

**TRAFFIC REGULATIONS  
FOR THE  
UNITED STATES CAPITOL GROUNDS**

PROMULGATED BY  
**THE CAPITOL POLICE BOARD**  
UNITED STATES CAPITOL  
WASHINGTON, D.C.

**FINAL PUBLICATION**

**AMENDED**

**FEBRUARY 14, 2025**

# CAPITOL POLICE BOARD

UNITED STATES CAPITOL  
WASHINGTON, D.C.

JUNE 1, 2014

**WHEREAS** it has been the long-standing intent and practice of Congress to retain exclusive control over the United States Capitol Buildings and Grounds;

**WHEREAS** said intent is reflected in the delegation of authority granted to the Capitol Police Board by Public Law 570, 79<sup>th</sup> Congress, approved July 31, 1946, *as amended*, which:

- VESTS the Capitol Police Board with exclusive charge and control of the regulation and movement of all vehicular and other traffic within Capitol Grounds, including parking and impounding of vehicles and limiting the speed thereof;
- AUTHORIZES AND EMPOWERS the Capitol Police Board to make and enforce all necessary regulations for such purposes;
- AUTHORIZES AND EMPOWERS the Capitol Police Board to prescribe penalties for violation of such regulations not to exceed a fine of \$300 or imprisonment for not more than ninety (90) days;
- AUTHORIZES AND EMPOWERS the Capitol Police Board to promulgate and amend such regulations from time to time whenever the Board shall deem it necessary; and,
- PROVIDES THAT certain parts of the District of Columbia Traffic Act of 1925, *as amended*, for the violation of which specific penalties are provided in said Act, shall be applicable to Capitol Grounds.

**WHEREAS**, in the interest of securing public safety and for protection against personal injury or damage to property and while taking into account the unique nature, circumstances and law enforcement needs on Capitol Grounds;

**WHEREAS**, it is the sense of the Board that continuity with local traffic regulations is desired to the greatest extent possible:

**NOW THEREFORE, BE IT RESOLVED THAT**, pursuant to the authority granted to it by Public Law 570, 70<sup>th</sup> Congress, approved July 31, 1946, *as amended*, the Capitol Police Board hereby:

- RESCINDS the Traffic and Motor Vehicle Regulations for the United States Capitol Grounds (June 1, 1983) and any amendments made thereto;
- REVISES the Traffic and Motor Vehicle Regulations for the United States Capitol Grounds by updating existing provisions and providing for specific traffic regulations unique to Capitol Grounds;
- RENAMES the Traffic and Motor Vehicle Regulations for the United States Capitol Grounds to “Traffic Regulations for the United States Capitol Grounds,” to reflect the inclusion of pedestrian and other miscellaneous vehicle regulations;
- DIRECTS the Executive Assistant of the Capitol Police Board to publish the Capitol Police Board Code of Traffic Regulations for the United States Capitol Grounds in conformance with 2 U.S.C. § 1969(c);

Adopted by the Capitol Police Board by unanimous vote on August 13, 2013

**EFFECTIVE DATE:** This revised Capitol Police Board Code of Traffic Regulations for the United States Capitol Grounds is hereby adopted and shall become effective after the expiration of ten days after the date of publication in one of more of the daily newspapers published in the District of Columbia at which time the existing traffic regulations shall no longer be in effect and shall be rescinded.

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<u>APPENDIX H.</u>	Case Law Summary of Constitutional Challenges to the Capitol Police Board Traffic Regulations
<u>APPENDIX I.</u>	40 U.S.C. § 5102 (“Legal Description and Jurisdiction of United States Capitol Grounds”)
<u>APPENDIX J.</u>	Police Board Regulations Pertaining to Firearms, Explosives, Incendiary Devices and Other Dangerous Weapons (October 31, 1967)





**ARTICLE I**  
**GENERAL PROVISIONS**

## CHAPTER 1

### APPLICABILITY AND ENFORCEMENT

#### § 1.1. AUTHORITY

The Capitol Police Board has exclusive charge and control over the regulation and movement of all vehicular and pedestrian traffic on Capitol Grounds. This includes the authority to promulgate and enforce regulations; to impound vehicles; and to impose speed limitations.<sup>1</sup>

#### § 1.2. PURPOSE

These regulations are set forth in order to: provide for the safety of all persons on Capitol Grounds; to prevent destruction or damage to Capitol Grounds; to preserve healthy and sanitary surroundings; and, to maintain Capitol Grounds in an attractive and intact condition for the enjoyment of all visitors.

#### § 1.3. OBEDIENCE TO TRAFFIC REGULATIONS

##### §1.3.10. REQUIRED COMPLIANCE WITH TRAFFIC REGULATIONS

It is unlawful for any person to do any act forbidden or fail to perform any act required by these regulations.

##### §1.3.20. FAILURE TO COMPLY WITH A LAWFUL ORDER

No person shall fail or refuse to comply with any lawful order or directions of any police officer or other individual vested by law with the authority to direct, control, or regulate traffic. This subsection shall apply to pedestrians and to operators of any type of vehicle referenced in these regulations.

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<sup>1</sup> 2 USC § 1969(a), Pub. L. No 79-570, § 14(a) (July 31, 1946):

“The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is hereby authorized and empowered to make and enforce all necessary regulations therefor...”

See Appendix B.

## **§ 1.4. APPLICABILITY**

### **§1.4.10. GENERAL**

The provisions of these regulations shall apply to any operator of any motorized vehicle operating on Capitol Grounds, except where otherwise indicated.<sup>2</sup>

### **§1.4.11. AUTONOMOUS VEHICLES**

For purposes of these regulations, “motorized vehicles” includes fully autonomous vehicles or other motorized vehicles equipped with an automated driving system designed to function without a human driver present in the vehicle in active control of the vehicle but does not include motorized vehicles used by the Architect of the Capitol for purposes of maintenance or construction.

For purposes of these regulations, “operator” includes any or all persons or entities responsible for engaging or operating the autonomous vehicle’s automated driving system – including the human driver, software technology company, and/or any other entity – regardless of whether a human driver is physically present in the vehicle while the vehicle is operating on Capitol Grounds.

### **§1.4.20. EXEMPTIONS FOR AUTHORIZED EMPLOYEES AND VEHICLES**

The provisions of these regulations that restrict activities performed by authorized Congressional employees within the scope of their official duty shall not be applicable.

### **§1.4.30. PRESUMPTION OF OWNERSHIP**

When applicable, the owner of a vehicle shall be presumed to be the operator when any violations of these regulations may occur, unless he or she proves to the contrary.

### **§1.4.40. PARENTAL NEGLIGENCE**

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of the regulations.

### **§1.4.50. WAIVER**

The Board is authorized to waive any restriction or prohibition contained in these regulations as it deems necessary for the safety and security of those persons on Capitol Grounds.

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<sup>2</sup> Duties for bicycles, pedicabs and low-speed vehicles are set forth in their respective chapters.

**§ 1.5. DUTIES AND PRIVILEGES FOR AUTHORIZED EMERGENCY VEHICLES**

**§1.5.10. PRIVILEGES**

The driver of an authorized emergency vehicle may do any of the following:

- (a) Park or stand, irrespective of the limitations set forth in these regulations;
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the prima facie speed limit so long as it does not endanger life or property, with the exception of ambulances; and,
- (d) Disregard regulations governing direction of movement or turning in specified directions.

The above privileges may be exercised in the following circumstances:

- (a) When responding to an emergency call;
- (b) When in pursuit of an actual or suspected violator of the law; or,
- (c) When responding to, but not upon returning from, a fire alarm.

**§1.5.20. AUDIBLE WARNING SIGNAL REQUIRED**

The exemptions granted in this section to an authorized emergency vehicle shall only apply when:

- (a) While in motion, the driver of the vehicle sounds an audible signal by bell, siren, or exhaust whistle; and,
- (b) The vehicle is equipped as specified in §3.12 of these regulations.<sup>3</sup>

**§1.5.30. RECKLESS DRIVING**

The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall these provisions protect the driver from the consequences of his reckless disregard for the safety of others.

**§1.5.40. COMPLIANCE WITH REGULATIONS AND DIRECTIVES**

The operation of authorized emergency vehicles shall be consistent with Capitol Police Department Regulations and Directives.

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<sup>3</sup> §3.12 ("Audible and Visual Signals on Emergency Vehicles").

## **§ 1.6. PENALTIES**

### **§1.6.10. FINES AND IMPRISONMENT**

Penalties for the violations set forth in these regulations are not to exceed a fine of \$300 or imprisonment for over ninety (90) days, with the exception of those penalties for offenses which originate from the District of Columbia Traffic Act of 1925 and are set forth by the District.<sup>4</sup>

## **§ 1.7. ADJUDICATION**

### **§1.7.10. D.C. TRAFFIC VIOLATIONS**

A violation of these regulations which mirrors an existing regulation in the District will be prosecuted in accordance with District law.<sup>5</sup>

### **§1.7.20. HILL-SPECIFIC VIOLATIONS**

Prosecutions for violation of regulations that are only applicable within Capitol Grounds shall be prosecuted by the District of Columbia Office of the Attorney General.<sup>6</sup>

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<sup>4</sup> 2 USC § 1969(a), Pub. L. No 79-570, §14(a) (July 31, 1946):

“The Capitol Police Board...is hereby authorized...to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of \$ 300 or imprisonment for not more than ninety days...those provisions of the District of Columbia Traffic Act of 1925...for the violation of which specific penalties are provided in said Act...shall be applicable to United States Capitol Grounds....”

See Appendix B.

See D.C. Code § 50-2201.01 *et seq.* for a current listing of traffic regulations that originate from the District of Columbia Traffic Act of 1925.

<sup>5</sup> See Appendix C for a listing of the statutes that, read together, set forth the adjudication of the minor and criminal traffic offenses in the District of Columbia.

<sup>6</sup> D.C. Code § 10-503.25(a); D.C. Code § 23-101:

Prosecutions for violations issued by the Capitol Police Board that do *not* mirror an already- existing offense in the District are prosecuted by the Attorney General for the District of Columbia, who has jurisdiction over police and municipal ordinances which carry a maximum punishment of a fine only or imprisonment not exceeding one year.

See Appendix D.

**§ 1.8. IMPOUNDMENT AND REMOVAL**

**§1.8.10. MOTOR VEHICLES MAY BE IMPOUNDED FOR VIOLATIONS<sup>7</sup>**

Members of the United States Capitol Police are authorized to issue a notice of parking violation and may authorize the removal of a vehicle from any public way to a city vehicle pound or authorized garage or any other legal parking space in the public way under the following circumstances:

- (a) **INCAPACITATED DRIVER.** When a vehicle upon any public way is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
- (b) **OBSTRUCTION.** When an unattended vehicle is lawfully parked so as to constitute a hazard or obstruction to the normal movement of traffic;
- (c) **PARKING VIOLATIONS.** When an unattended vehicle is found parked:
  - 1. On a sidewalk, bicycle path, parkway, bridge or in an underpass;
  - 2. Within 20 feet of a fire hydrant, in a fire lane, or under a fire escape;
  - 3. Illegally in a space designated for persons with disabilities;
  - 4. On an alley with less than 10 feet on either side;
  - 5. In a loading zone or common carrier vehicle stop;
  - 6. In violation of posted signs when snow accumulation is equal to or greater than 2 inches, or
  - 7. Upon a roadway for the purpose of displaying the vehicle for sale.

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<sup>7</sup> 2 USC § 1969(a), Pub. L. No 79-570, §14(a) (July 31, 1946):

“The Capitol Police Board shall have . . . exclusive charge and control of the regulation and movement of traffic . . . including the parking and impounding of vehicles . . . [.]”

See Appendix B.

- (d) ABANDONED VEHICLES. When a vehicle has been abandoned or found to be a hazardous dilapidated motor vehicle;
- (e) EXCESS OF METER. When a vehicle illegally occupies a parking meter space for more than 24 hours;
- (f) TOW ZONE. When an unattended vehicle is parked illegally in an officially designed and marked “tow zone;”
- (g) INCIDENT TO ARREST. When towing or removal is necessary as an incident to an arrest.

§1.8.20. BICYCLES, PEDICABS AND LOW-SPEED VEHICLES MAY BE IMPOUNDED FOR VIOLATIONS

The Board may cause the removal and impoundment of any bicycle, pedicab, or low-speed device that is found in violation of or being operated in violation of these regulations. Such item shall be removed, transported to, and impounded in or at, any place designated by the Board.



**CHAPTER 2**  
**TRAFFIC SIGNS, SIGNALS, SYMBOLS AND DEVICES**

**§ 2.1.     GENERAL**

§2.1.10.     PLACEMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES

The Board shall place and maintain traffic control devices upon all streets, highways, and driveways within Capitol Grounds to:

- (a)     Indicate and carry out the provisions of these regulations;
- (b)     To regulate, warn, and to guide traffic; and,
- (c)     To establish official parking spaces and areas as the Board deems necessary.

§2.1.20.     EXCLUSIVE CONTROL

No person or authority shall place or maintain any traffic control device upon any street or highway within the Capitol Grounds except by permission of the Board. This subsection does not apply to the streets adjacent to Capitol Grounds under the control and jurisdiction of the Director of the District of Columbia.

§2.1.30.     OBEDIENCE TO TRAFFIC SIGNS, SIGNALS OR DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device placed in accordance with these regulations unless an exception is granted by the Board or unless otherwise directed by a police officer. Whenever these regulations state that a sign is not required, such section shall be effective even though no signs are erected or in place.

§2.1.40.     EXEMPTION FOR ILLEGIBLE SIGNS

No provision of these regulations for which signs are required shall be enforced against an alleged violator if an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person at the time and place of the alleged violation.

§2.1.50.     INTERFERENCE WITH TRAFFIC CONTROL DEVICES

No person shall alter, deface, injure, knock down, remove, or attempt to do any of these acts to an official traffic control device without lawful authority to do so.

**§ 2.2. UNAUTHORIZED TRAFFIC CONTROL DEVICES, MARKINGS AND SIGNS**

**§2.2.10. UNAUTHORIZED SIGNS**

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which:

- (a) Purports to be, is an imitation of, or resembles an official traffic control device;
- (b) Attempts to direct the movement of traffic; or
- (c) Interferes with the effectiveness of any official traffic control device or hides it from view.

**§2.2.20. NO NOTICE REQUIRED**

The Board does not have to provide notice before removing any prohibited sign, signal, marking or device. Any sign, signal, marking, or device prohibited by these regulations is hereby declared to be a public nuisance.

**§ 2.3. DRIVER OBEDIENCE TO TRAFFIC CONTROL SIGNALS**

**§2.3.10. PLACEMENT AND MAINTENANCE**

Whenever traffic is controlled by traffic control signals exhibiting the words “GO,” “CAUTION,” or “STOP,” or exhibiting different colored lights, arrows, or combinations of lights and arrows successively one at a time, only those colors set forth in this section shall be used, and the terms and lights shall indicate and apply to drivers of vehicles as set forth in this section.

**§2.3.20. OBEDIENCE TO ALL TRAFFIC SIGNS**

In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable, except those provisions which by their nature could have no application.

**§2.3.30. GREEN SIGNAL**

The color GREEN alone or the word “GO” on a traffic control signal shall have the following meaning:

- (a) Vehicular traffic facing the GREEN or “GO” signal may proceed straight through or turn right or left unless a sign at such place prohibits a turn in either direction or both directions; and
- (b) Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the GREEN or “GO” signal is exhibited.

**§2.3.40. GREEN ARROW**

A GREEN ARROW shall have the following meaning:

- (a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by the arrow; and
- (b) Vehicles shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

§2.3.50. STEADY YELLOW SIGNAL

A STEADY YELLOW SIGNAL alone shall have the following meaning:

- (a) Vehicular traffic facing a steady yellow signal is thereby warned that a related green signal is being terminated or that a red signal will be exhibited thereafter, or both; and
- (b) Vehicular traffic shall stop before entering the nearest crosswalk of the intersection, unless so close to the intersection that a stop cannot safely be made.

§2.3.60. STEADY YELLOW ARROW

A STEADY YELLOW ARROW shall have the following meaning:

- (a) Vehicular traffic facing the signal is warned that vehicular movement in the direction that the arrow is pointing is about to be terminated by means of a steady full red, a steady red arrow, or simply by the green arrow being turned off; and
- (b) Vehicular traffic shall stop before entering the nearest crosswalk at the intersection, unless so close to the intersection that a stop cannot safely be made.

§2.3.70. STEADY RED SIGNAL

A STEADY RED SIGNAL alone or the word “STOP” shall have the following meaning:

- (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection;
- (b) Stopped vehicles shall remain standing until green, green arrow, or flashing yellow is shown, except as provided in paragraph (c) of this subsection; and
- (c) A vehicle facing a steady red signal may cautiously enter the intersection to turn right after stopping. The vehicle shall yield right-of-way to pedestrians within an adjacent crosswalk and to other traffic lawfully using the intersection.

§2.3.80. STEADY RED ARROW

A STEADY RED ARROW shall have the following meaning:

- (a) Vehicular traffic facing the signal destined to proceed in the direction that the arrow is pointing shall stop before entering the crosswalk on the near side of the intersection or, if none, the vehicle shall stop before entering the intersection; and
- (b) The vehicle shall remain standing until a green arrow or flashing yellow arrow is shown.

§2.3.90. PROPER STOPPING

Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made. In the absence of any sign or marking, the stop shall be made at the signal.

