well as maximum allowed percentages of lot occupancy.

If the intent is to enclose these non-productive ancillary functions within a building, why not grant the all or much of these utilitarian area credits from the limits that now dissuade such containment? This could be written in such a way as to foster (or require) that any resulting open area above this be treated in a manner that improves overall “green-ness” and/or that the remaining open areas be landscaped suitably in those locations that abut residential uses or, more simply, Residence districts. This language would have to be tailored to allow for walkways that lead to and from various doors on the property and driveways leading to and from areas used for parking (a companion regulation under separate consideration), but I advance the idea for your consideration at this juncture.

As to the area to be credited whether for loading or waste/recyclables (or both), it should be sufficient to accommodate both single unit vehicles up to 40 feet if set out that way in building plans or, when semi-trailers are expected, up to the overall length that are allowed on the District’s roads and highways by right (55.0 ft.) or longer, by special annual permits.

8. Status of DC-DoT Proposals to Ban “Large Trucks” from Operating Around the Mall and Downtown weekdays.

This thought remains actively part of a DC-DoT website area on various studies that Agency has carried out in a web-linked document now titled “Congestion Management: Summary of Recommendations From Previous and Ongoing Studies Related to Downtown (April 2004).” Specifically, a portion of that cites earlier studies of “Motor Carrier Management” that recommend, among other things, that the District –

“Improve security and reduce congestion by barring large trucks from downtown, especially around the National Mall during the business day.”

The map that follows (copied on page following this) sets the area as described. If adopted in anything like the form recommended, there should be no requirement for loading at all inside that perimeter as it will have to occur at hours when use of the street frontages could meet most if not all needs. However, saying that nothing should be required should not mean that it should not be allowed. Again, use the hearing to get to the bottom of this issue so as to enable appropriate action after the hearing concludes.

9. Timing of Updated Zoning Provisions (Effective Dates, Carry Over, Grandfather, Etc.)

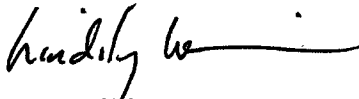
Finally, if any regulation that emerges imposes restrictions that are greater than those now in effect, the development community needs adequate lead time to incorporate the changes into building plans. This is the case for single buildings, locations with multiple buildings on a single lot, as well as projects being developed in phases.

Conversely, should the eventual hearing record in this element (or others) allow the Zoning Commission to conclude that at least some of the present loading provisions can be eliminated or reduced, there is no need to delay their effective date until the “updating the zoning regulations” is complete.

The follow up hearing on loading should invite testimony on this topic from all those participating.

Thank you for considering the above in your deliberations.

Respectfully,



Lindsley Williams

cc: Travis Parker, Office of Planning
Karina Ricks, Department of Transportation
Alice Kelly, Department of Transportation

Attachments

- **DMV Rules 18 DCMR Chapter 25**
- **DC-DoT Proposed Rule on Curb Cuts (from 55 DCR 9860-9863 (September 19, 2008))**

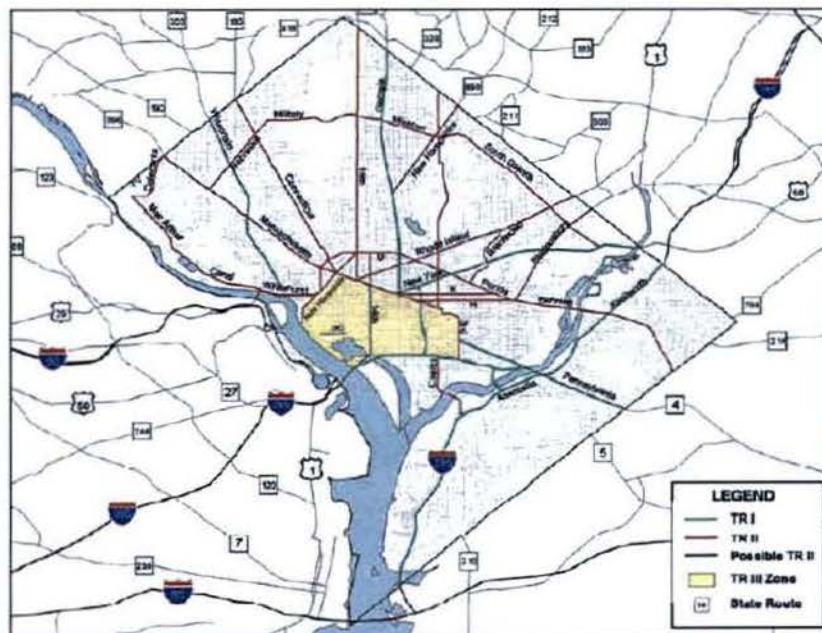
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Area of District Where DC-DoT Might Prohibit “Large Trucks” Weekdays (per DC-DoT)