**§ 2.4. DRIVER OBEDIENCE TO FLASHING RED AND YELLOW SIGNALS**

**§2.4.10. OBEDIENCE TO SIGNALS**

Whenever flashing red, yellow, or yellow arrow signals are used they shall require obedience by vehicular traffic as set forth in this section.

**§2.4.20. RED FLASHING SIGNAL**

When a RED lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a “STOP” sign.

**§2.4.30. YELLOW FLASHING SIGNAL**

When a YELLOW lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

**§2.4.40. YELLOW ARROW**

When a YELLOW ARROW is illuminated with rapid intermittent flashes, vehicular traffic facing such indication may cautiously enter the intersection to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians within a crosswalk, and to any vehicle lawfully in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

**§2.4.50. FAILURE TO YIELD**

After a driver has yielded at a flashing yellow arrow in accordance with §2.4.40, the driver may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. If the driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after making the movement indicated by a flashing yellow arrow without stopping, such collision shall be deemed prima facie evidence of failure to yield right-of-way.

**§ 2.5. DRIVER OBEDIENCE TO LANE-USE CONTROL SIGNALS**

**§2.5.10. GENERAL**

The meanings of lane-use control signals and the requirements for obedience to such signals are set forth in this section.

**§2.5.20. DOWNWARD GREEN ARROW**

A steady DOWNWARD GREEN ARROW means that a driver is permitted to drive in the lane over which the arrow signal is located.

**§2.5.30. STEADY YELLOW X**

A steady YELLOW X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady RED X is displayed.

**§2.5.40. FLASHING YELLOW X**

A flashing YELLOW X means that a driver is permitted to use a lane over which the signal is located for a left turn, using proper caution.

**§2.5.50. STEADY RED X**

A steady RED X means that a driver shall not drive in the lane over which the signal is located. This indication shall modify the meaning of all other traffic controls present.

**§2.5.60. TRAFFIC CONTROLS REMAIN IN EFFECT**

When lane-use control signals are in use, drivers shall obey all other traffic controls and follow normal safe driving practices.

**§ 2.6. PEDESTRIAN OBEDIENCE TO TRAFFIC CONTROL SIGNALS**

**§2.6.10. APPLICATION**

Whenever traffic is controlled by traffic control signals exhibiting the words “GO,” “CAUTION,” OR “STOP,” or exhibiting different colored lights successively one at a time, or with arrows, the terms and lights shall apply to pedestrians as set forth in this section.

**§2.6.20. GREEN SIGNAL**

Pedestrians facing a GREEN SIGNAL or the word “GO,” may proceed across the roadway within any marked or unmarked crosswalk, except where special pedestrian control signals show a “DON’T WALK” signal.

**§2.6.30. STEADY YELLOW SIGNAL**

Pedestrians facing a STEADY YELLOW SIGNAL are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

**§2.6.40. STEADY RED SIGNAL**

Pedestrians facing a STEADY RED SIGNAL or the word “STOP” shall not enter the roadway, except where special pedestrian control signals show a “WALK” signal.

**§2.6.50. VERTICAL GREEN OR THRU ARROW**

Pedestrians facing a vertical GREEN OR “THRU” ARROW may proceed across the roadway in any marked or unmarked crosswalk.

**§ 2.7. PEDESTRIAN SIGNALS**

§2.7.10. APPLICATION

Whenever special pedestrian control signals exhibiting the words “WALK,” “DON’T WALK,” OR “WAIT” are in place, such signals shall indicate and apply to pedestrians as set forth in this section.

§2.7.20. WALK SIGNAL

Pedestrians facing a “WALK” signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

§2.7.30. NO CROSSING

No pedestrian shall start to cross the roadway in the direction of a “DON’T WALK” or “WAIT” signal.





## CHAPTER 3 EQUIPMENT

### § 3.1. GENERAL PROVISIONS

#### §3.1.10. SCOPE AND EFFECT OF REGULATIONS

- (a) APPLICATION. The rules and regulations contained in this chapter shall govern the requirements for equipment on vehicles using the streets and highways of Capitol Grounds.
- (b) NON-CONVENTIONAL DESIGN. Vehicles may be exempted from this chapter if the District of Columbia has found that a vehicle is not of conventional design and construction or if proof is offered that the equipment required by this chapter is not available for replacement purposes or cannot be made available by the manufacturer. In either case, the vehicle must have an “approved” inspection sticker issued by the Director.
- (c) ADDITIONAL EQUIPMENT. Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle so long as they are consistent with the provisions of this chapter.
- (d) EXEMPTIONS. Unless specifically provided for in this chapter, the provisions of this chapter which require equipment on vehicles shall not apply to an authorized official government vehicle that requires special equipment by design or function.

#### §3.1.20. INCORPORATION BY REFERENCE

The current edition of the District of Columbia Vehicle Inspection Lane Operator’s Manual or, when applicable, the American Association of Motor Vehicle Administrators Vehicle Operator’s Manual is incorporated by reference into this chapter. In case of conflict between the provisions of the District of Columbia Vehicle Inspection Lane Operator’s Manual and those contained in this chapter, the provisions of this chapter shall be applicable.

#### §3.1.30. CERTIFICATION OF COMPLIANCE

All motor vehicles must display a manufacturer's certification of compliance, attesting that the vehicle complies with federal safety standards for use on public roads, streets, and highways, as required by the National Traffic and Motor Safety Act of 1966;<sup>8</sup> except that mopeds need not display such certification of compliance.

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<sup>8</sup> 40 U.S.C. § 5104(d).

**§ 3.2.     UNSAFE VEHICLES**

**§3.2.10.     UNSAFE MECHANICAL CONDITION**

No person shall operate or permit the operation or use of any vehicle on Capitol Grounds which is mechanically unsafe, improperly equipped or otherwise unfit to be operated. All equipment shall be in good working order and in proper condition and adjustment as required by this chapter.

**§ 3.3.     LAMPS AND LIGHTING EQUIPMENT**

**§3.3.10.     APPLICABILITY**

- (a)     VISIBILITY. The provisions of this chapter which set forth specific distances from which certain lamps and devices shall render objects visible or distances within which such lamps or devices shall be visible, shall apply during the times stated in this section with respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.
- (b)     HEIGHT. The provisions of this chapter which require a specific mounted height of lamps or devices shall mean a distance measured from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.
- (c)     AS ENUMERATED. The sections of this chapter which relate to clearance and marker lamps, reflectors, and stop lights shall apply as stated in those sections to vehicles of the type enumerated in those sections; namely, passenger buses, trucks, truck trailers, and certain trailers, semi-trailers, and pole trailers, respectively, when operated upon any street or highway.

**§3.3.20.     HEADLIGHTS REQUIRED**

No person shall operate a vehicle on Capitol Grounds from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise unless the lighted lamps and illuminating devices required by this chapter are properly displayed. Properly displayed lamps and illuminating devices are also required when, due to insufficient light or unfavorable atmospheric conditions, a person or vehicle on the highway is not clearly discernible at a distance of five hundred feet (500 ft.).

**§3.3.30.     LAMP EQUIPMENT**

The vehicles cited in this section shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in this section. Clearance and side marker lamps need not be lighted where there is sufficient light to render persons and vehicles on the highway at a distance of five hundred feet (500 ft.) clearly discernible.

§3.3.40.

CLEARANCE LAMPS

Whenever motor vehicles and other vehicles are operated in combination during the time when lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination. Lighted clearance lamps must still be displayed on the front of the foremost vehicle required to have clearance lamps, and all lights required on the rear of the rear most vehicle of any combination shall be lighted.

§3.3.50.

EXTENDED LOAD

- (a) **ADDITIONAL RED LIGHT.** Whenever the load upon any vehicle extends to the rear four feet (4 ft.) or more beyond the bed or body of the loaded vehicle, there shall be a red light or lantern to the sides and rear displayed at the extreme rear end of the load and shall be plainly visible from distance of at least five hundred feet (500 ft.). This red light or lantern is required in addition to the red rear light required upon every vehicle.
- (b) **RED FLAG OR CLOTH.** At any other time when lights are not required, there shall be displayed at the extreme rear end of the extended load a red flag or cloth not less than twelve inches square (12 in.) which is so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

§3.3.60.

WINDSHIELD WIPERS

In addition to the requirements of subsection §3.3.10, whenever a motor vehicle's windshield wipers are operated for a continuous period of time because of impaired visibility resulting from unfavorable atmospheric conditions, the vehicle headlamps shall also be lighted.

- (a) A violation of this subsection shall not constitute or be used as evidence of negligence or contributory negligence, limit liability of any party or insurer, or diminish the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.
- (b) A police officer may enforce the provisions of this subsection only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another traffic regulation.

**§ 3.4.     HEADLAMPS**

§3.4.10.     TWO HEADLAMPS REQUIRED

Each motor vehicle other than a motorcycle or motorized bicycle shall be equipped with at least two (2) head lamps which shall comply with the requirements and limitations set forth in this chapter.

§3.4.20.     FRONT HEADLAMPS REQUIRED

Each motor vehicle required to have two (2) head lamps shall have at least one (1) head lamp on each side of the front of the motor vehicle.

§3.4.30.     MOTORCYCLES AND MOTORIZED BICYCLES

Each motorcycle and motorized bicycle shall be equipped with at least one (1) and not more than two (2) headlamps which shall comply with the requirements and limitations of this chapter.

**§ 3.5.     TAIL LAMPS**

§3.5.10.     REAR TAIL LAMP REQUIRED

Each motor vehicle, trailer, semi-trailer, pole trailer and any other vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one (1) tail lamp mounted on the rear. The lamp shall emit a red light plainly visible from a distance of five hundred feet (500 ft.) to the rear and only the tail lamp on the rear most vehicle need actually be seen.

§3.5.20.     TWO TAIL LAMPS REQUIRED

Each vehicle of the types listed in §3.5.10 registered in the District of Columbia and manufactured or assembled after September 15, 1955; other than truck tractors manufactured or assembled prior to January 1, 1968, motorcycles, and motorized bicycles; shall be equipped with at least two (2) tail lamps mounted on the rear, on the same level, and as widely spaced as practicable, which, when lighted as required, shall comply with the provisions of this section.

§3.5.30.     MOUNTED HEIGHT

Each tail lamp on each vehicle shall be located at a height of not more than seventy-two inches (72 in.) or less than fifteen inches (15 in.), measured from the center of the lamp to the level ground upon which the vehicle stands when the vehicle is without a load.

§3.5.40.     TAGS TO BE ILLUMINATED

Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet (50 ft.) to the rear.

§3.5.50.     FRONT AND REAR LIGHTING

Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration, shall be wired to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

**§ 3.6. STOP LAMPS, TURN SIGNALS AND REFLECTORS**

**§3.6.10. STOP LAMPS**

- (a) VEHICLES MANUFACTURED BEFORE 1957. No motor vehicle, trailer, or semi-trailer manufactured or assembled before September 15, 1957 shall be operated on Capitol Grounds unless it is equipped with at least one (1) stop lamp meeting the requirements of §3.13.
- (b) VEHICLES MANUFACTURED AFTER 1957. No motor vehicle, trailer or semi-trailer manufactured on and after September 15, 1957 shall be operated on Capitol Grounds unless it is equipped with at least two (2) stop lamps meeting the requirements of §3.13.
- (c) TRUCK TRACTORS. Truck tractors manufactured or assembled after September 15, 1957 but prior to January 1, 1968 shall be equipped with at least one stop lamp meeting the requirements of §3.13.
- (d) MOTORCYCLES. Motorcycles and motorized bicycles shall be equipped with at least one (1) stop lamp meeting the requirements of §3.13.

**§3.6.20. ELECTRIC TURN SIGNALS**

No motor vehicle, trailer, or semi-trailer, manufactured or assembled on and after September 15, 1955 shall be operated on Capitol Grounds unless it is equipped with electric turn signals meeting the requirements of §3.13. Motor driven cycles which attain a speed of thirty miles per hour (30 mph) or less in a distance of one (1) mile, motorized bicycles and motorcycles shall be exempt from this requirement.

**§3.6.30. REAR REFLECTORS**

Each new motor vehicle sold and operated upon a street or highway, other than a truck tractor, shall carry on the rear, either as part of the tail lamps or separately, two (2) red reflectors, except that each motorcycle and motorized bicycle shall carry at least one (1) reflector meeting the requirements of this section; and, provided, that vehicles of the type listed in §3.6 shall be equipped with reflectors as specifically required in this chapter.

**§3.6.40. MOUNTED HEIGHT FOR REFLECTORS**

Each reflector shall be mounted on the vehicle at a height not less than fifteen inches (15 in.) or more than sixty inches (60 in.) measured as set forth in §3.3.10(b), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet (300 ft.) to fifty feet (50 ft.) from the vehicle when directly in front of lawful upperbeams of head lamps, except that visibility from a greater distance is required of reflectors on certain types of vehicles.

**§ 3.7. ADDITIONAL EQUIPMENT REQUIRED ON TOW TRUCKS AND CRANES**

**§3.7.10. WARNING LAMP**

Each tow crane or tow truck shall be equipped with flashing, blinking, or alternating warning lamp or lamps and the lamp or lamps shall only be operated while at the scene of a disabled vehicle or while actually towing a disabled vehicle. Each warning lamp shall be of a type approved by the District of Columbia.

**§3.7.20. TOP WARNING LAMPS**

When two (2) lamps are used to display the warning on a tow crane or tow truck, they shall be mounted at the same level on the top of the cab and as widely spaced laterally as practicable and shall display a flashing, blinking, or alternating white or amber light or any shade of color between white and amber to the front.

**§3.7.30. REAR WARNING LAMPS**

The lamps used to display the warning to the rear on a tow crane or tow truck shall be mounted at the same level on the top of the cab and as widely spaced laterally as practicable and shall display a flashing, blinking, or alternating amber or red light or any shade of color between amber and red.

**§3.7.40. SINGLE WARNING LAMP**

When a single warning lamp is used on a tow crane or tow truck, it shall be mounted on the top of the cab as near center as practicable and shall display a flashing, blinking, or alternating white or amber light or any shade of color between white and amber to the front, and an amber or red light or any shade of color between amber and red to the rear.

**§3.7.50. VISIBILITY**

The warning light or lights on a tow crane or tow truck shall be visible from a distance of not less than five hundred feet (500 ft.) under normal atmospheric conditions.

**§ 3.8. COLOR AND MOUNTING OF CERTAIN REFLECTORS, CLEARANCE LAMPS, SIDE MARKER LAMPS AND BACKUP LAMPS**

**§3.8.10. FRONT CLEARANCE AND MARKER LAMPS**

Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

**§3.8.20. REAR CLEARANCE AND MARKER LAMPS**

Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

**§3.8.30. REAR LIGHTING AND REFLECTORS**

- (a) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color.
- (b) The stop light or other signal device mounted on the rear of a vehicle may be red, amber, or yellow.
- (c) The light illuminating the license plate shall be white.
- (d) The light emitted by a back-up lamp shall be white.

**§3.8.40. CLEARANCE AND SIDE MARKER LAMPS**

Clearance lamps shall be mounted on the permanent structure of the vehicle in a manner which will indicate the extreme width of the vehicle, and as near the top of the vehicle as practicable. Clearance lamps and side marker lamps may be mounted in combination so long as that illumination is given as required herein with reference to both and on buses when the outside windows are illuminated.

**§3.8.50. CONFORMANCE TO SAE STANDARDS**

All reflectors, clearance lamps, and marker lamps shall conform to the standards and specifications of the Society of Automotive Engineers applicable to such equipment current at the time the devices are attached.

**§ 3.9. VISIBILITY OF REFLECTORS, CLEARANCE LAMPS AND MARKER LAMPS**

**§3.9.10. VISIBILITY**

Each reflector on any vehicle referred to in §3.7 shall be of such size and characteristics and so maintained as to be readily visible at night-time from all distances within five hundred feet (500 ft.) to fifty feet (50 ft.) from the vehicle when directly in front of upper beams of head lamps.

**§3.9.20. FRONT AND SIDE REFLECTORS**

Reflectors required to be mounted on the front and sides of the vehicle shall reflect the required color of light to the front and sides, and those mounted on the rear shall reflect a red color to the rear.

**§3.9.30. FRONT AND REAR CLEARANCE LAMPS**

Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet (500 ft.) from the front and rear of the vehicle.

**§3.9.40. SIDE MARKER LAMPS**

Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet (500 ft.) from the side of the vehicle on which mounted.



**§ 3.10. SPOT LAMPS AND AUXILIARY LAMPS**

**§3.10.10. SPOT LAMPS**

No motor vehicle shall be equipped with more than two (2) spot lamps. No part of the high-intensity portion of the beam shall be directed to the left of the prolongation of the extreme left side of an approaching vehicle or more than one-hundred feet (100 ft.) ahead of the vehicle.

**§3.10.20. FOG LAMPS**

No motor vehicle shall be equipped with more than two (2) fog lamps mounted on the front at a height not less than twelve inches (12 in.) or more than thirty inches (30 in.) above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet (25 ft.) ahead project higher than a level of four inches (4 in.) below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in §3.15.<sup>9</sup>

**§3.10.30. AUXILIARY PASSING LAMPS**

No motor vehicle shall be equipped with more than two (2) auxiliary passing lamps mounted on the front at a height of not less than twenty-four inches (24 in.) or more than forty-two inches (42 in.) above the level surface upon which the vehicle stands.