Motor Carrier Management

Recommended Truck Route System Draft: April 23, 2004



Detail of Area Where Restrictions might be Applied (close-up “shot” by the writer)



LINDSLEY WILLIAMS

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the D.C. Department of Transportation pursuant to the authority set forth in sections 5(4) and 6(b) and (c) 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 and § 50-921.05(b) and (c)) and sections 603 and 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198, D.C. Official Code §§ 10-1141.03 and 10-1141.04)) and Mayor's Order 96-175, (December 9, 1996), gives notice of his intent to adopt the following rules to add a new section to chapter 12 of Title 24 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The proposed rules will establish the District Department of Transportation's policies and procedures to obtain a public space permit to authorize a curb cut across public space to construct a driveway.

Title 24 DCMR, Chapter 12 is amended by adding new sections 1201, 1202, and 1203 to read as follows:

1201 CURB CUTS AND DRIVEWAYS

- 1201.1 No person shall make a curb cut in, demolish, repair or construct a driveway across the public space without first obtaining a public space permit from the Department of Transportation.
- 1201.2 The Director shall only approve a public space permit for a curb cut when there is alley access to the property unless the applicant for the permit complies with subsection 1201.4.
- 1201.3 The Director shall only approve a public space permit for a curb cut when there is potential access to an expanded alley network unless the applicant for the permit complies with subsection 1201.4.
- 1201.4 The Director may grant a public space permit for a curb cut when the applicant for the permit submits to the Director information that demonstrates that there is no alternative way to access on-site parking or a loading dock through existing or proposed paved alleys, or there is a special need as provided in section 1202.
- 1201.5 A property owner shall obtain a new public space permit for the curb cut to continue use of an existing curb cut or driveway when any of the activities listed in subsection 1201.6 occur on the property.
- 1201.6 The public space permit expires when the activities listed below occur on the property:

- (a) There is new construction;
- (b) The principal building on the property is razed or partially razed; or
- (c) Substantial improvements, in excess of fifty percent (50%) of the building's value, are made to the principal building.

1201.7 If the Director does not issue a public space permit for a curb cut or driveway to an owner, and there is an existing curb cut or driveway the owner of the property shall at the owner's expense remove the curb cut, driveway, or parking pad and restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.

1201.8 The Director may approve a permit for double curb cuts to construct a circular driveway if the applicant proves a compelling need for a one-way circulation of motor vehicles. A compelling need may include a special need as provided in section 1202.

1201.9 If approval of the activity is required to be approved by the Fine Arts Commission or the Historic Preservation Review Board, the applicant for a curb cut permit shall submit those approvals with the public space permit application.

1201.10 The Director shall issue a public space permit for the curb cut after the permit application is approved and all permit fees and deposits have been paid by the applicant.

1201.11 The curb cut permittee shall construct the curb cut and associated driveway in compliance with current DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.

1201.12 No person shall park any vehicle so that the vehicle protrudes in whole or in part into the public space, a public sidewalk, or public alley.

1201.13 The owner of property abutting a curb cut shall repair, at the property owner's expense, any damage to public space caused by the use or construction of an abutting curb cut, driveway, or parking pad.

1202 SPECIAL NEEDS

1202.1 An applicant has a special need if the applicant is the owner of the abutting property and the applicant meets the requirements for a reserved parking space contained in 18 DCMR 2710.1 (a)-(d).

- 1202.2 Public space permits issued for a special need shall expire upon the sale of the property.
- 1202.3 Prior to the issuance of a public space permit for a special need, a covenant of maintenance agreement shall be attached to the deed for the property stating that upon the sale of the property, any curb cut, driveway or parking pad authorized by this permit and located on public space be removed and the public space restored.
- 1202.4 Upon the sale of the property, any curb cut, driveway or parking pad located on public space pursuant to a special need shall be removed and the public space restored in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- 1202.5 The responsibility to obtain a public space permit for the restoration of public space pursuant to subsection 1202.4 and the cost of the restoration shall be borne by the seller of the property, unless the buyer agrees to obtain the public space permit and bear the cost instead.

1203 PERMIT REVOCATION

- 1203.1 The Director may revoke a permit for a curb cut or driveway on or across public space at any time.
- 1203.2 Upon revocation of the permit, the owner of the property, at the property owners expense, shall remove the driveway and restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- 1203.3 A property owner, at the property owner's expense, shall remove any curb cut or driveway that is not authorized by the Director and the property owner shall restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.

24 DCMR, section 1299 is amended to add the following new definitions to read as follows:

Driveway – A strip of concrete or other Department of Transportation approved material designed to enable vehicular conveyance from a public roadway or alley to a parking pad, garage or loading dock on private property.

Curb Cut – A break in the roadway that allows access to a driveway leading to a parking pad, garage or loading dock.

Public Space – All the publicly owned property between the adjacent property lines on a street right-of-way and, if applicable, extended to the adjacent building restriction line on private property, including, but not limited to, the roadway, tree spaces, sidewalks and alleys.

All persons interested in commenting on the subject matter in this 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 Alice Kelly, Program Manager, Public Space Branch, District Department of Transportation, 2000 14th Street, N.W., 5th Floor, Washington, D.C. 20009. Comments may also be sent electronically to alice.kelly@dc.gov. Copies of this proposal 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.

CHAPTER 25 GENERAL PROVISIONS

Secs.

2500	General Provisions
2501	Width and Height of Vehicles
2502	Length of Vehicles, Trailers, Combinations, and Loads
2503	Restrictions on Handling Loads
2504	Towing Vehicles
2505	Wheel and Axle Loads: Gross Weights
2506	Inspection of Vehicle Loads
2507	Damage To Streets and Highways
2508	Special Permits
2509	Tunnel Restrictions
2510	Bridge Restrictions
2511	Specified Routes
2512	Hauling Permit Fees For Certain Multi-Axle Motor Vehicles

2500 GENERAL PROVISIONS

- 2500.1 It shall be unlawful for any person to drive, move, or for the owner to cause or knowingly permit to be driven or moved, on any highway or street, any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of the provisions of this chapter.
- 2500.2 The provisions of this chapter governing size, weight, and load shall not apply to fire apparatus or to a vehicle operated under the terms of a special permit issued as provided in this chapter.

2501 WIDTH AND HEIGHT OF VEHICLES

- 2501.1 Except as provided in § § 2501.2 and 2501.3, the total outside width of any vehicle shall not exceed eight feet (8 ft.).
- 2501.2 Buses may have an overall width not to exceed eight feet, six inches (8 ft. 6 in.), if travel is restricted to a route approved by the Director.
- 2501.3 Tractor-trailer combinations may have an overall width not to exceed eight feet, six inches (8 ft 6 in.), if the tractor-trailer combination travels on a route, street, road, or highway specified in § 2511.
- 2501.4 No passenger vehicle shall be operated on any public District highway, street, or road with any load carried on the vehicle extending laterally beyond the line of the fenders on the left side of the vehicle or extending laterally more than six inches (6 in.) beyond the line of the fenders on the right side.

2501.5 No vehicle which is higher than thirteen feet, six inches (13 ft. 6 in.), including the height of any load on that vehicle, shall operate on a public District highway, street, or road.