**§3.10.40. AUXILIARY DRIVING LAMPS**

No motor vehicle shall be equipped with more than two (2) auxiliary driving lamps mounted on the front at a height not less than twenty-four inches (24 in.) or more than forty-two inches (42 in.) above the level surface upon which the vehicle stands.

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<sup>9</sup> §3.14 ("Multiple-Beam Road Lighting Equipment").

**§ 3.11. AUDIBLE AND VISUAL SIGNALS ON EMERGENCY VEHICLES**

**§3.11.10. AUTHORIZED EMERGENCY VEHICLES**

Each authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by these regulations, be equipped with a siren, exhaust whistle or bell capable of giving a signal audible from a distance of not less than five hundred feet (500 ft.) under normal conditions. There shall be at least one (1) lighted lamp displaying a red light capable of flashing alternately and that is visible under normal atmospheric conditions from a distance of five hundred feet (500 ft.) to the front of the vehicle.

**§3.11.20. UNAUTHORIZED USE OF A SIREN**

Whenever an emergency vehicle is equipped with a siren, the siren shall not be used except when the vehicle is being operated in response to an emergency call; or in the immediate pursuit of an actual or suspected violator of the law, in which case, the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle.

**§ 3.12. SIGNAL LAMPS AND SIGNAL DEVICES**

**§3.12.10. STOP LAMPS**

Any motor vehicle may be equipped and when required by these regulations shall be equipped, with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one-hundred feet (100 ft.) to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake and which may be incorporated with one (1) or more other rear lamps.

**§3.12.20. TURNING LAMPS**

Any motor vehicle may be equipped and when required shall be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left.

**§3.12.30. PLACEMENT OF TURNING LAMPS**

When lamps are used for turn indicators, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable, and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one-hundred feet (100 ft.) to the front in normal sunlight. The lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable, and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one-hundred feet (100 ft.) to the rear in normal sunlight.

**§3.12.40. TURNING INDICATOR**

When actuated, turn indicator lamps shall indicate the direction of the intended turn by flashing the light showing to the front and rear on the side toward which the turn is going to be made.

**§3.12.50. GLARING LIGHT**

No stop lamp or signal lamp shall project a glaring light.

### **§ 3.13. ADDITIONAL LIGHTING EQUIPMENT**

§3.13.10. FENDER LAMPS

No motor vehicle may be equipped with more than two (2) sidecowl or fender lamps. Each fender lamp shall emit a white or amber light without glare.

§3.13.20. RUNNING-BOARD COURTESY LAMP

No motor vehicle may be equipped with more than one (1) running-board courtesy lamp on each side of the vehicle. Each running-board courtesy lamp shall emit a white or amber light without glare.

§3.13.30. BACK-UP LAMPS

No motor vehicle may be equipped with more than two (2) back-up lamps either separately or in combination with other lamps. The back-up lamps shall not be lighted when the motor vehicle is in forward motion, nor shall they have a maximum intensity of more than seven-hundred-fifty (750) beam candlepower per lamp.

§3.13.40. WARNING LAMPS

- (a) **AUTHORIZED VEHICLES.** Any authorized emergency vehicle or public utilities vehicle may be equipped with lamps which may be used for the purpose of warning the other operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing. When so equipped, these vehicles may display the warning in addition to any other warning signals required by this chapter.
- (b) **PLACEMENT OF FRONT WARNING LAMPS.** The lamps used to display a warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber.
- (c) **PLACEMENT OF REAR WARNING LAMPS.** The lamps used to display a warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber or red.

- (d) WARNING LIGHT VISIBILITY. Warning lights shall be visible at night from distance of not less than fifteen- hundred feet (1500 ft.) under normal atmospheric conditions.
- (e) WARNING LAMP INDICATOR. When a vehicle is equipped with warning lamps there shall be an illuminated indicator to give the operator a clear and unmistakable indication that the lamps are turned on.
- (f) VISIBILITY OF WARNING LAMP INDICATOR. The illuminated indicator shall consist of one (1) or more bright lights flashing at the same frequency as the warning lamps, and shall be plainly visible to drivers of all heights when seated in normal position in the driver's seat while driving in bright sunlight.

**§ 3.14. MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT**

§3.14.10. ARRANGEMENT OF LAMPS

Except as provided otherwise in this section, the headlamps, the auxiliary driving lamp, the auxiliary passing lamp or combination of such lamps on motor vehicles shall be arranged so that the driver may select between distributions of light projected to different elevations. These lamps may be arranged so that the selection can be made automatically, subject to the limitations stated in this section. This provision does not apply to motorcycles or motorized bicycles.

§3.14.20. MAXIMUM LIGHT DENSITY

There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons or vehicles at a distance of at least three-hundred and fifty feet (350 ft.) for all conditions of loading.

§3.14.30. MINIMUM LIGHT DENSITY

There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one-hundred feet (100 ft.) ahead. None of the high-intensity portion of the beam shall be directed to strike the eyes of the oncoming driver on a straight level road and under any condition of loading.

§3.14.40. BEAM INDICATOR.

Each new motor vehicle with multiple-beam road lighting equipment shall be equipped with a beam indicator. The beam indicator shall not be lighted unless the uppermost distribution of light from the head lamps is in use. The indicator shall be designed and properly placed so that it is readily visible without glare to the driver of the vehicle. This provision does not apply to motorcycles or motorized bicycles.

§3.14.50. LOW BEAMS REQUIRED

When lights are required, each motor vehicle equipped with multiple-beam head lamps shall use the lower or city-driving beam when operating on the highways of the Capitol Grounds.

§3.14.60. EXCEPTION FOR VEHICLES MANUFACTURED BEFORE 1950

Vehicles that are manufactured and sold before 1950 do not require additional auxiliary lamps. Vehicles manufactured before 1950 do require a single distribution of light. None of the high-intensity portion of the light shall:

- (a) At a distance of twenty-five (25 ft.) ahead, project at a level higher than five inches (5 in.) below the level of the center of the lamp;
- (b) At a distance of seventy-five (75 ft.) ahead, project higher than forty-two inches (42 in.) above the level on which the vehicle stands; and,
- (c) Be of intensity sufficient to reveal persons and vehicles at a distance of at least one hundred feet (100 ft.) ahead on a straight-level road.

**§ 3.15. SPECIAL REQUIREMENTS FOR LIGHTING EQUIPMENT**

**§3.15.10. CANDLEPOWER LIMIT**

Two (2) or more lighted lamps shall be displayed at all times as required by these regulations provided:

- (a) Each lamp has at least four thousand (4,000) beam candlepower per lamp; and,
- (b) One lamp is displayed on each side of the front of the motor vehicle.

This provision does not apply to motorcycles or motorized bicycles.

**§3.15.20. MAXIMUM FOUR LAMPS PERMITTED**

Whenever a motor vehicle equipped with head-lamps as required in this chapter and also equipped with any auxiliary lamp(s), spot lamp, or any other lamp on the front projecting a beam of an intensity greater than three-hundred (300) candlepower, no more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a street or highway.

**§3.15.30. FRONT RED LIGHTS PROHIBITED**

No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from the front of the vehicle. This subsection shall not apply to any vehicle on which a red light visible from the front is expressly authorized or required by these regulations.

**§3.15.40. FLASHING LIGHTS PROHIBITED**

Flashing lights are prohibited on all vehicles except on:

- (a) An authorized emergency vehicle;
- (b) Snow-removal equipment; or,
- (c) Any vehicle using the flashing light as a means for indicating a right or left turn or the presence of a vehicular traffic hazard.

**§ 3.16. BRAKES**

**§3.16.10. TRAILERS**

Each motor vehicle, trailer, semi-trailer and pole trailer, and any combination of such vehicles operated upon a street or highway shall be equipped with brakes in compliance with the requirements of this subsection.

**§3.16.20. SERVICE BRAKES**

Each vehicle and combination of vehicles, except special mobile equipment as defined in these regulations, shall be equipped with service brakes complying with the performance requirements of this section. The brakes should be adequate to control the movement of and to stop and hold the vehicle under all conditions of loadings and on any grade incident to its operation.

**§3.16.30. PARKING BRAKES**

Each vehicle or combination of vehicles, except motorcycles and motorized bicycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated under all conditions of loading on a surface free from snow, ice, or loose material.

**§3.16.40. GOOD WORKING ORDER**

All brakes shall be maintained in good working order and shall be so adjusted to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.



**§ 3.17.     HORNS AND WARNING DEVICES**

§3.17.10.     AUDIBLE HORN

Each motor vehicle operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200 ft.).

§3.17.20.     UNREASONABLY LOUD HORNS

No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

§3.17.30.     AUDIBLE WARNING

The driver of a motor vehicle shall only give audible warning with his or her horn when reasonably necessary to ensure safe operation.

§3.17.40.     PERMISSIBLE HORNS

No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in these regulations. This section does not apply to authorized emergency vehicles as set forth in §3.12.

§3.17.50.     THEFT ALARM SYSTEM

A vehicle may be equipped with a sound device designed to be used solely as a theft alarm system which shall be so arranged that it cannot be used or controlled by the driver or other person for any purpose other than as an alarm system.

**§ 3.18. WINDSHIELDS AND MIRRORS**

**§3.18.10. SIGNS AND POSTERS**

No person shall drive any motor vehicle with any sign, poster, or other non-transparent material upon the front windshield, sidewings, or side or rear windows of the vehicle unless authorized under law.

**§3.18.20. MECHANICAL DEFROST**

The windshield on a motor vehicle shall be equipped with a mechanically operated device for cleaning rain, snow, or other moisture from the windshield. This device shall be constructed to be controlled by the driver of the vehicle.

**§3.18.30. WINDSHIELD WIPERS**

No motor vehicle manufactured after January 1, 1938 shall be operated on Capitol Grounds unless it is equipped with windshield wipers capable of wiping the right and left hand sides of the windshield.

**§3.18.40. GOOD WORKING ORDER**

Each windshield wiper shall be maintained in good working order.

**§3.18.50. CRACKED WINDSHIELD**

No motor vehicle shall be operated when the windshield is cracked, scarred, clouded, or otherwise defective so as to obstruct vision.

**§3.18.60. REFLECTIVE MIRRORS**

Each motor vehicle shall be equipped with a mirror or mirrors so located as to reflect to the driver, under all conditions of loading, a view of the street or highway for a distance of at least two hundred feet (200 ft.) to the rear of such vehicle.<sup>10</sup>

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<sup>10</sup> See 18 DCMR § 731.6 which requires certain vehicles be equipped with two adjustable rear-view mirrors.

**§ 3.19. TIRE EQUIPMENT**

§3.19.10. UNSAFE TIRES

No person shall drive or move any motor vehicle equipped with any tire in such condition as to endanger or be likely to endanger any person or property.

§3.19.20. TIRE THICKNESS

Each solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch (1 in.) thick above the edge of the flange of the entire periphery.

§3.19.30. BALD TIRES

No person shall operate or move on any street or highway any motor vehicle, trailer or semi-trailer having any metal tire in contact with the roadway.

§3.19.40. PROTUBERANCE

No tire on a vehicle moved on a street or highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except as provided in §3.20.50.

§3.19.50. PERMISSIBLE USES

It shall be permissible to use the following:

- (a) PROTUBERANCES. Farm machinery with tires having protuberances which will not injure the street or highway;
- (b) TIRE CHAINS. Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid; or
- (c) STUDDED TIRES. Pneumatic tires containing metal type studs, the tips of which protrude beyond the rubber tread surface of such tire not more than one-eighth of an inch (1/8 in.), and the cross-sectional diameter of which do not exceed one-fourth of an inch (1/4 in.), inclusive of the casing but not including any flange or flanges embedded in the rubber of the tire; *provided*, that the use of studded tires is permitted only from October 15th through April 15th of each year.

**§ 3.20. BUMPERS AND FENDERS**

§3.20.10. FRONT BUMPER REQUIRED

Each motor vehicle, except motorcycles and motorized bicycles, shall be equipped with bumpers in front, securely attached and extending beyond the extreme front of the vehicle.

§3.20.20. REAR BUMPER REQUIRED

Each motor vehicle of the passenger car class, taxicabs and buses shall be equipped with a bumper on the rear of each vehicle securely attached to and extending beyond the extreme rear of the vehicle.

§3.20.30. FENDER REQUIRED

No motor vehicle designed primarily to carry passengers shall be operated with the fenders removed.

§3.20.40. SHARP EDGES

No motor vehicle shall be operated if any part of the vehicle has a sharp or ragged edge that may snag any person or object while operating on Capitol Grounds.

§3.20.50. EXTENDED FENDERS PROHIBITED

No motor vehicle shall be operated on Capitol Grounds if the fender, running board, bumper bar, or any other body part extends beyond the original margin or width of the fender line.

**§ 3.21. WINDOW GLAZING MATERIALS**

**§3.21.10. SAFETY GLAZING MATERIALS**

No motor vehicle manufactured or assembled after January 1, 1936 shall be operated on Capitol Grounds unless it is equipped throughout with safety glazing materials of a type approved by the District of Columbia.

**§3.21.20. SAFETY GLAZING MATERIALS DEFINED**

For the purposes of this section, the term "safety glazing materials" shall be construed to mean transparent glazing materials so formulated, treated, or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when the glazing materials are cracked or broken.

**§3.21.30. RIGID-TYPE PLASTIC WINDOWS**

The use of rigid-type clear plastic is restricted to side curtains or readily demountable windows, rear windows in the tops of convertible passenger cars, back lights, rear quarter lights and doors, in truck or truck-tractor cabs, in rear doors or taxicabs, in house or freight trailers, in the lights of lower part of folding doors when not over ten inches (10 in.) in the least dimension, in interior partitions and auxiliary wind deflectors, in standee windows in buses, and in openings in the roofs of tops.

**§3.21.40. FLEXIBLE-TYPE PLASTIC WINDOWS**

The use of flexible-type, clear plastic is restricted to side curtains or readily demountable windows; rear windows in the tops of convertible passenger cars; and house or freight trailers.

**§ 3.22. TINTED WINDOWS**

- (a) **MOTOR VEHICLES.** No motor vehicle, other than a mini-van, may be operated or parked upon the public streets or spaces of Capitol Grounds with:
  - 1. A front windshield or front side windows that allow less than 70% light transmittance; or
  - 2. A rear windshield or rear side windows that allow less than 50% light transmittance.
- (b) **MINI-VANS.** No mini-van may be operated or parked upon the public streets or spaces of Capitol Grounds with:
  - 1. A front windshield or front side windows that allow less than 55% light transmittance, or
  - 2. A rear windshield or rear side windows that allow less than 35% light transmittance.
- (c) **PERMISSIBLE TINTING.** A motor vehicle may be operated or parked upon the public streets of the District of Columbia with a front windshield that allows less than 70% light transmittance above the AS-1 line, or within 5 inches from the top of the windshield.

**§ 3.23. MISCELLANEOUS EQUIPMENT**

**§3.24.10. SPEEDOMETER REQUIRED**

Each motor vehicle operating on Capitol Grounds shall be equipped with a device in good working order to register the rate of speed of the vehicle in motion. Vehicles manufactured prior to January 1934 shall not be required to comply with this provision so long as proof is offered that machine parts for the maintenance of such devices are not available or where the manufacturer has dissolved or discontinued business.

**§3.24.20. TELEVISION EQUIPMENT**

No television equipment shall be installed in or on any motor vehicle in a manner which will make the reception of the television visible to the vehicle operator while the vehicle is in motion.

**§3.24.30. RADAR DETECTORS AND JAMMERS**

No person shall use or have in his possession in an automobile on Capitol Grounds any device used to detect or counteract police radar.

**§ 3.24. SEAT BELTS**

**§3.24.10. DEFINITIONS**

The following definitions apply to the terms in this section only:

- (a) **MOTOR VEHICLE:** an automotive transportation device with more than three (3) wheels and a seating capacity of eight (8) or less passengers, not including the driver.
- (b) **PROPERLY RESTRAINED:** strapped around the waist or torso of a passenger by a safety belt built into the motor vehicle.

**§3.24.20. SEAT BELT REQUIRED**

Except as provided in §3.25.20, the driver and all passengers in a motor vehicle shall wear a properly adjusted and fastened safety belt while the driver is in control of the vehicle. This provision does not apply to operators or passengers in the following circumstances:

- (a) Riders in a motor vehicle manufactured before July 1, 1966;
- (b) Riders who possess a written verification from a licensed physician that the rider is unable to wear a safety belt for medical reasons;
- (c) Riders who are passengers in a vehicle if all seating positions with seat belts in the vehicle are occupied by other persons. The driver shall ensure that children sixteen (16) years of age and under have preference to seating positions with seat belts over persons more than 16 years of age; and,
- (d) Operators of taxicabs who possess valid taxicab license while picking up or transporting passengers for hire between the hours of 6:00 p.m. and 6:00 a.m.

**§3.24.30. LIABILITY**

The driver of the vehicle shall be responsible for ensuring the passengers comply with this section. Operators of passenger vehicles for hire are not responsible for ensuring passenger compliance with this section.

**§3.24.40. COMPLIANCE WITH STANDARDS**

All seat belts or safety harnesses, including the installation and anchorages thereof, shall meet or exceed the standards and specifications published by the United States Department of Commerce and the Society of Automotive Engineers applicable to such equipment, installation, and anchorages current at the time such devices are installed and continuously maintained to conform to these standards.

**§3.24.50. VEHICLES FOR HIRE**

All public vehicles for hire shall have operating seat belts for each passenger and display a sign which states the following: "District of Columbia law requires mandatory use of seat belts. A fifty dollar (\$50) fine applies for violations."

**§ 3.25**      **CHILD RESTRAINT**

§3.25.10.      **DEFINITIONS**

The following definitions apply to the terms in this section only:

- (a)      **CHILD RESTRAINT SEAT:** any motor vehicle restraint system which has been designed to protect children and has been approved pursuant to all current and applicable federal safety standards.<sup>11</sup>
- (b)      **OPERATOR:** a person who drives or is in actual physical control of a vehicle.
- (c)      **PROPERLY RESTRAINED:**  
When used in reference to the use of a:
  - 1.      **SAFETY BELT** means secured with the lap portion of a safety belt which is provided in a motor vehicle.
  - 2.      **CHILD RESTRAINT SEAT** means secured in a child restraint seat which itself has been fastened to the motor vehicle by a safety belt and in which all securing straps are being used.
- (d)      **TRANSPORT:** to have a child of less than sixteen (16) years of age as a passenger in a motor vehicle while the operator is seated in the driver position and the motor vehicle is either parked or in motion.
- (e)      **MOTOR VEHICLE:** any device with more than three (3) wheels and a seating capacity of eight (8) or fewer passengers, exclusive of the operator, which is propelled by an internal-combustion engine, electricity or steam and which is designed used or maintained for passenger or recreational purposes, or which is designed, used, or maintained for transporting freight, merchandise or other commercial loads or property. The term “motor vehicle” does not include any device used for livery, sightseeing, taxi, ambulance, funeral or farm purposes; or any device with more than three (3) wheels which is propelled by an internal-combustion engine, electricity or steam and which has a seating capacity of more than eight (8) passengers, exclusive of the operator.

§3.25.20.      **REQUIREMENTS**

- (a)      **CHILDREN UNDER THREE.** The operator of a motor vehicle may not transport any child of less than three (3) years of age unless the child is properly restrained in a child restraint seat.
- (b)      **CHILDREN UNDER SIXTEEN.** The operator of a motor vehicle shall not transport any child under sixteen (16) years of age unless the child is properly restrained in an approved child safety restraint system or restrained in a seat belt. Children under eight (8) years of age shall be properly seated in an installed infant, convertible (toddler) or booster child safety

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<sup>11</sup> See D.C. Code §50-1074.



seat, according to the manufacturer's instructions. A booster seat shall only be used with both a lap and shoulder belt.

- (c) EXCEPTION. A parent or legal guardian may transport his or her own child without restraint if that person is transporting a number of his or her own children less than sixteen (16) years of age which exceeds the number of passenger positions equipped with safety belts in the motor vehicle. However, an unrestrained child may not be transported in the front seat of a motor vehicle.

**§ 3.26. EXHAUST EMISSION SYSTEMS**

§3.26.10. GOOD WORKING ORDER

When any motor vehicle was originally equipped with an emission control system, that system shall be maintained in good working order, and no person shall disconnect any part of that system, except temporarily in order to make repairs, replacements, or adjustments, and no person shall modify or alter that system in its operation.

§3.26.20. POLLUTION CONTROL SYSTEM

No person shall operate, and no owner shall cause or permit to be operated, any motor vehicle originally equipped with a pollution control system while any part of that system is disconnected or while that system or its operation is modified or altered.

§3.26.30. VISIBLE SMOKE AND FUMES

The engine, power, and exhaust mechanism of each motor vehicle shall be equipped, adjusted, and operated to prevent the escape from the vehicle of a trail of visible fumes or smoke for more than ten (10) consecutive seconds.



## CHAPTER 4

### INSPECTION STICKER REQUIREMENTS

**§ 4.1.     GENERAL**

**§4.1.10.     INSPECTION OF EQUIPMENT**

Any police officer or other authorized agent of the Board may inspect and test the lights, brakes, steering assembly, tires, equipment horn, emission control equipment, exhaust emissions or other device at any time a vehicle is on Capitol Grounds.

**§ 4.2.     INSPECTION STICKERS**

**§4.2.10.     DISTRICT OF COLUMBIA RESIDENTS**

It shall be unlawful for any person to operate, park, or permit to be operated or parked any vehicle with current District of Columbia tags unless one of the following is displayed on the right side of the vehicle's windshield:

- (a)     A current District of Columbia inspection sticker;
- (b)     A temporary District of Columbia inspection sticker; or
- (c)     When transferring ownership for registration purposes, a temporary registration certificate issued by a registered dealer or repair shop when transferring ownership for registration purposes.

**§4.2.20.     NON-RESIDENTS**

A vehicle owned by a non-resident and currently registered in another jurisdiction shall display the proper inspection sticker issued for the vehicle in accordance with the requirements of the issuing jurisdiction.

**§4.2.30.     EXEMPTIONS**

Vehicles bearing special bus identification, current dealer tags, transport tags, special use papers, vintage license tags or historic motor vehicle tags shall be exempt from the inspection sticker requirements in this section.

**§ 4.3. DETACHED AND CONDEMNED STICKERS**

**§4.3.10. DETACHMENT MUTILATION AND LOSS**

If an inspection sticker becomes wholly or partly detached from the place where it was attached or becomes mutilated or lost, the registrant or the person desiring registration (or their agent) shall present that motor vehicle or trailer to the inspection station where it was originally inspected within seventy-two (72) hours after the detachment, mutilation, or loss is discovered.

**§4.3.20. OPERATING WITH CONDEMNED STICKER**

No person shall park, operate or permit to be operated any motor vehicle bearing a “condemned” sticker issued by any authorized agency from any jurisdiction on Capitol Grounds.

## CHAPTER 5

### IDENTIFICATION TAGS

#### § 5.1. PROPER DISPLAY OF TAGS

##### §5.1.10. VEHICLES REGISTERED IN THE DISTRICT OF COLUMBIA

Whenever a District of Columbia registered motor vehicle or trailer is being operated or left standing on Capitol Grounds, such vehicle shall display two (2) current identification tags, with one (1) on the front and the other on the rear; except as follows:

- (a) Motor vehicles need only display a special use identification tag on the rear of the vehicle only; and
- (b) Motor vehicles may display a souvenir presidential inauguration tag on the front of the vehicle not more than sixty (60) days before and not more than sixty (60) days after inauguration day so long as a current identification tag is displayed on the rear.

##### §5.1.20. MISCELLANEOUS VEHICLES

Motorized bicycles, motorcycles, trailers and vehicles identified by a dealer's tag or manufacturer's tag shall display only one (1) valid identification tag on the rear of the vehicle.

##### §5.1.30. NON-RESIDENT TAGS

A vehicle owned by a non-resident and currently registered in another jurisdiction shall display the proper identification tag or tags issued for the vehicle in accordance with the requirements of the issuing jurisdiction provided they are displayed in accordance with §6.1.40, §6.1.50, §6.1.60, and §6.1.80.

##### §5.1.40. SWINGING TAGS

Every owner shall securely fasten identification tags in a horizontal position to the vehicle for which they are issued at all times in order to prevent the tags from swinging. Vehicle tags shall be secured in a place and a position so they are clearly visible and at a height of not less than twelve inches (12 in.) from the ground measuring from the bottom of the tags.

##### §5.1.50. ILLEGIBLE TAGS

Every owner shall maintain identification tags so they are clearly legible and free from foreign materials. Foreign materials include any:

- (a) Non-transparent materials placed on or over the tag(s);
- (b) Expired or unauthorized decals or stickers; or,
- (c) Markings or attachments of any kind, except as permitted by §5.1.60.

§5.1.60. EMBLEMS  
No sign or emblem measuring more than twenty-four square inches (24) in area shall be attached to any license tag bracket. No sign or emblem of any size shall be placed in a way that obstructs any part of the identification tag from view.

§5.1.70. VALIDATION STICKERS  
Validation stickers issued by the District of Columbia that indicate the expiration of a motor vehicle's registration period are required to be displayed as follows:

- (a) For vehicles registered prior to April 22, 2002, and all motorized bicycles, motorcycles, and trailers, the stickers shall be affixed to the tags; the month sticker placed at the lower left corner and year sticker placed at the lower right corner; and
- (b) For vehicles not listed in (a), the sticker shall be affixed to the inside of the vehicle's windshield, on the driver's side.

§5.1.80. TAG COVERINGS  
No person shall operate a vehicle where the identifying numbers or letters on the identification tag are covered with glass, plastic, or any other type of material or substance.

**§ 5.2. LICENSING, REGISTRATION AND RECIPROCITY REQUIREMENTS**

§5.2.10. GENERAL  
Any motor vehicle owner or operator on Capitol Grounds must comply with all applicable District of Columbia motor vehicle licensing and registration laws, regulations and rules.

**§ 5.3. FAILURE TO SURRENDER**

§5.3.10. IDENTIFICATION TAGS  
A registrant who loses or disposes of his or her ownership of a vehicle for which valid registration is outstanding shall remove, or cause to be removed, the owner's identification tags from the vehicle.

§5.3.20. SPECIAL LICENSE TAGS OR PARKING PERMIT  
Whenever a special license tag or special parking permit issued by the District of Columbia is no longer needed by the applicant or the applicant is no longer eligible for those privileges set forth by the tag or permit, the applicant or the applicant's representative shall, within ten (10) days, notify and surrender the tags or permit to the District of Columbia.

**§ 5.4. IMPROPER USE OF TAGS**

**§5.4.10. LENDING TAGS AND REGISTRATION**

- (a) No person shall lend any temporary registration certificate, registration certificate, identification tag, or temporary identification tag issued to him or her to any to another person if that person would not be entitled to their use.
- (b) No person shall knowingly permit the use of any of these items by another person not entitled to them.
- (c) No person shall display on a vehicle any temporary registration certificate, identification tag, or temporary identification tag not issued for that vehicle or not otherwise lawfully used on the vehicle.

**§5.4.20. DEALER TAGS**

Dealer identification tags issued to a registered dealer shall be used solely for the purpose of operating vehicles owned by the dealer, if directly in furtherance of the business of the dealer, and only by the following persons:

- (a) The dealer, provided they carry proof of dealer registration at the time of operation;
- (b) The dealer's salesperson, provided they carry their salesperson's license at the time of operation; or
- (c) The dealer's customer, provided:
  - 1. The customer is accompanied by the dealer or the dealer's salesperson and such person carries proof required by (a) or (b) at the time of operation; or
  - 2. The vehicle displays a temporary registration certificate issued to that customer.<sup>12</sup>

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<sup>12</sup> See 18 DCMR § 503.8 for temporary registration certificate requirements.





## **ARTICLE II: MOTOR VEHICLES**



## CHAPTER 6

### CRIMINAL DRIVING OFFENSES

#### §6.1. PENALTIES

The provisions in this chapter are generated from the District of Columbia Traffic Act of 1925. Under 2 U.S.C. §1969, the Capitol Police Board is authorized to proscribe the penalties set forth in that Act. Therefore, the current penalties as set forth by the District of Columbia shall apply to the provisions in this chapter.<sup>13</sup>

#### § 6.2. SPEEDING AND RECKLESS DRIVING

##### §6.2.10. RECKLESS DRIVING

A person shall be guilty of reckless driving if the person drives a vehicle upon a highway carelessly and heedlessly in willful or wanton disregard for the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger a person or property.

##### §6.2.20. AGGRAVATED RECKLESS DRIVING

A person shall be guilty of aggravated reckless driving if the person violates §6.2.10 and the person does one or more of the following:

- (a) Operates the vehicle at a rate or speed at or greater than 30 miles per hour over the stated speed limit;
- (b) Causes bodily harm or permanent disability or disfigurement to another; or
- (c) Causes property damage in excess of \$1,000.

#### § 6.3. FLEEING FROM A LAW ENFORCEMENT OFFICER IN A MOTOR VEHICLE

##### §6.3.10. DEFINITIONS

The following definitions apply to the terms in this section only:

- (a) **LAW ENFORCEMENT OFFICER.** A law enforcement officer means any sworn member of the United States Capitol Police or any other police force operating in DC.
- (b) **SIGNAL.** A signal is any communication made by hand, voice or the use of emergency lights, sirens or other visual or aural devices.

##### §6.3.20. FLEEING

No operator of a motor vehicle shall knowingly fail or refuse to bring the motor vehicle to an immediate stop, or flee or attempt to elude a law enforcement officer, following a law enforcement officer's signal to bring the motor vehicle to a stop.

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<sup>13</sup> D.C. Code § 50-2201 et seq.

**§ 6.4. LEAVING AFTER COLLIDING**

Any person who operates or who is in physical control of a vehicle on Capitol Grounds who knows or has reason to believe that his or her vehicle has been in a collision shall immediately stop and:

- (a) **INJURY TO PERSONS.** Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person;
- (b) **DAMAGE TO PROPERTY OR DOMESTIC ANIMAL.** Where real or personal property belonging to another is damaged or a domestic animal is injured, provide identifying information to the owner or operator of the property or the owner of the domestic animal or, where the owner or operator of the property or the owner of the domestic animal is not present, provide or cause another to provide identifying information and the location of the collision, to law enforcement or 911; or
- (c) **RISK POSED TO OTHERS.** Where real or personal property or a wild or domestic animal, as a result of the collision, poses a risk to others, call or cause another to call 911 and provide identifying information, the location of the collision, and a description of the nature of the risk posed to others.

**§ 6.5. OBJECT FALLING OR FLYING FROM VEHICLE**

Any person who operates or who is in physical control of a vehicle within the District who knows or has reason to believe that an object likely to cause damage has detached from, fallen, or flown from his or her vehicle shall immediately stop and:

- (a) **PERSONAL INJURY.** Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person;
- (b) **DAMAGE TO PROPERTY OR DOMESTIC ANIMAL.** Where real or personal property belonging to another is damaged or a domestic animal is injured, provide identifying information to the owner or operator of the property or the owner of the domestic animal or, where the owner or operator of the property or the owner of the domestic animal is not present, provide or cause another to provide identifying information and the location of the event, to law enforcement or 911; or
- (c) **RISK POSED TO OTHERS.** Where real or personal property or a wild or domestic animal, as a result of the event, poses a risk to others, call or cause another to call 911 and provide identifying information, the location of the collision, and a description of the nature of the risk posed to others.

**§6.6. NEGLIGENT HOMICIDE**

**§6.6.10. NEGLIGENT HOMICIDE**

Any person who, by the operation of any vehicle in a careless, reckless, or negligent manner, but not wilfully or wantonly, shall cause the death of another, including a pedestrian in a marked crosswalk, or unmarked crosswalk at an intersection, shall be guilty of a felony and shall be punished by imprisonment for not more than the amount set by law.

**§6.6.20. NEGLIGENT HOMICIDE INCLUDED IN MANSLAUGHTER**

The crime of negligent homicide defined in §6.6.10 shall be deemed to be included within every crime of manslaughter charged to have been committed in the operation of any vehicle, and in any case where a defendant is charged with manslaughter committed in the operation of any vehicle, if the jury shall find the defendant not guilty of the crime of manslaughter such jury may, in its discretion, render a verdict of guilty of negligent homicide.

**§6.6.30. IMMODERATE SPEED NOT DEPENDENT ON LEGAL RATE OF SPEED**

In any prosecution under §6.6.10 or §6.6.20, whether the defendant was driving at an immoderate rate of speed shall not depend upon the rate of speed fixed by law for operating such vehicle.

**§6.7. IMPAIRED OPERATING AND DRIVING**

**§6.7.10. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR A DRUG**

No person shall operate or be in physical control of any vehicle in the District:

- (a) While the person is intoxicated; or
- (b) While the person is under the influence of alcohol or any drug or any combination thereof.

**§6.7.20. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR A DRUG: COMMERCIAL VEHICLES**

No person shall operate or be in physical control of any commercial vehicle in the District:

- (a) While the person is intoxicated; or
- (b) While the person is under the influence of alcohol or any drug or any combination thereof.

**§6.7.30. OPERATING A VEHICLE WHILE IMPAIRED**

No person shall operate or be in physical control of any vehicle in the District while the person's ability to operate or be in physical control of a vehicle is impaired by the consumption of alcohol or any drug or any combination thereof.

**§6.7.40. OPERATING UNDER THE INFLUENCE OF ALCOHOL OR A DRUG: HORSE-DRAWN VEHICLE**

No person shall operate or be in the physical control of any horse-drawn vehicle while under the influence of alcohol or any drug or any combination thereof.

**§6.7.50. ADDITIONAL PENALTIES**

- (a) **COMMERCIAL VEHICLES.** Any person violating §6.7.20 shall be subject to an additional 5 day mandatory minimum-term of incarceration.
- (b) **DRIVING WITH A MINOR.** A person convicted of any offense under §6.7, who at the time of operation or physical control of the vehicle had a minor, other than him or herself in the vehicle, shall, in addition to any applicable penalty set forth by law, be:
  - 1. *Fine.* Fined a minimum of \$500 and not more than \$1,000 per minor; and
  - 2. *Incarceration.* Be incarcerated for a mandatory minimum term of incarceration of:
    - i. *If Restrained.* 5 days per minor if the minor or minors are restrained in or by an age-appropriate child passenger-safety restraint; or
    - ii. *If Not Restrained.* 10 days per minor if the minor or minors are not restrained in, or by, an age-appropriate child passenger-safety restraint.