2501.6 The intent and purpose of § 2501.5 is to regulate vehicle height only, and nothing in this title shall be construed to require the District government, any railroad, or any private corporation to do the following:

- (a) To provide sufficient vertical clearance to permit the operation of regulated vehicles; or
- (b) To make any changes in or about existing structures now crossing streets, roads, or other public thoroughfares in the District.

2502 LENGTH OF VEHICLES, TRAILERS, COMBINATIONS, AND LOADS

2502.1 Except as provided in § 2502.7, no single unit vehicle, including any load on the vehicle, shall have an overall length in excess of forty feet (40 ft.), inclusive of the front and rear bumpers.

2502.2 Except as provided in § § 2502.3, 2502.4 and 2502.10, no combination of vehicles, including the length of any load on such combination, shall exceed a total overall length of fifty-five feet (55 ft.), inclusive of the extreme front and rear bumpers of the combination.

2502.3 A semi-trailer (single) when operated in combination with a truck-tractor and when operated on a street, road, highway, or route specified in § 2511 shall not be subject to the limitations specified in § § 2502.1 and 2502.2; Provided, that the semi-trailer shall not exceed forty-eight feet (48 ft.) in length.

2502.4 A semi-trailer and a trailer (double) where operated in combination with a truck-tractor and when operated on a route specified in § 2511 shall not be subject to the limitations specified in § § 2502.1 and 2502.2; Provided, that each semi-trailer or each trailer operated in this combination shall not exceed twenty-eight feet (28 ft.) in length.

2502.5 Except as provided in § 2502.6, no combination of vehicles coupled together shall consist of more than two (2) units, except that four (4) units may be coupled together by the double saddle-mount method.

2502.6 A tractor-trailer combination may consist of three (3) units coupled together when operated on a route specified in § 2511.

- 2502.7 A bus, including the length of any load on the vehicle, shall have an overall length not to exceed sixty feet (60 ft.), if travel is restricted to a route approved by the Director.
- 2502.8 The limitations on length of vehicles and loads set forth in this section shall not apply to any load upon a pole-trailer operating in the daytime when transporting poles, pipes, or structural materials which cannot be dismembered, nor to vehicles transporting objects at night when required for emergency repair of public utility or public service facilities.
- 2502.9 No pole, pipe, or other material exceeding eighty feet (80 ft.) in length shall be transported, either in the daytime or at night, unless a permit has first been obtained as provided for in § 2508.
- 2502.10 With respect to night transportation, each vehicle listed under §§ 2502.8 and 2502.9, and the load on that vehicle shall have a sufficient number of clearance markers on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.
- 2502.11 Commercial motor vehicles with semi-trailers with a kingpin distance of forty-one feet (41 ft.) or less (measured from the kingpin to the center of the rear axle, if single, or the center of a group of rear axles), shall not be subject to the limitations specified in §§ 2502.1, 2502.2 and 2511.3.

2503 RESTRICTIONS ON HANDLING LOADS

- 2503.1 The load upon any part of a vehicle operated alone, or the load upon any part of the front vehicle of a combination of vehicles, shall not extend more than three feet (3 ft.) beyond the foremost part of the vehicle or vehicles; and the load upon any part of any vehicle alone, or the load upon any part of the rear vehicle of a combination of vehicles, shall not extend more than six feet (6 ft.) beyond the extreme part of the rear of the vehicle or vehicles.
- 2503.2 No vehicle shall be driven or moved on any street or highway unless that vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle; Provided, that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on the roadway in cleaning or maintaining the roadway.
- 2503.3 The weight of the load carried on any truck, tractor, trailer, or combination of vehicles, shall not exceed the manufacturer's rated load capacity of the truck, tractor, trailer, or combination, and loads carried on such vehicles shall be adequately secured to prevent shifting, toppling, or in any other manner becoming a hazard.