## CHAPTER 7

### MOVING INFRACTIONS

#### §7.1. GENERAL

##### §7.1.10. APPLICABILITY

The provisions of this chapter shall apply consistent with the provisions of these regulations. The provisions of this chapter shall apply at all times unless otherwise indicated by an official traffic control device or police officer.

##### §7.1.20. OPERATOR RESPONSIBILITIES

Every operator of a vehicle shall exercise due care to avoid colliding with any pedestrians or any person propelling a human powered vehicle and shall give an audible signal when necessary, and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person.

- (a) DUE CARE. Exercise due care to avoid colliding with any pedestrian upon any roadway;
- (b) WARNING SOUND. Give warning by sounding the horn when necessary; and
- (c) CHILDREN AND INCAPACITATED PERSONS. Exercise proper precaution upon observing any child or any confused or incapacitated person upon the roadway.

#### § 7.2. SPEED RESTRICTIONS

##### §7.2.10. MAXIMUM LAWFUL SPEED ON STREETS AND HIGHWAYS

The maximum lawful speed limit on all streets and highways shall be twenty-five (25) miles per hour. No person shall drive in excess of the maximum posted speed limit.

##### §7.2.20. MAXIMUM LAWFUL SPEED IN DRIVEWAYS, GARAGES AND UNDER ARCHWAYS

The maximum lawful speed on all roadways leading to, going through or leaving from, any archway, driveway or parking garage is five (5) miles per hour.

##### §7.2.30. REASONABLE SPEED FOR CONDITIONS

No person shall drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions.

§7.2.40. DUTY OF DUE CARE  
Every operator shall control their speed at all times as is necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street or highway.

§7.2.50. EXCESSIVE SPEEDING  
Any individual convicted for driving a vehicle on a street or highway at a speed greater than thirty (30) miles per hour over the legal speed limit shall be fined not more than three hundred dollars (\$300) or be imprisoned for not more than ninety (90) days.

**§ 7.3. MINIMUM SPEED RESTRICTIONS**

§7.3.10. REDUCED SPEED REQUIRED  
The driver of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing; when approaching and going around a curve; when approaching a hill crest; when traveling upon any narrow or winding roadway; and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

§7.3.20. IMPEDING TRAFFIC  
No person shall drive a motor vehicle at such a speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to be in compliance with the law.



**§ 7.4.      PROPER USE OF THE ROADWAYS**

**§7.4.10.      DRIVE ON RIGHT SIDE OF THE ROAD**

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except:

- (a)      When overtaking and passing another vehicle proceeding in the same direction under this section governing such movement;
- (b)      When an obstruction exists making it necessary to drive to the left of the center of the roadway; any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;
- (c)      Upon a roadway designated and signed for one-way traffic; or
- (d)      Upon a roadway divided into three (3) marked lanes for traffic.

**§7.4.20.      SLOW-MOVING VEHICLES STAY TO THE RIGHT**

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic under the conditions then existing shall be driven in the right-hand plane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road, driveway or alley.

**§7.4.30.      PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS**

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

**§7.4.40.      FOLLOWING TOO CLOSE**

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the roadway.

§7.4.50.

SUFFICIENT SPACE BETWEEN VEHICLES

The driver of any motor vehicle drawing another vehicle when traveling upon a roadway which is following another motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space in front of the drawing vehicle without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

§7.4.60.

FAILURE TO CLEAR AN INTERSECTION

No driver shall enter an intersection or marked crosswalk, unless the movement can be made such that the vehicle can completely clear the intersection without obstructing the passage of other vehicles or pedestrians, notwithstanding any official traffic control device indication to proceed. A vehicle shall not enter an intersection to turn right or left unless there is sufficient space on the roadway being entered to accommodate the vehicle.

**§ 7.5.      DESIGNATED ROADWAYS**

**§7.5.10.      ONE-WAY TRAFFIC**

No person shall drive a vehicle in a direction other than the one indicated upon a roadway designated for one-way traffic.

**§7.5.20.      MULTIPLE-LANE ROADWAYS**

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules shall apply:

- (a)      **STAY IN THE LANE.** A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that such movement can be made with safety.
- (b)      **THREE-LANE ROADWAYS.** Upon a roadway which is divided into three (3) lanes and which provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when:
  - 1.      Overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance;
  - 2.      In preparation for making or completing a turn; or,
  - 3.      Where the center lane is at the time allocated exclusively to traffic moving in the same direction than the vehicle is proceeding and the allocation is designated by official traffic control devices.

**§7.5.30.      DIVIDED ROADWAYS**

Every vehicle shall be driven upon the right-hand roadway whenever any highway is divided by a physical barrier, intervening space or as otherwise indicated to impede vehicular traffic.

**§7.5.40.      DRIVING THROUGH MEDIAN PROHIBITED**

No vehicle shall be driven over, across or within any dividing space, barrier or section, except through an opening in the physical barrier or dividing section or space or at a crossover or intersection or an unraised, paved dividing section with pavement markings only, unless otherwise directed by official traffic control devices.

**§ 7.6. OVERTAKING AND PASSING**

**§7.6.10. APPLICATION**

The rules set forth in this section shall govern the overtaking and passing of vehicles proceeding in the same direction.

**§7.6.20. OVERTAKING VEHICLE TO PASS ON LEFT**

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

**§7.6.30. DRIVING ON LEFT SIDE OF ROADWAY**

No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

- (a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard if another vehicle approaches from the opposite direction;
- (b) When approaching within one hundred feet (100 ft.) of or while traversing any intersection or railroad grade crossing;
- (c) On the roadway of any bridge, viaduct, or tunnel; and
- (d) On the approach roadway within one hundred feet (100 ft.) of any bridge, viaduct, or tunnel.

The above-listed restrictions shall not apply to driving on a one-way roadway.

**§7.6.40. OVERTAKEN VEHICLE TO GIVE WAY**

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

**§7.6.50. PASSING ON THE RIGHT**

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (a) When the vehicle overtaken is making or about to make a left turn;
- (b) On a street or highway with unobstructed pavement not occupied by parked vehicles and of sufficient width for two (2) or more lines of moving vehicles in each direction; and
- (c) On a one-way street or upon any roadway upon which traffic is restricted to one direction of movement; where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

§7.6.60. UNSAFE PASSING ON THE RIGHT

The driver of a vehicle may overtake and pass another vehicle on the right only under permitting such movement in safety. In no event shall the passing movement be made by driving off the pavement or main-traveled portion of the roadway.

§7.6.70. UNSAFE PASSING ON THE LEFT

No vehicle shall be driven to the left side of the center of the roadway while overtaking and passing another vehicle unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

§7.6.80. RETURN AFTER OVERTAKING

In every event, an overtaking vehicle must return to the right hand side of the roadway before coming within one hundred feet (100 ft.) of any vehicle approaching from the opposite direction.

§7.6.90. OVERTAKING BICYCLES

- (a) BICYCLE LANES. On any street where official traffic control devices have been erected giving notice that bicycles are entitled to the use of the full right-hand lane then available for moving traffic, the driver of a motor vehicle shall not drive within that right hand lane while overtaking or passing a bicycle being driven in that lane, and after overtaking or passing, shall not drive into that right-hand lane until safely clear of the overtaken bicycle.
- (b) 3 FOOT DISTANCE. A person driving a motor vehicle shall exercise due care by leaving a safe distance, but in no case less than three (3) feet, when overtaking and passing a bicycle.

**§ 7.7. TURNING AT INTERSECTIONS**

**§7.7.10. APPLICATION**

The driver of a vehicle intending to turn at an intersection shall abide by the provisions in this section unless otherwise indicated by a button, sign or marker, in which case the driver shall turn as indicated.

**§7.7.20. RIGHT TURNS**

The driver shall turn as close as practicable to the right-hand curb or edge of the roadway when approaching or making a right turn.

**§7.7.30. LEFT TURN FROM A TWO-WAY STREET ONTO A TWO-WAY STREET**

When making a left-turn from a two-way street into another two-way street, the driver shall approach the turn from the right half of the roadway nearest to the center line of that roadway. After entering the intersection, the driver shall turn into the lane nearest to the right center line of the roadway being entered.

**§7.7.40. LEFT TURN FROM A TWO-WAY STREET ONTO A ONE-WAY STREET**

When making a left turn from a two-way street into a one-way street, the driver shall approach from the right half of the roadway nearest the center line of the roadway. The driver shall stay to the right of the center line after entering the intersection.

**§7.7.50. LEFT TURN FROM A ONE-WAY STREET ONTO A ONE-WAY STREET**

When making a left turn from a one-way street into a two-way street, the driver shall approach from the portion of the roadway as close as practicable to the left-hand curb or edge of the roadway. After entering the intersection, the driver shall turn into the lane nearest to the right center line of the roadway being entered.

**§7.7.60. LEFT TURN FROM A ONE-WAY STREET ONTO A ONE-WAY STREET**

Where both streets and roadways are one-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

**§7.7.70. CUT-OFF ROADWAYS**

At intersections where “cut-off” roadways have been provided to facilitate a right turn, all vehicles emerging from such “cut-off” roadways shall turn to the right.

**§7.7.80. UNBALANCED TRAFFIC LANES**

The word “center line” shall mean the line between the two (2) directions of flow on streets during the hours designated for unbalanced traffic lanes.

**§7.7.90. IMPROPER TURNING**

No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, as required in this section.

**§ 7.8. TURNING REQUIREMENTS AND RESTRICTIONS**

**§7.8.10. TURNING AROUND BEFORE A CURVE OR CREST OF GRADE**

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500 ft.).

**§7.8.20. SAFE TURN REQUIRED**

No person shall turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety.

**§7.8.30. PROPER TURN SIGNAL**

No person shall turn any vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway without giving an appropriate signal in the manner provided by these regulations if any other traffic may be affected by the movement.

**§7.8.40. INTENTION TO TURN**

A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet (100 ft.) traveled by the vehicle before turning.

**§7.8.50. OBEDIENCE TO TRAFFIC MARKERS**

When authorized markers, buttons, or other indications are placed within or between intersections indicating the course to be traveled by vehicles, no driver of a vehicle shall disobey the directions of the indications.

**§7.8.60. OBEDIENCE TO SIGNS**

Whenever authorized signs are erected indicating that “NO RIGHT TURN” or “NO LEFT TURN” or “NO U-TURN” is permitted, no driver of a vehicle shall disobey the directions of any such sign.

**§7.8.70. U-TURN AT AN INTERSECTION**

No vehicle shall make a U-turn so as to proceed in the opposite direction at any intersection controlled by traffic lights or police officer, or on a crosswalk adjacent to such an intersection.

**§7.8.80. TURNING IN OPPOSITE DIRECTION**

The driver of any vehicle shall not turn a vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

**§ 7.9. PROPER SIGNALS FOR TURNING AND STOPPING**

**§7.9.10. PROPER SIGNALS**

Required stop or turn signals shall be given by using the hand and arm, by a signal lamp or lamps, or by means of a mechanical signal device, except as otherwise provided in this section.

**§7.9.20. SIGNAL EQUIPMENT REQUIRED**

Any motor vehicle in use on a highway shall be equipped with signal lamp(s) or mechanical signal device when required by Chapter 4.<sup>14</sup> If any motor vehicle is required to be equipped with a signal lamp(s) or mechanical signal devices, the required signal shall be given by means of lamps or devices.

**§7.9.30. SIGNAL FROM THE LEFT OF THE VEHICLE**

All signals required by this chapter to be given by hand-and-arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

- (a) LEFT TURN: Hand and arm extended horizontally;
- (b) RIGHT TURN: Hand and arm extended upward; and,
- (c) STOP OR DECREASE SPEED: Hand and arm extended downward.

**§ 7.10. STARTING, STOPPING AND BACKING**

**§7.10.10. SAFE STARTING**

No person shall start a vehicle which is stopped, standing, or parked unless and until the movement can be made with reasonable safety.

**§7.10.20. SUDDEN STOPS OR DECREASE OF SPEED**

A person shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver immediately to the rear. The signal shall be given as soon as there is an opportunity and in accordance with the provisions of this chapter.

**§7.10.30. BACKING UP SAFELY**

The driver of a vehicle shall not back the vehicle unless the backing movement can be made with reasonable safety and without interfering with other traffic.

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<sup>14</sup> Chapter 3 ("Equipment").



**§ 7.11.     RIGHT-OF-WAY**

**§7.11.10.     DRIVER RESPONSIBILITY TO YIELD**

- (a)     **EMERGING FROM A PRIVATE ROAD OR DRIVEWAY.** The driver of a vehicle emerging from an alley, building, private road or driveway shall stop the vehicle immediately prior to driving onto the sidewalk or sidewalk area. If there is no sidewalk or sidewalk area, the driver shall stop at the point nearest to the street where the driver has a view of approaching traffic.
- (b)     **YIELD TO PEDESTRIANS ON SIDEWALK.** The driver of a vehicle crossing a sidewalk or sidewalk area shall yield the right-of-way to any pedestrian and all other traffic using the sidewalk or sidewalk area.
- (c)     **ENTERING OR CROSSING A ROADWAY.** The driver of a vehicle about to enter or cross a roadway from an alley or from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

**§7.11.20.     INTERSECTIONS**

- (a)     **VEHICLE TURNING LEFT.** The driver of a vehicle intending to leave a public roadway by turning left between intersections shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard.
- (b)     **SAME-TIME APPROACH.** When two (2) vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (c)     **APPROACHING FROM OPPOSITE DIRECTION.** The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard.

**§7.11.30.     STOP AND YIELD SIGNS**

- (a)     **APPROACHING A STOP SIGN.** Every driver of a vehicle approaching a “STOP” sign shall stop at a clearly marked stop line before entering the intersecting roadway; if there is no stop line, the driver shall stop before entering the nearest crosswalk; if there is no crosswalk, the driver shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on that roadway.
- (b)     **WHEN STOPPED AT A STOP SIGN.** After having stopped for a stop sign, the driver shall yield the right-of-way to any traffic in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when the driver is moving across or within the intersection or junction of roadways. The driver shall yield the right-of-way to pedestrians.

(c) APPROACHING A YIELD SIGN.

1. The driver of a vehicle approaching a “YIELD” sign shall slow down to a speed reasonable for the existing conditions.
2. When required for safety, the driver shall stop at a clearly marked stop line; if there is no stop line, the driver shall stop before entering the nearest crosswalk; if there is no crosswalk, the driver shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on that roadway.
3. After slowing or stopping for a yield sign, the driver of a vehicle shall yield the right-of-way to any traffic in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
4. The driver shall yield the right-of-way to pedestrians; if the driver is involved in a collision with a vehicle in the intersection or with a pedestrian, after driving past a “YIELD” sign without stopping, the collision shall be considered prima facie evidence of failure to yield the right-of-way.

§7.11.40.

OTHER AREAS

- (a) ENTERING A TRAFFIC CIRCLE. The driver of a vehicle approaching a traffic circle shall yield the right-of-way to traffic already within the circle unless official traffic control devices indicate otherwise.
- (b) ENTERING A FREEWAY. The driver of a vehicle entering a freeway by way of an access ramp shall yield the right-of-way to traffic on the freeway.

§7.11.50.

PEDESTRIANS

- (a) MARKED OR UNMARKED CROSSWALKS. When official traffic-control signals are not in place or not in operation, the driver of a vehicle shall stop and give the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection.
- (b) CROSSING ON "WALK" SIGNAL. A driver of any vehicle shall stop and give the right-of-way to a pedestrian who has begun crossing on the "WALK" signal to continue to the opposite sidewalk or safety island, whichever is nearest.

§7.11.60.

SCHOOL BUSES

- (a) FLASHING WARNING LIGHT. The driver of a vehicle approaching a school bus with the warning light flashing shall prepare to stop the vehicle and bring the vehicle to a complete stop not less than fifteen (15 ft.) from the school bus. This applies to vehicles approaching from any direction with the exception of vehicles approaching from the opposite direction on a street with a median strip divider.
- (b) WAIT TO PROCEED. A driver who has stopped for a school bus, in accordance with this section, shall not proceed until the visual signals are no longer actuated.

**§ 7.12. EMERGENCY VEHICLES AND FIRE TRUCKS**

**§7.12.10. MOVE-OVER LAW**

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals that meets the requirements of these regulations or of a police officer properly and lawfully making use of an audible signal only; the driver of every vehicle shall yield the right-of-way and immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway, clear of any intersection. That driver shall stop and remain in that position until the authorized emergency vehicle has passed.

**§7.12.20. DUTY OF CARE**

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**§7.12.30. FOLLOWING FIRE TRUCK**

- (a) No driver of any vehicle shall follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet.
- (b) No driver shall drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

**§7.12.40. DRIVING OVER FIRE HOSE**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track without the consent of a police or fire department official.

**§ 7.13. COASTING**

**§7.13.10. MOTOR VEHICLES**

No driver of any motor vehicle shall coast with the gears of the vehicle in neutral when traveling upon a down grade.

**§ 7.14. OBSTRUCTION AND PASSENGER INTERFERENCE**

**§7.14.10. LOADED VEHICLE**

No person shall drive a vehicle when it is so loaded that:

- (a) The front or side view of the driver is obstructed; or,
- (b) There is interference with the driver's control over the driving mechanism of the vehicle.

**§7.14.20. EXCESS PASSENGER OBSTRUCTION**

No person shall drive a vehicle with more than three (3) persons in the front seat if:

- (a) The front or side view of the driver is obstructed; or,
- (b) There is interference with the driver's control over the driving mechanism of the vehicle.

**§7.14.30. PASSENGER INTERFERENCE**

No passenger in a vehicle or streetcar shall ride in a position that:

- (a) Obstructs the driver or operator's view ahead or to the sides; or,
- (b) Interferes with the driver or operator's control over the driving mechanism of the vehicle or streetcar.

**§7.14.40. FULL TIME AND ATTENTION**

An operator shall give full time and attention to the operation of the vehicle while that vehicle is being operated.

**§7.14.50. RUNNING BOARDS**

No person shall ride on the running board of a motor vehicle while that vehicle is in motion and no driver of a motor vehicle shall permit such standing.

**§7.14.60. DESIGNATED PASSENGER AREAS**

No person shall ride on any portion of any vehicle which is not designed or intended for the use of passengers and no driver of a vehicle shall permit such riding. This provision shall not apply to an employee engaged in the necessary discharge of his or her duty or to persons riding within truck bodies in space intended for materials.

**§7.14.70. SUSPENDED OBJECTS**

No person shall operate any vehicle on Capitol Grounds that has an object:

- (a) Attached to or suspended from the rear view mirror or rear view mirror bracket;
- (b) Attached to or suspended from the windshield, rear window or any front side window; or
- (c) Attached to or suspended from the frame of the windshield, rear window or any front side window.

This section shall not be construed to prohibit the hanging of clothing or other objects from a hanger attached to either of the rear-side windows of a vehicle, nor shall it be construed to prohibit the display of a sticker authorized or required to be displayed by law.

**§ 7.15. OPEN DOORS AND BOARDING**

**§7.15.10. BOARDING IN MOTION**

No person shall board or alight from a vehicle while the vehicle is in motion nor shall any driver permit such action.

**§7.15.20. SWINGING DOORS**

No motor vehicle shall be operated with the front door(s), side door(s), or rear door(s) tied open or swinging.

**§7.15.30. OPEN DOORS**

- (a) No person shall open a vehicle door if it interferes with the safety of moving traffic, pedestrians or with the safety of any person in the vehicle.
- (b) No person shall leave a vehicle door open longer than is necessary to receive or discharge the passenger(s) entering or leaving the vehicle.

**§ 7.16. RIDING ON MOTORCYCLES**

**§7.16.10. GENERAL**

- (a) No person shall ride on a seat other than the permanent seat attached to the motorcycle.
- (b) No person other than the operator shall ride on a motorcycle that is only designed to carry one (1) nor shall the operator allow any additional person to ride on a motorcycle only designed to carry one (1) person.

**§7.16.20. PASSENGERS**

If a motorcycle is equipped to carry more than one (1) person, the-passenger may only ride upon:

- (a) The permanent seat attached to the motorcycle as long as that seat is designed for two (2) persons;
- (b) A seat that is firmly attached to the rear or side of the motorcycle and provided with foot rests and handgrips; or,
- (c) In a side car attached to the motorcycle.

**§7.16.30. PROTECTIVE HELMET REQUIRED**

No person shall operate or ride upon a motorcycle unless wearing a protective helmet that meets current safety standards, in a manner for which the helmet was designed.

**§7.16.40. PROTECTIVE GEAR**

- (a) No person shall operate a motorcycle unless they are wearing spectacles with safety glass lenses or a pair of goggles or a face shield. All protective gear must meet current safety standards and worn or used in the manner for which they were designed.
- (b) If the operator is not wearing any protective eye wear, the motorcycle must be equipped with a wind screen or shield in accordance with Chapter 3.<sup>15</sup>

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<sup>15</sup> Chapter 3 ("Equipment").

**§ 7.17.     RESTRICTED STREETS**

§7.17.10.     CLOSED STREETS

No person shall operate a vehicle on a street that has been closed to vehicular traffic except as specifically permitted by an official traffic control device.

§7.17.20.     DRIVING OVER BARRIERS

No person shall drive any vehicle across or over any public street at which there is any official barrier, sign, or authorized person indicating that the street is closed, except as otherwise provided.

§7.17.30.     BUS RESTRICTIONS

Whenever authorized signs are erected to restrict buses from any street or portion of a street, no person shall operate a bus upon such street or portion of the street at anytime unless otherwise excepted as stated on an official authorized sign.

**§ 7.18.     TRUCKS**

§7.18.10.     TRUCK INTERDICTION

Whenever authorized signs are erected indicating a truck restriction, no person shall operate the type of truck prohibited on the street, unless specifically authorized by the Board.<sup>16</sup>

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<sup>16</sup> See Appendix E for “United States Capitol Police Board Regulations for the Truck Interdiction Program Providing for the Extended Capitol Police Jurisdiction Zone” (Nov. 12, 2003).

**§ 7.19.     SNOW EMERGENCY ROUTES**

**§7.19.10.     EFFECTIVE TIRES**

No person in charge of a motor vehicle operated on any street designated as a Snow Emergency Route shall allow the vehicle to become stalled on that street due to the fact that the driving wheels of the vehicle are not equipped with tire chains or effective snow tires. This provision is in effect whenever there is snow, sleet or freezing rain falling or covering the street.

**§7.19.20.     PARKING PROHIBITION**

Whenever there is a parking prohibition in effect on street designated as a Snow Emergency Route the following provisions shall apply:

- (a)     **NO FUEL.** No person in charge of a motor vehicle operated on any street designated as a Snow Emergency Route shall allow the vehicle to become stalled on that street due to the fact that the motor fuel supply of the vehicle is exhausted.
- (b)     **STALLED VEHICLE.** The person in charge of a stalled motor vehicle shall take action without delay to have the vehicle towed or pushed off the roadway. This provision does not permit the violation of any other law or regulation and applies to any vehicle stalled for any reason.
- (c)     **ABANDONED VEHICLE.** No person shall abandon or leave a motor vehicle in the roadway of a Snow Emergency Route at any time when the parking of motor vehicles on that route has been prohibited. A standing vehicle is not considered abandoned if (1) the operator leaves the vehicle for the purpose of securing assistance for a time necessary to secure such assistance and returns to and remains with the stalled vehicle until its removal and (2) the operator has placed on the windshield prior to leaving the vehicle stating the location where the person is seeking assistance and the approximate time of departure.



**§ 7.20. MISCELLANEOUS MOVING INFRACTIONS**

§7.20.10. UNNECESSARY NOISE

No vehicle shall be operated or used in such a manner as to cause unnecessary or disturbing noise.

§7.20.20. PARALLEL PARKING

When the driver of a vehicle desires to park at the curb when there is room enough for only one (1) car between two (2) other cars, the driver shall drive forward until parallel to the car ahead of the space and back cautiously into the parking space.

§7.20.30. DRIVING OVER SIDEWALKS

The driver of a vehicle shall not drive within or across any permanent sidewalk area except at a permanent or temporary driveway or as provided by these regulations.

§7.20.40. FIXED OBJECTS

No vehicle shall be operated so that the vehicle or any load on it strikes any part of a building, landscape or architectural feature on Capitol Grounds. This provision shall not apply to authorized vehicles working within the scope of official duty.

§7.20.50. OVERTAKING A STOPPED VEHICLE

Whenever any vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at any intersection to permit a pedestrian to cross the roadway, the driver of any vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

§7.20.60. LITTERING FROM VEHICLE

No person shall dispose or cause or allow the disposal of litter from a vehicle upon any public or private property. Litter shall include all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

**§ 7.21. ALCOHOLIC BEVERAGES IN MOTOR VEHICLES**

**§7.21.10. OPEN CONTAINER**

No person shall operate or ride in a vehicle when any opened alcoholic beverage is in or on the vehicle.

**§7.21.20. TRUNK CARGO OR STORAGE AREA**

An opened alcoholic beverage container may be carried in the trunk, cargo area, or storage compartment as long as the area is inaccessible from the passenger area.

**§7.21.30. CLOSED CONTAINERS**

If the vehicle does not have a trunk, cargo area, or storage compartment that is inaccessible from the passenger area, an opened alcoholic beverage may be carried in the vehicle so long as the container has been capped, corked, or otherwise closed and the container is completely enclosed in a manner that does not allow a person to consume the alcoholic beverage.

**§7.21.40. DEFINITIONS**

For purposes of this section, the term:

- (a) OPENED ALCOHOLIC BEVERAGE CONTAINER means an alcoholic beverage in a bottle, can, or other container which is open or from which the top, cap, cork, seal, or tab seal has at some time been removed; and,
- (b) ALCOHOLIC BEVERAGE means a liquid or solid, patented or not, containing alcohol capable of being consumed by a human being. The term “alcoholic beverage” shall not include a liquid or solid containing less than one-half of 1% of alcohol by volume.<sup>17</sup>

**§ 7.22. PROHIBITION ON OPERATION OF AUTONOMOUS VEHICLES**

No motorized vehicle shall be operated on Capitol Grounds under the control of anyone or anything except for a human driver controlling the vehicle from inside of the vehicle. Penalties for violations of this section may be assessed against any operator. The Capitol Police Board may waive this section for purposes of testing or demonstration.

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<sup>17</sup> As defined in § 3 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat.319; D.C. Code § 25-101).

**CHAPTER 8**  
**PARKING, STANDING AND STOPPING INFRACTIONS**

**§8.1. GENERAL REQUIREMENTS**

§8.1.10. APPLICABILITY

- (a) **TIME STATED.** The provisions of this chapter that prohibit the standing or parking of a vehicle shall apply at all times, at the times specified in each section or as indicated on official signs.
- (b) **EXCEPTIONS.** The provisions of this chapter do not apply if it is necessary to stop a vehicle to avoid conflict with other traffic or if in compliance with the direction of a police officer or official traffic control device. The provisions of this chapter do not apply to person issued Emergency Parking Permits in accordance with §8.13.<sup>18</sup>
- (c) **MOST RESTRICTIVE PROVISIONS APPLY.** The provisions of this chapter that impose a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions that prohibit or limit stopping, standing or parking of vehicles in specified places or at specified times.

§8.1.20. PRESUMPTION IN REFERENCE TO ILLEGAL PARKING

In any prosecution charging a violation of any regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the information was parked in violation of any such regulation, together with proof that the defendant named in the information was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

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<sup>18</sup> §8.14 (“Emergency Parking Permits”).

**§ 8.2.     PROPER PARKING**

**§8.2.10.     NO PARKING IN VIOLATION OF SIGNS**

It shall be unlawful to park any unauthorized vehicle in violation of the parking restrictions stated on the sign wherever and whenever signs are erected that indicate parking is prohibited or restricted.

**§8.2.20.     PARK IN THE DIRECTION OF TRAFFIC**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement.

**§8.2.30.     PARK WITHIN 12" OF CURB**

- (a)     TWO-WAY STREETS. A person shall stand or park a vehicle on a two-way street with the right-hand wheels of the vehicle within twelve inches (12 in.) of the right curb or edge of the roadway.
- (b)     ONE-WAY STREETS. On a one-way street, a vehicle may be parked in the same manner as on a two-way street or may park with the left-hand wheels of the vehicle adjacent to and within twelve inches (12 in.) of the left-hand curb.

**§8.2.40.     LEFT-SIDE PARKING PROHIBITED**

If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

**§8.2.50.     MOTORCYCLE PARKING**

A person may park a motorcycle or motorized bicycle in a direction other than parallel with the edge of the roadway, including perpendicular with the curb, if the motorcycle or motorized bicycle does not obstruct the flow of traffic.

**§ 8.3. GENERAL PARKING**

**§8.3.10. UNPAVED AREAS**

No vehicle shall be parked or left standing on any part of Capitol Grounds that is not prepared for vehicular travel.

**§8.3.20. PARKING FOR PERMIT-HOLDERS ONLY**

No vehicle shall park in any space where parking is limited to holders of official parking permits issued by the House or Senate Sergeant at Arms.

**§8.3.30. PARK BETWEEN THE LINES**

A vehicle shall be parked between the markers or lines that designate the parking space. Persons who park in such a way that cause another vehicle to be parked in violation of this subsection shall be held liable for violation of this subsection.

**§8.3.40. PARKING BETWEEN TWO VEHICLES**

When the driver of a vehicle desires to park at the curb when there is room enough for only one car between two other cars, he shall drive up parallel with the car ahead of the space and back cautiously into the parking space.

**§8.3.50. RESERVED PARKING SPACES FOR DISABLED INDIVIDUALS**

Parking for individuals with disabilities is permitted only for use of individuals with disabilities utilizing vehicles displaying special license tags or special permits issued pursuant valid federal or state law.

**§ 8.4. NO SIGN REQUIRED: STOPPING, STANDING AND PARKING**

No person shall stop, stand, or park a motor vehicle or trailer, whether occupied or not, in any of the following places:

- (a) Within an intersection;
- (b) On a crosswalk;
- (c) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (d) Upon any bridge, viaduct, or other elevated structure, freeway, highway tunnel, or ramps leading to or from such structures, or within a highway tunnel;
- (e) On any median, channelizing island, or safety zone, whether made of concrete, grass, or other material and with curbs or otherwise delineated by solid yellow or white lines;
- (f) In any driveway, alley entrance, or other way when stopping, standing or parking would obstruct the flow of pedestrians or other lawful traffic upon any sidewalk;
- (g) In a bicycle lane; or,
- (h) On the sidewalk.

Parking in the above-listed areas is only permissible when necessary to avoid conflict with other traffic, to be in compliance with the law or at the direction of a police officer, sign or traffic control device.

**§ 8.5. NO SIGN REQUIRED: STANDING OR PARKING ONLY**

No person shall stand or park a motor vehicle or trailer, whether occupied or not, in any of the following places:

- (a) In front of or within five feet (5 ft.) of an alley, public driveway, or private driveway;
- (b) Within ten feet (10 ft.) of a fire hydrant;
- (c) Within forty feet (40 ft.) of the intersection of curb lines of intersecting streets or within twenty-five feet (25 ft.) of the intersection of curb lines on the far (non-approach) side of a one-way street, *unless* the car has been issued a valid residential parking permit;<sup>19</sup>
- (d) Within twenty-five feet (25 ft.) of the approach side of any “STOP” or “YIELD” sign located at the side of the roadway;
- (e) Within fifty feet (50 ft.) of a railroad crossing;
- (f) Within twenty feet (20 ft.) of a fire station driveway entrance;
- (g) In or on any street or roadway when such parking will reduce the width of the open roadway to less than ten feet (10 ft.);
- (h) In front of any barricade or sign that has been placed for the purpose of closing the street; or,
- (i) In any fire lane located on public or private space.

Parking in the above-listed areas is only permissible when necessary to avoid conflict with other traffic, to be in compliance with the law or at the direction of a police officer, sign or traffic control device. A vehicle may stop momentarily to pick up or discharge a passenger or multiple passengers.

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<sup>19</sup> See §8.14 (“Residential Parking Permits”).

**§ 8.6. NO SIGN REQUIRED: PARKING ONLY**

No person shall park a motor vehicle or trailer, whether occupied or not, in any of the following places:

- (a) On the public parking between the sidewalk space and the building line, except parking shall be permitted on public parking at those locations designated under this title and at locations authorized by permit and upon payment of rent;
- (b) Between a safety zone or channelizing island and the adjacent curb or within ninety feet (90 ft.) of points on the curb immediately opposite the ends of a safety zone or channelizing island unless otherwise indicated by official signs;
- (c) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (d) Within twenty-five feet (25 ft.) of either side of motorists' courtesy mail boxes;
- (e) In any public alley (with the exception of a permit or where designated by posted sign); or
- (f) In a manner to obstruct the entrance to any garage, parking lot or yard, door, or gate used for service purposes.

Temporary parking in these areas is only permissible for the purpose of and while actually engaged in loading or unloading of passengers.

**§ 8.7. OVERSIZED VEHICLES**

Unless engaged in work for which a vehicle is reasonably necessary, no person shall park any of the following oversized vehicles on Capitol Grounds:

- (a) Any passenger vehicle with a seating capacity of more than fifteen (15) passengers;
- (b) A boat;
- (c) A trailer, whether loaded or unloaded;
- (d) Any vehicle longer than twenty-two feet (22 ft.) or wider than eight feet (8 ft.); or
- (e) Any vehicle that has been designed or modified to haul trash, junk, or debris.



**§ 8.8. LOADING AND UNLOADING: VEHICLES**

**§8.8.10. DISCHARGING PASSENGERS**

If no curb space is available within a reasonable distance, a passenger vehicle may stand parallel and as near as practicable to other parked vehicles, only long enough to take on passengers who are actually waiting at the curb or to leave off passengers.

**§8.8.20. IMPEDING TRAFFIC**

Unless prohibited by §8.11<sup>20</sup>, a vehicle may stop parallel and as near as practicable to parked vehicles while loading; *provided*, that the vehicle while so parked will not unreasonably impede or interfere with orderly two-way traffic, or on a one-way street, that at least one lane is kept open for moving traffic.

**§8.8.30. MOMENTARY STOPPING PERMITTED**

On any street, highway, or any portion of a street or highway, where parking is prohibited but stopping and standing are not prohibited, passenger vehicles may stop momentarily to load and unload passengers, and any vehicle may stop long enough to actually load and unload materials.

**§ 8.9. LOADING AND UNLOADING: SCHOOL BUSES**

**§8.9.10. DISCHARGING PASSENGERS**

When stopping to load and unload school children along the roadway, a school bus driver shall pull as far to the right as is safe, at a place on the roadway where there is three hundred feet (300 ft.) or more of clear sight distance to the front and rear, and stop only for such time as is actually necessary to take on or discharge passengers.