- 2503.4 Any tarpaulin or other covering used to protect the load carried on any vehicle shall be securely fastened to prevent its detachment.
- 2503.5 No vehicle shall be parked unattended or left standing upon the streets of the District, except while actually being loaded or unloaded, unless the tailgate is closed; Provided, that this subsection shall not apply to vehicles so loaded that a portion of the load extends upon and is supported by the tailgate.

2504 TOWING VEHICLES

- 2504.1 Trailer and semi-trailer hitches and couplings shall be of such design and strength values as to conform to the requirements of this title.
- 2504.2 When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and the drawbar or other connection shall not exceed fifteen feet (15 ft.) from one vehicle to the other, except the connection between any two (2) vehicles transporting poles, pipes, machinery, or other objects of structural nature which cannot readily be dismembered.
- 2504.3 Where chain, rope, or cable is used as the connection between the front and rear vehicle, with no rigid coupling, there shall be a driver for both the front and rear cars, except where the rear car is towed by a crane or where the rear car is lashed to the front car.
- 2504.4 When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon the connection a white flag or cloth not less than twelve inches square (12 in. <2>).
- 2504.5 Safety chains shall be used on all trailers and trailer combinations when operated on the streets and highways of the District in addition to the hitch bar. The chains shall be connected to the tractor vehicle and the drawn vehicle and be of sufficient strength to hold the trailer on a hill if the hitching bar becomes disconnected.

2505 WHEEL AND AXLE LOADS: GROSS WEIGHTS

- 2505.1 The gross weights imposed upon the highway exerted through the wheels on any one axle of a vehicle shall not exceed twenty-one thousand pounds (21,000 lbs.).
- 2505.2 Any one axle exceeding eighteen thousand pounds (18,000 lbs.) shall be equipped with four (4) properly inflated conventional-type tires or with two (2)

properly inflated wide-base tires designed specifically for application as a replacement for conventional dual tires and rated equivalent in load carrying capacity.

- 2505.3 For the purposes of this section, an axle load shall be defined as the total load imposed upon the highway through all wheels whose centers are included within two parallel transverse vertical planes not more than forty inches (40 in.) apart.
- 2505.4 A loading error or tolerance of one thousand pounds (1,000 lbs.) is allowable for axle loads, and the same tolerance shall be applied for axle or gross loads permitted by special or annual permits; Provided, that any citation for overweight violation, when the load is in excess of one thousand pounds (1,000 lbs.) tolerance, shall be the total amount between the legal or permitted load and total load. The one thousand pounds (1,000 lbs) tolerance shall not be included in the amount of weight in the violation.
- 2505.5 No group of two (2) or more consecutive axles shall carry a weight exceeding the value(s) given in the following table. However, if the gross weight of a vehicle or vehicle combination exceeds seventy-three thousand pounds (73,000 lbs.), the maximum weight imposed upon the highway exerted through the wheels of any one axle shall not exceed twenty thousand pounds (20,000 lbs.) nor shall a tandem axle exceed thirty-four thousand pounds (34,000 lbs.).

THE DISTANCE IN FEET BETWEEN THE EXTREMES OF ANY GROUP OF TWO OR MORE CONSECUTIVE AXLES	MAXIMUM WEIGHT IN POUNDS FOR ANY TWO OR MORE CONSECUTIVE AXLES (WHEELBASES) MORE CONSECUTIVE AXLES					
	2 AXLES	3 AXLES	4 AXLES	5 AXLES	6 AXLES	
	4-7	37000				
	8	37000	37000			
	9	38000	41500			
	10	39000	42500			
	11	40000	43000			
	12	41000	44000	49000		
	13	42000	44500	49500		
	14	43000	45500	50500		
	15		46000	51000		
	16		47000	51500	57000	
	17		47500	52500	57500	