**§8.9.20. FLASHING WHITE LIGHTS REQUIRED**

Before making a stop to load or unload passengers, a school bus driver shall actuate the flashing white stroboscopic light not less than three hundred feet (300 ft.) distant from the stop, and allow the light to remain flashing until the bus resumes motion after the stop.

**§8.9.30. FLASHING RED STOP LIGHT REQUIRED**

At each stop to pick up or discharge one or more school children, the school bus driver shall actuate the flashing red light during the time that the bus is stopped to pick up or discharge passengers, and shall turn off the light when the bus resumes motion.

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<sup>20</sup> §8.10 ("Loading Zones").

## **§ 8.10. LOADING ZONES**

### **§8.10.10. ESTABLISHMENT OF LOADING ZONES AND APPLICABILITY**

The Board is authorized to determine the location of freight loading zones for use of commercial vehicles at the usual shipping and receiving entrances of any building on Capitol Grounds. In doing so, the Board shall place and maintain the appropriate signage stating the hours that the provisions of this paragraph are applicable. The provisions in this section shall also apply to those zones established by the District of Columbia.

### **§8.10.20. LOADING RESTRICTED TO MARKED LOADING ZONES**

The loading of materials shall be restricted to loading zones in each block where such zones have been designated by official signs except during hours when parking is prohibited in such area.

### **§8.10.30. REASONABLE TIME LIMIT ON LOADING**

Unless otherwise indicated by signage, loading zones shall be occupied only so long as is reasonable for loading or unloading, and only commercial vehicles loading materials in such zones shall be parked parallel and adjacent to the curb. Where signs are posted, designated loading zones may be occupied by a particular vehicle for up to a maximum of two (2) hours.

### **§8.10.40. METER FARE REQUIRED**

When parking in a multi-space parking meter loading zone, the operator of a motor vehicle shall, immediately after parking, pay for the amount of loading or unloading time desired. If a receipt is issued by the multi-space parking meter, the motor vehicle driver shall place the receipt face up on the passenger side of the dashboard of the vehicle so that it is clearly visible through the windshield of the vehicle. The vehicle may then occupy the space up to the time limit indicated on the receipt, but in no case for longer than two (2) hours.

§8.10.50. TIME LIMIT

No person shall park a motor vehicle in a multi-space parking meter loading zone longer than the time required to load or unload the vehicle.

§8.10.60. EXPIRED METER

A vehicle shall be considered illegally parked if:

- (a) A multi-space parking meter indicates overtime parking with respect to the parking metered loading zone in which the vehicle is parked;
- (b) The expiration time indicated on the parking meter receipt displayed on the vehicle has lapsed;
- (c) The vehicle does not display a receipt in the manner required by §8.11.50; or
- (d) The vehicle does not display a receipt.

The above-listed sections (a) – (d) do not apply during times when parking in the metered loading zone is unrestricted.

§8.10.70. PERMISSIBLE PARKING TIMES

Parking metered loading zones may be used without charge during times when the time for parking in the metered loading zone is unrestricted.

**§ 8.11. PARKING METERS AND PARKING METER ZONES**

§8.11.10. PARKING METER ZONE

A parking meter zone is designated as the space parallel to the curb extending from the center of the parking meter standard at the head of the space to the center of the parking meter standard or other marking at the rear of the space; except that if a parking meter zone is served by a multi-space parking meter, the parking meter zone may be designated by signs or pavement markings.

§8.11.20. PARKING PROHIBITED

No vehicle shall park in a parking meter zone at any time when such parking is otherwise prohibited.

§8.11.30. NO PARKING PAST METER LIMIT

No person shall park or cause, allow, permit, or suffer any vehicle registered in his or her name to be parked overtime or beyond the lawful period of time indicated on the meter. This provision does not apply to spaces established for car-sharing programs.<sup>21</sup>

§8.11.40. PARK WITHIN MARKED AREA

No person shall park or cause to be parked any vehicle so that the vehicle is not within the area between the designated standards or other marking(s) delimiting the parking space.

§8.11.50. NO PARKING BEYOND ZONE

No person shall stop, stand, or park in a parking meter zone any vehicle which exceeds the designated length of the parking meter zone.

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<sup>21</sup> See 18 DCMR § 2406.18.

- §8.11.60. DISPLAY OF RECEIPT  
Immediately after parking a motor vehicle, the operator shall pay for the amount of parking time desired and, if a receipt is issued, place the receipt on the passenger side of the dashboard of the vehicle so that it is clearly visible through the windshield of the vehicle. The space may then be used by the vehicle during the parking limit indicated on the single-space or multi-space parking meter for that space or on the receipt issued, as is applicable, or for the amount of time that is confirmed through a pay-by-phone system.
- §8.11.70. PURCHASING BEYOND TIME LIMIT  
No person shall purchase more time than allowed for parking in a parking meter zone as indicated by the signs in the zone and on the parking meter.
- §8.11.80. ILLEGAL PARKING  
Except in zones where signs indicate payment is not needed<sup>22</sup> and in car-sharing spaces<sup>23</sup>, a vehicle shall be considered illegally parked if:
- (a) The amount of time paid for at a single-space or multi-space parking meter has lapsed;
  - (b) The expiration time indicated on the parking meter receipt displayed on the vehicle has lapsed;
  - (c) The vehicle does not display a receipt in the manner required by §8.12.60; or;
  - (d) The amount of time paid for using the pay-by-phone system has lapsed.
- §8.11.90. NO CHARGE REQUIRED  
Parking meter zones may be used without charge at times when the signs and meters in those zones indicate payment is not needed.
- §8.11.100. UNEXPIRED TIME IS TRANSFERRABLE  
Except for parking meter zones served by parking meters that issue receipts, the unexpired time in a parking meter zone, which is unoccupied, may be used by another vehicle without depositing payment. A car displaying a receipt issued by a parking meter may park in any unoccupied parking meter zone that is served by a parking meter that issues receipts until the expiration time shown on the parking meter receipt has lapsed.
- §8.11.110. EXCEPTION FOR GOVERNMENT VEHICLES  
Whenever a vehicle identified by license plates as being owned, rented, or leased by the federal or District government, is being used on official business and is parked in a parking meter zone, the operator of the vehicle is not required to deposit payment to park in the parking meter zone.

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<sup>22</sup> See 18 DCMR § 2404.9.

<sup>23</sup> See 18 DCMR § 2406.18.

**§ 8.12. RESTRICTED USE OF VALET PARKING, VALET STAGING, BUS, TAXICAB AND SIGHTSEEING ZONES AND STANDS**

**§8.12.10. GENERAL**

- (a) **NO PARKING OR STANDING.** No person shall stand or park a vehicle in a valet parking zone or valet staging zone unless authorized to do so; in a bus stand, stop, or zone, other than a bus authorized to use the bus stand, stop, or zone; in a taxicab stand, other than a taxicab authorized to use the taxicab stand; or in a sightseeing stand, other than a sightseeing vehicle authorized to use the sightseeing stand.
- (b) **DISCHARGE OF PASSENGERS PERMITTED.** A driver of a passenger vehicle may stop momentarily in a stand, stop, or zone described in (a) for the purpose of and while actually picking up or discharging passengers, as long as such stopping does not interfere with any vehicle, bus, taxicab, or sightseeing vehicle about to enter the stand or zone designated for the use of such vehicle.

**§8.12.20. DRIVER TO REMAIN NEAR VEHICLE**

The driver of any vehicle parked in a bus, taxicab, or sightseeing stand in accordance with this section shall remain within five feet (5 ft.) of the vehicle at all times.

**§8.12.30 BUS ZONE RESTRICTIONS**

At locations where a bus stop is posted but bus zone or bus stand signs do not exist, there shall be no parking or standing by vehicles other than a bus within twenty feet (20 ft.) of the approach side of a bus stop sign. *However*, a vehicle may stop momentarily to pick up or discharge a passenger or passengers. Loading or unloading of materials is prohibited, and the posting of signs to indicate this restriction is not required.

**§8.12.40. PARKING RESTRICTIONS EFFECTIVE AT ALL TIMES**

The prohibition against parking or standing at such stands and zones shall be effective at all times, unless the restricted periods have been otherwise designated and signs posted accordingly.

## **§ 8.13. EMERGENCY PARKING PERMITS**

### **§8.13.10. PERMISSIBLE PARKING**

Holders of emergency parking permits issued by the Board may stand or park their vehicles in available parking space in the roadway at the following locations:

- (a) Entrances to office buildings, apartment buildings, hotels, nursing homes, and residences;
- (b) Loading zones;
- (c) Within spaces set aside for holders of official parking permits;
- (d) Within part or all of the twenty-five foot (25 ft.) space on the far or non-approach side of the intersection of a one-way street with another street, but not within ten feet (10 ft.) of the curb line of the intersecting street or within a marked crosswalk; and
- (e) Taxicab and sightseeing vehicle stands.

The holder of the permit must be parked in accordance with any other applicable section of these regulations.

### **§8.13.20. PARKING FOR EMERGENCY PURPOSES ONLY**

Emergency parking permits shall be used only while the holder is actually responding to an emergency believed to be one in which the life or death of any individual is dependent upon standing or parking by a physician in the places permitted in §8.14.10.

### **§8.13.30. PERMIT MUST BE VISIBLE**

While a vehicle for which a permit has been issued is parked in accordance with this section, the permit shall be displayed so that it is clearly visible through the windshield of the vehicle.

### **§8.13.40. TRANSFER PROHIBITED**

No person other than the permittee named on the permit shall use an emergency parking permit or display it on a vehicle operated or parked. Any such use or display by a person other than the permittee shall constitute a violation of these regulations by the permittee and by the person who so used or displayed it.

### **§8.13.50. FAILURE TO SURRENDER**

Failure to surrender a revoked emergency parking permit upon request shall constitute a violation of these regulations.

## **§ 8.14. RESIDENTIAL PERMIT PARKING**

### **§8.14.10. 2 HOUR PARKING LIMIT**

Parking a motor vehicle on a residential parking permit street within the same zone is limited and restricted beyond a consecutive two (2) hour period. This restriction shall be in effect as posted.

### **§8.14.20. PROPER AFFIXATION**

While a vehicle for which a residential parking permit has been issued is parked in the residential permit parking zone, the permit shall be affixed by its own adhesive to the lower left (driver's) side of the windshield so that it is clearly visible through the windshield of the vehicle; *Provided*, that in the case of a motorcycle, motorized bicycle, or trailer, the permit shall be affixed to a mounting tab which shall be bolted to either corner of the identification tag. Expired permits shall not be left visible on a vehicle after affixing a new permit.

### **§8.14.30. NO TIME LIMIT**

Vehicles displaying a valid residential parking permit may park at all times, within a designated residential permit parking zone, twenty-five (25) feet or more from the intersection. The Director of the District Department of Transportation shall have the discretion to exempt intersections from the parking restriction moratorium established by this section that the Board determines would be inappropriate and unsafe with such parking.

### **§8.14.40. VISIBILITY AND DISPLAY**

- (a) **VEHICLES.** While a vehicle for which a residential permit parking sticker has been issued is parked in the residential permit parking zone, the residential permit parking sticker shall be affixed by its own adhesive to the lower left (driver's) side of the windshield so that it is clearly visible through the windshield of the vehicle.
- (b) **MOTORCYCLES.** Any motorcycle, motorized bicycle or trailer shall affix the residential permit parking sticker to a mounting tab bolted to either corner of the identification tab.
- (c) **EXPIRED STICKERS.** Expired residential permit parking stickers shall not be left visible.

### **§8.14.50. VALIDITY**

A residential permit parking sticker shall be valid only when displayed in accordance with the standards under §8.15.40.

### **§8.14.60. ONE PERMIT PER VEHICLE**

Simultaneous display of current residential parking stickers for more than one (1) zone shall make all the residential permit parking stickers invalid and shall be prima facie evidence of misrepresentation on the residential permit parking sticker application.



§8.14.70. PARKING OR STANDING PROHIBITED

A residential permit parking sticker shall not authorize the vehicle displaying the sticker to stand or park in any place or during any times when the stopping, standing, or parking of motor vehicles is prohibited or set aside for specific types of vehicles, nor provide an exemption from the observance of any traffic regulation other than the residential permit parking two (2) hour parking limit and the exemptions listed in §8.15.80.

§8.14.80. PERMISSIBLE PARKING

Between the hours of 9:00 p.m. and 7:30 a.m., vehicles displaying a valid residential parking permit may park, within a designated residential permit parking zone, in the following manner:

- (a) In loading zones, except loading zones used by hotels; and
- (b) In entrances, except hospital entrances.

§8.14.90. TRANSFER OF STICKERS PROHIBITED

No sticker or permit for residential permit parking shall be used or displayed on any vehicle other than the one (1) for which it was issued. Any sticker or permit so displayed shall be void, and any unauthorized display of stickers or permits shall constitute a violation of this section by the sticker holder and by the owner or the operator of the vehicle displaying the permit.

**§ 8.15. VISITOR OR TEMPORARY PERMITS**

§8.15.10. REPLICATION UNLAWFUL

The forgery, counterfeiting or unauthorized use or replication of a visitor permit or temporary permit shall be punishable by a fine of \$300.

## **§ 8.16. TEMPORARY AND EMERGENCY PARKING RESTRICTIONS**

### **§8.16.10. ASSEMBLIES**

Whenever by reason of the scheduled assembly of a large number of persons at any public or semi-public building, embassy, legation, stadium, or other place of assembly, it is determined that the free flow of traffic upon the street or streets leading to or from the building, embassy, legation, stadium or other place of assembly, is or will be impeded by reason of the parking of vehicles, parking shall be prohibited (or restricted) on the street(s) during the hours that the free flow of traffic is or will be impeded by parking.

### **§8.16.20. CONSTRUCTION**

Whenever construction work upon or adjacent to any highway causes the width of the roadway to be reduced, parking shall be prohibited upon the roadway adjacent to and for a reasonable distance on either side of the construction work. If it is determined that the reduced roadway width will impede the flow of traffic except where the highway is physically divided into separate roadways carrying traffic in opposite directions, parking shall also be prohibited on the side of the roadway opposite to and for a reasonable distance on either side of the construction work.

### **§8.16.30. PARADES**

Parking shall be prohibited on streets for which parade permits have been issued by the Chief of the Metropolitan Police Department, including streets necessary for assembling and disbanding of parades, for a reasonable time prior to, during, and for a reasonable time after such parades.<sup>24</sup>

### **§8.16.40. EMERGENCIES**

When, as a result of the closing of any street to traffic by reason of a parade or emergency conditions, the flow of traffic on adjacent streets is or will be increased, or it is found that the free flow of traffic upon the adjacent streets is or will be impeded due to the parking of vehicles, parking shall be prohibited during such hours that it is found that the free flow of traffic is or will be impeded.

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<sup>24</sup> Parades may be permitted on Louisiana Avenue. See 40 U.S.C. § 5106(c) ("Suspension of Prohibitions"). See Appendix F.

§8.16.50.

PROPER DISPLAY OF PARKING PERMIT PLACARDS

(a) PLACARD: PROPER DISPLAY

Whenever a special events parking permit placard has been issued to allow parking in a specified restricted area or on a specified restricted street or portion thereof, the placard must be displayed on the left side of the dashboard of the vehicle so that it is clearly visible from the outside of the vehicle.

(b) STICKERS: DISPLAY AND EXPIRATION

Whenever a special events parking permit sticker has been issued to allow parking in a specified restricted area or on a specified restricted street or portion of that street, to be valid the permit shall be affixed by its own adhesive to the lower left (driver's) side of the windshield so that it is clearly visible through the windshield of the vehicle. Expired permits shall not be left visible on a vehicle.

§8.16.60.

TAMPERING WITH SIGNS

(a) INSTALLATION AND REMOVAL. No person, other than the United States Capitol Police, the Architect of the Capitol, the House Sergeant at Arms, the Senate Sergeant at Arms or any other entity with the authority to regulate traffic, shall remove or install a sign on public space that prohibits or reserves parking.

(b) VANDALIZING. No person may vandalize or deface a sign in public space that prohibits or reserves parking. Any person violating this subsection shall be subject to a civil fine of \$100 for the 1st violation, \$200 for the 2nd violation, and \$400 for the 3rd and subsequent violations.

(c) NO PARKING IN VIOLATION OF SIGNS. Whenever a sign is erected indicating that parking is prohibited or reserved under this section, it shall be unlawful to park any unauthorized vehicle in violation of the parking restrictions stated on the sign.

§8.16.70.

ADVANCE NOTICE WAIVER

A sign prohibiting or reserving parking shall be erected at least twenty-four (24) hours in advance in a non-residentially zoned area. If a sign is erected in a residentially zoned area, the sign prohibiting or reserving parking shall be erected at least seventy-two (72) hours in advance. The Board for extraordinary circumstances shown may waive this required advance notice for good cause.

**§ 8.17. OFFICIAL GOVERNMENT PARKING**

§8.17.10. PROPER DISPLAY

Government officials parking in official parking areas shall display, in a conspicuous place behind the windshield of their vehicle, an “Official Parking Permit” which is issued by the Board.

**§ 8.18. STREET CLEANING PARKING PROVISIONS**

§8.18.10. NO PARKING

No person shall park any vehicle or permit any vehicle to remain parked during the times and days indicated on a Street Cleaning Route.