18	48500	53000	58000	
19	49000	53500	59000	
20	50000	54500	59500	65000
21	50500	55000	60000	65500
22	51500	55500	60500	66000
23	52000	56500	61500	67000
24	53000	57000	62000	67500
25	53500	57500	62500	68000
26	54500	58500	63000	68500
27	55000	59000	64000	69000
28	56000	59500	64500	70000
29	56500	60500	65000	70500
30	57500	61000	65500	71000
31	58000	61500	66500	71500
32	59000	62500	67000	72000
33	59500	63000	67500	73000
34	60500	63500	68000	73500
35	61000	64500	69000	74000
36	62000	65000	69500	74500
37	62500	65500	70000	75000
38	63500	66500	71000	76000
39	64000	67000	71500	76500
40	65000	67500	72000	77000
41		68500	72500	77500
42		69000	73000	78000
43		69500	74000	79000
44		70500	74500	79000
45		71000	75000	79000
46		71500	75500	79000
47		72500	76500	79000
48		73000	77000	79000
49		73500	77500	79000
50		74500	78000	79000
51		75000	79000	79000

2505.6 Whenever authorized signs are erected indicating a truck restriction, no person shall operate the type of truck prohibited on the street, except that the prohibited truck may be operated on the street or portions of the street for the sole purpose of making a delivery or pickup and then only by entering the street at the

intersection nearest to the destination of the truck and proceeding on the street no further than the next intersection after the delivery or pickup has been completed.

2506 INSPECTION OF VEHICLE LOADS

- 2506.1 Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of either portable or stationary scales, and may require that the vehicle be driven to the nearest public scales.
- 2506.2 Whenever an officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

2507 DAMAGE TO STREETS AND HIGHWAYS

- 2507.1 Any person driving any vehicle, object or contrivance upon any street or highway or highway structure shall be liable for all damage which the street or highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight as cited under § 2505.5, but authorized by a special permit issued under § 2508.
- 2507.2 Whenever the driver is not the owner of the vehicle, object, or contrivance, but is operating, driving, or moving the vehicle with the express or implied permission of the owner, the owner and driver shall be jointly and severally liable for any damage.

2508 SPECIAL PERMITS

- 2508.1 The Director, in his or her discretion, upon application in writing and good cause being shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load, or both, exceeding the maximum size or weight specified in this chapter.
- 2508.2 The application for a permit shall specifically describe the vehicle or vehicles and load to be operated or moved, the particular streets or highways for which a

permit to operate is requested, and whether the permit is requested for a single trip or continuous operation.

- 2508.3 A special permit issued under this section by the Director may establish seasonal or other limitations within which the vehicle(s) described may be operated on the streets or highways indicated, or otherwise to limit or prescribe conditions of operation of the vehicle or vehicles when necessary to avoid undue damage to the road foundations, surfaces, or other structures.
- 2508.4 The Director may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.
- 2508.5 Each permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.
- 2508.6 No person shall violate any of the terms or conditions of the special permit.

2509 TUNNEL RESTRICTIONS

- 2509.1 No operator of any motor vehicle, trailer, or other cargo-carrying body, whether loaded or empty, which is required to display markings or placards in accordance with regulations of the Department of Public Works or rules of the Hazardous Materials Regulations Board established by DOT Order #1100.11, July 27, 1967 (49 C.F.R. 170.1) shall enter any tunnel or any access ramp to a tunnel listed in § 2509.6.
- 2509.2 Any Metropolitan Police officer is authorized to require the operator of any vehicle, trailer, or cargo-carrying body referred to in this section to stop prior to entering any tunnel or any access ramp to a tunnel listed in § 2509.6, and to require the operator to proceed by a route which does not lead to the tunnel.
- 2509.3 No operator of any tank vehicle or tank trailer used for the transportation of any flammable liquid or any hazardous material, regardless of the quantity being transported, or whether loaded or empty, shall enter any tunnel or any access ramp to a tunnel listed in § 2509.6, nor shall an operator of any empty tank vehicle containing any residue, cutback tar, cement, or any other substance thinned with a flammable liquid enter any tunnel or any access ramp to a tunnel listed in § 2509.6.
- 2509.4 A new tank vehicle or tank trailer which has never been used for the transportation of a flammable liquid or a hazardous material may be permitted through a tunnel listed in § 2509.6; Provided, that the vehicle shall be accompanied by an invoice, or other shipping paper, stating that the tank vehicle or tank trailer has never been so used.

2509.5 For the purposes of this section, the term “hazardous material,” means any material included in the term “explosives and other dangerous articles,” as used in Title 18, *United States Code*, § § 831-835.

2509.6 Vehicles in the categories described in this section are prohibited from entering the following tunnels or any access ramp to these tunnels:

- (a) The I-95 freeway tunnel from the south portal, which is south of Independence Avenue, to the most northerly portal at K Street; and
- (b) The Ninth Street Expressway tunnel from the north portal at Madison Drive to the south portal, which is south of Independence Avenue.

2510 BRIDGE RESTRICTIONS

2510.1 The gross weight permitted on bridges in the District of Columbia shall be the maximum axle weight allowed in § 2505 or the gross weight posted on a particular bridge, whichever is less.

2510.2 No vehicle which exceeds the maximum weight restriction set forth in § 2505, including the load being carried by the vehicle, shall cross any bridge in the District of Columbia without the written permission of the Director.

2511 SPECIFIED ROUTES

2511.1 For the purposes of this section, the term “I-695” means that highway that is between I-295 in the vicinity of 11th and L Streets, S.E. and I-395 in the vicinity of 2nd and E street, S.W.

2511.2 A vehicle, in accordance with the provisions and exemptions provided for in § 2501.3, 2502.3, 2502.4, and 2502.6, may operate on the following streets, roads, and highways:

- (a) I-295 from the District of Columbia-Maryland line to the Interchange with I-695 in the vicinity of 11th and L Streets, S.E.;
- (b) I-695 from the interchange with I-295 in the vicinity of 11th and L Streets, S.E., to the interchange with I-395 in the vicinity of 2nd and E Streets, S.W.;
- (c) I-395 from the Virginia-D.C. line to the interchange with I-695 in the vicinity of 2nd and E Streets, S.W.;

- (d) Anacostia Freeway from the 11th Street Bridge (I-295) to East Capitol Street; or
- (e) Kenilworth Avenue, N.E. from East Capitol Street to the D.C.-Maryland line.

2511.3 No vehicle covered by the provisions of § § 2501.3, 2502.3, 2502.4, and 2502.6 shall be operated on any other street, highway, or road, which is not listed in § 2511.2 unless the vehicle is operated in accordance with the conditions and requirements of a special permit issued by the Director pursuant to § 2508.

2511.4 Procedures for approval or denial of special permits issued under § 2511.3 shall be carried out in the following manner:

- (a) An analysis of the proposed access routes will be made by application of vehicle templates to plans of the routes;
- (b) Approval of access for these vehicles on any individual route applies to all vehicles of the same type regardless of ownership;
- (c) Denial of access to terminals and services will be only on the basis of safety and engineering analysis of the access route;
- (d) A request for access will be automatically approved if the request is not acted upon by the Director within ninety (90) days of receipt of the application; and
- (e) Denial of access for any one hundred two inch wide (102 in./w.) vehicles will be only on the basis of the characteristics of specific routes. in particular significant deficiencies in lane width.

2512 HAULING PERMIT FEES FOR CERTAIN MULTI-AXLE MOTOR VEHICLES

2512.1 The following fees listed in this section shall apply to hauling permit fees for certain multi-axle motor vehicles:

In the case of a single unit motor vehicle which has three (3) or more axles and is designed to unload itself and which is operated in the District under an annual hauling permit of the District, the fee for the permit shall be as follows:

If a motor vehicle is first placed in service after	\$
	917.00

July 1970

If a motor vehicle is in service on or before July 1, 1970, and operated at a gross weight:

In excess of the weight permitted under normal	\$
	512.00

operation under applicable regulations of the Mayor of
the District of Columbia but less than 50,000 lbs., a
fee of

Of 50,000 lbs. or more but less than 55,000 lbs., a	\$
fee of	647.00

Of 55,000 lbs. or more but less than 60,000 lbs., a	\$
fee of	782.00

Of 60,000 lbs., or more but not to exceed 65,000 lbs.,	\$
a fee of	917.00