**§ 8.19. SNOW EMERGENCY PARKING REGULATIONS**

§8.19.10. SNOW EMERGENCY ROUTES

After the effective time of the prohibition, no person shall park any vehicle or permit any vehicle to remain parked on a Snow Emergency Route. However, if a fall of snow, sleet or freezing rain occurs between 11:30 p.m. and 7:00 a.m. and the Director has not announced prior to 11:30 p.m. that parking on Snow Emergency Routes is prohibited after a specified time, a vehicle parked on a Snow Emergency Route may remain so parked until 7:00 a.m.

**§ 8.20. LITTERING AND DEBRIS**

§8.20.10. GLASS AND OTHER DEBRIS

No person shall throw or deposit upon any street, highway, sidewalk, or alley, any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon the street, highway, sidewalk, or alleyway.

§8.20.20. FAILURE TO REMOVE HARMFUL MATERIAL

Any person who drops, or permits to be dropped or thrown, upon any street, highway, sidewalk, or alley, any destructive or injurious material, shall immediately remove the same or cause it to be removed.

§8.20.30. TOWING AND REMOVAL OF WRECKED VEHICLES

Any person removing a wrecked or damaged vehicle from a street, highway, sidewalk, or alley shall remove any glass or other injurious substance dropped upon the street, highway, sidewalk, or alley from the vehicle.

**§ 8.21 ADVERTISING**

§8.21.10. GENERAL

No person shall drive or park any vehicle on any street or highway for the primary purpose of displaying advertising.

§8.21.20. DE MINIMUS DISPLAY

No person shall drive or park on any street or highway within the Capitol Grounds any vehicle that by reasons of its special shape or design shall be construed as intended primarily for advertising purposes without a permit from the Capitol Police Board.

**§ 8.22. MISCELLANEOUS NON-MOVING VIOLATIONS**

§8.22.10. UNATTENDED VEHICLES

No persons driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake.

§8.22.20. TURNING WHEELS TO CURB

In addition to the requirements of §8.22.10, whenever a motor vehicle is standing on a grade, the driver or person in charge of the vehicle shall not permit it to stand unattended without first turning the front wheels to the curb or side of the highway.

§8.22.30. IDLE ENGINE

No person owning, operating, or having control over the engine of a gasoline or diesel powered motor vehicle on public or private space, including the engine of a public vehicles for hire, buses with a seating capacity of twelve (12) or more persons, and school buses or any vehicle transporting students, shall allow that engine to idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment in those vehicles, except as follows:

- (a) To operate private passenger vehicles;
- (b) To operate power takeoff equipment, including dumping, cement mixers, refrigeration systems, content delivery, winches, or shredders; or
- (c) To idle the engine for no more than five (5) minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32° F) or below.

§8.22.40. DISPLAY OF SALE AND REPAIR

No person shall park a vehicle upon any roadway for the principal purpose of doing either of the following:

- (a) Displaying the vehicle for sale; or
- (b) Greasing or repairing the vehicle, except minor repairs necessitated by an emergency.

## CHAPTER 9

### TAXICABS AND VEHICLES FOR HIRE

#### § 9.1. APPLICABILITY

This chapter shall apply to the operation of every public or private vehicle-for-hire that operates on Capitol Grounds or within the extended jurisdiction of the United States Capitol Police.

##### §9.1.10 DEFINITIONS

- (a) Limousine: a public vehicle-for-hire that operates exclusively through advanced registration, charges exclusively on the basis of time, and shall not accept street hails.
- (b) Private vehicle-for-hire: a class of transportation service by which a network of private vehicle-for-hire operators in the District of Columbia provides transportation to passengers to whom the private vehicle-for-hire operators are connected by digital dispatch.
- (c) Private vehicle-for-hire company: an organization, including a corporation, partnership, or sole proprietorship, operating in the District of Columbia that uses digital dispatch to connect passengers to a network of private vehicle-for-hire operators.
- (d) Private vehicle-for-hire operator: an individual who operates a personal motor vehicle-for-hire service in contract with a private vehicle-for-hire company.
- (e) Public vehicle-for-hire: a class of transportation service by motor vehicle for hire in the District of Columbia, including a taxicab or limousine, that provides for-hire service exclusively using drivers and vehicles licensed pursuant to District of Columbia law.
- (f) Taxicab: a class of public vehicle-for-hire that may be hired by dispatch, digital dispatch, or hailed on the street, and for which the fare charged is calculated by a District of Columbia Taxicab Commission-approved meter with uniform rates determined by the District of Columbia Taxicab Commission.

#### § 9.2. FAILURE TO GIVE RECEIPT UPON REQUEST

A taxicab operator, when requested by a passenger or a person requesting messenger or parcel delivery service, shall give a receipt showing the following:

- (a) Operator's name;
- (b) Identification card number;
- (c) Vehicle tag number;
- (d) Time, date;
- (e) The amount of the fare; and
- (f) Commission's complaint phone number.

#### § 9.3. DISPLAY OF IDENTIFICATION FOR TAXICABS

##### §9.3.10. FAILURE TO DISPLAY

The vehicle identification card (DCTC license) issued under § 31(d) of the License Act (D.C. Official Code § 47-2829(d) (2001)) shall be displayed at all times in the taxicab for which it is issued.

§9.3.20. FAILURE TO MAKE AVAILABLE FOR INSPECTION

The vehicle identification card shall be carried in the taxicab and made available for inspection upon the request of any hack inspector or law enforcement personnel.

§9.3.30. IDENTIFICATION MUST BE VISIBLE TO PASSENGER

The operator identification card (face) issued to the driver pursuant to § 31(e) of the License Act (D.C. Official Code § 47-2829(e)(1) (2001)) shall be displayed in a bracket or receptacle of a type approved by the Commission and shall be firmly attached to the right sun visor so as to be visible to any passenger in the vehicle.

§9.3.40. REMOVAL FROM UNATTENDED VEHICLES

At all times when the operator is not in the vicinity of the taxicab, the operator shall remove the identification card from the vehicle. For the purposes of this section "vicinity" means not more than twenty-five feet (25 ft.) from the taxicab.

§9.3.50. PASSENGER RIGHTS DISPLAY

There shall be displayed in a suitable frame on the right side of the back of the front seat of each taxicab, in a position clearly visible to passengers, the passenger rights which shall display the tag number, the company, association, fleet or owner's name, and the taxicab number.



**§ 9.4.      SOLICITING PASSENGERS**

§9.4.10.      SOLICITING PROHIBITED

No person shall solicit business for public or private vehicles-for-hire anywhere on Capitol Grounds. Private vehicles-for-hire are still prohibited under section 9.12.10 from making street hails anywhere in the District of Columbia.

§9.4.20.      LOITERING

No public or private vehicle-for-hire operator shall loiter with a public or private vehicle-for-hire around or in front of any hotel, theater, public building, or place of public gathering, except to take on or discharge a passenger.

§9.4.30.      REFUSAL TO HAUL

Public vehicle-for-hire operators shall, at all times when on duty and not engaged, furnish service on demand to any person, except as provided for in §9.4.40.

§9.4.40.      EXCEPTIONS

No public or private vehicle-for-hire operator shall refuse to transport a person while holding his or her vehicle for hire, unless:

- (a)      Previously engaged;
- (b)      Unable or forbidden by the provisions of this title to do so;
- (c)      The operator has reason to believe the person is engaged in a violation of law; or
- (d)      The operator has cause to fear injury to his or her person, property or vehicle.

§9.4.50.      HELD FOR HIRE

Any taxicab occupying a taxicab stand shall be considered to be held for hire. Private vehicles-for-hire are prohibited from occupying a taxicab stand.

§9.4.60.

AVAILABILITY

Any taxicab being operated on the streets shall be considered held for hire when:

- (a) Not occupied by a passenger; or;
- (b) Not displaying an "ON CALL," "OFF DUTY," or "OUT OF SERVICE" sign as authorized by the Commission's rules and regulations.

§9.4.70.

REFUSAL OF SERVICE

Except in shared riding, the operator shall not ask the destination of the passenger until the passenger is in the public or private vehicle-for-hire. A dispatcher shall not ask the destination of a passenger. If the dispatcher learns the destination of a passenger, that dispatcher shall not then convey the destination when dispatching an operator to pick up the passenger unless requested to do so by the passenger or the passenger has an emergency.

**§ 9.5. ON-CALL AND OFF-DUTY SIGNS**

**§9.5.10. “ON CALL” DISPLAY**

Whenever a taxicab is proceeding to take on a passenger in answer to a telephone call or previous appointment, or is engaged by the hour for the carriage of passengers or making an emergency delivery of a parcel or package, the operator shall display a sign reading "ON CALL."

**§9.5.20. “OFF DUTY” DISPLAY**

Whenever a taxicab operator ceases to be for hire and is proceeding to a place without intending to take on passengers, the operator shall display a sign reading "OFF DUTY" or "OUT OF SERVICE," whichever is appropriate under these regulations, and turn off the cruising light. The operator shall enter on the manifest "OUT OF SERVICE" or "OFF DUTY," and the time and location. The "OFF DUTY" sign shall not be displayed during rush hours between 7:00 a.m. and 9:30 a.m., and 4:00 p.m. and 6:30 p.m.

**§9.5.30. PROPER PLACEMENT OF SIGNS**

All "ON CALL," "OFF DUTY," and "OUT OF SERVICE" signs shall be displayed at the bottom of the right half of the windshield so as not to obstruct the operator's vision. These signs shall be uniform in size and lettering, three inches by fifteen inches (3 in. x 15 in.) with letters two inches (2 in.) in height. The signs may be of a manufactured type and lighted from within, and may be smaller in dimension than three inches by fifteen inches (3 in. x 15 in.), when they have been approved by the Commission.

**§9.5.40. SIGNS MUST BE SECURED WHEN NOT IN USE**

"ON CALL," "OFF DUTY," and "OUT OF SERVICE" signs shall be placed and secured in the taxicab vehicle so they are not readily accessible to the operator while the taxicab vehicle is available for hire when not in use.

**§ 9.6. CRUISING LIGHTS**

**§9.6.10. CRUISING LIGHT REQUIRED**

Each taxicab licensed in the District shall be equipped with a permanently affixed cruising light to distinguish it from other vehicles. No cruising light shall be affixed by magnetic or other means so as to be easily removed.

**§9.6.20. CRUISING LIGHT MUST BE ILLUMINATED**

The cruising light of a taxicab shall be illuminated at all times when the taxicab is for hire during the hours when driving lights are required, and shall be turned off when the taxicab is not for hire.

**§9.6.30. LIGHTS ON "ON CALL"**

Whenever a taxicab is responding to a telephone call or previous engagement and is displaying the "ON CALL" sign as provided in the Commission's rules, the cruising light shall be turned off.

**§9.6.40. LIGHTS OFF "ON DUTY"**

Whenever a taxicab operator removes his or her vehicle from service and is proceeding to a place of his or her choosing without intending to take on passengers and is displaying the "OFF DUTY" sign, as provided in the Commission's rules, the cruising light shall be turned off.

**§9.6.50. PROPER WORKING CONDITION**

No taxicab shall be operated in the public service unless its cruising light is in proper working condition.

**§ 9.7.      TAXICAB STANDS**

**§9.7.10.      AVAILABLE FOR HIRE**

No taxicab shall be placed upon or occupy any taxicab stand except for the purpose of being held forth for hire. Taxicabs shall be placed on stands only from the rear and shall be moved forward and to the front of the stand immediately as space becomes available by the departure or movement of preceding taxicabs. It shall be within the passenger's discretion to determine which taxicab to engage on a taxi stand.

**§9.7.20.      LOITERING**

When a taxicab stand is occupied to its full capacity, no taxicab shall loiter or wait nearby for the purpose of occupying space on the stand. The operator of every taxicab occupying a stand shall stay within five feet (5 ft.) of his or her taxicab at all times.

**§9.7.30.      BLOCKING AT TAXICAB STANDS PROHIBITED**

In the event any taxicab on a taxicab stand attempts to leave, other taxicabs on the stand shall, if necessary, move so as to permit the taxicab to leave.

**§9.7.40.      PARKING REGULATIONS APPLY TO STANDS**

No taxicab stand shall be occupied by a taxicab in violation of regulations prohibiting parking, stopping, or standing on the street on which it is located during the hours 7:00 a.m. to 9:30 a.m., and 4:00 p.m. to 6:30 p.m. or during the existence of any snow or other emergency declared.

**§ 9.7.50.      PRIVATE VEHICLES-FOR-HIRE AND LIMOUSINES PROHIBITED FROM TAXICAB STANDS**

Private vehicles-for-hire and limousines are prohibited from occupying taxicab stands.

**§ 9.8.      OPERATION OF TAXICABS**

**§9.8.10.      HACK LICENSE AND PERMIT REQUIRED**

No person shall drive or be in physical control of a taxicab unless they have in their possession a valid identification card or valid motor vehicle operator's permit issued to that individual.<sup>25</sup>

**§9.8.20.      SAFE OPERATION AND OBEDIENCE TO LAWS**

The operation of taxicabs shall be conducted in accordance with the laws of the District and with due regard for the safety, comfort and convenience of passengers, for the safe and careful transportation of property, and for the safety of the general public. All reasonable efforts shall be made to promote safety at all times and under all conditions.

**§9.8.30.      NO LOADING IN A CROSSWALK**

No taxicab operator shall stop to load or unload passengers on the traffic side of the street, while occupying any intersection or crosswalk, or in such a manner as to unduly interfere with the orderly flow of traffic. All taxicab drivers shall pull as close to the curb or edge of the roadway as possible to take on or discharge passengers.

**§9.8.40.      PULLING TO CURB**

No taxicab operator shall stop or park a taxicab adjacent to any curb except as follows:

- (a) While actually taking on or discharging passengers;
- (b) When occupying a designated public vehicle stand for taxicabs;
- (c) When answering a call or delivering a parcel; or
- (d) When not holding his or her vehicle for hire, in which event the identification card shall be removed from the taxicab and the driver shall be away from the taxicab on business of his or her own.

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<sup>25</sup> A valid ID card is any card issued under D.C. Official Code § 47-2829(e) (2001). An operator's permit is either a District of Columbia motor vehicle operator's permit or, for non-District residents or persons exempt from obtaining a District motor vehicle operator's permit, a valid motor vehicle operator's permit issued by a state that is a party to the Driver License Compact Act, D.C. Official Code § 50-1001 *et seq.* (2001).

**§ 9.9. MANIFEST RECORD**

**§9.9.10. MAINTENANCE**

Every operator of a taxicab shall maintain, in ink, a manifest of all trips made by the taxicab while under his or her control, in a form approved by the Commission.<sup>26</sup>

**§9.9.20. CONTENTS**

The manifest should contain, but not be limited to, the following:

- (a) The date, operator's identification card number, taxicab company, vehicle number, and license plate number;
- (b) The interstate mileage at the beginning and ending of an interstate trip;
- (c) The time and place of origin and time and place of destination of each trip;
- (d) The number of passengers and fare charged for each trip; and
- (e) The time and interstate mileage at the end of the workday.<sup>27</sup>

**§9.9.30. ACCURACY**

A complete and accurate record of all information required on the manifest shall be kept, and each trip record shall be logged immediately following completion of the trip.

**§9.9.40. ALTERATION**

Manifests are official documents of the Commission and shall not be altered. Evidence of alteration may be referred to the appropriate authority for enforcement action.

**§ 9.10. VEHICLES FOR HIRE AND SIGHTSEEING VEHICLES**

**§9.10.10. IDENTIFICATION LICENSE**

No person shall drive a public vehicle for hire in the District unless he or she has a valid identification license.<sup>28</sup>

**§9.10.20. OPERATOR LICENSE**

No owner of a public or private vehicle-for-hire for hire shall operate or permit the vehicle to be operated without a valid operator license.<sup>29</sup>

**§9.10.30. SIGHTSEEING VEHICLES**

No person shall operate or permit to be operated any vehicle used for sightseeing purposes unless a certificate permitting that use is issued by the Chairperson of the District of Columbia Taxicab Commission.

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<sup>26</sup> A manifest is a daily log of trips.

<sup>27</sup> Form can be found in Appendix 8-3 under the District of Columbia Municipal Regulations.

<sup>28</sup> Identification Licenses are issued under the provisions of Chapter 31 of the District of Columbia Code of Municipal Regulations.

<sup>29</sup> Operator Licenses are issued under the provisions of Chapter 31 of the District of Columbia Code of Municipal Regulations.

**§ 9.11. LIMOUSINES**

§9.11.10. LICENSE REQUIRED

Each limousine operator's license shall have marked on its face a statement indicating it is valid only for the type of vehicle operation for which it is issued and is nontransferable.

§9.11.20. IDENTIFICATION REQUIREMENTS

Each license shall contain a number, photograph of the licensee, and any other information that the Commission considers appropriate.

**§ 9.12. PRIVATE VEHICLES FOR HIRE**

§9.12.10 STREET HAILS PROHIBITED

Private vehicles-for-hire shall not solicit or accept street hails and may only be booked through a private vehicle-for-hire company.

§9.12.20 TRADE DRESS

All private vehicle-for-hire operators must display a private vehicle-for-hire company trade dress while operating their vehicle-for-hire. The trade dress must be distinctive and be displayed prominently on the exterior or on a window of the vehicle, provided the trade dress does not obstruct the driver's view. The trade dress must be on file and approved by the District of Columbia Taxicab Commission. The trade dress must be sufficiently large and color contrasted to be visible from a distance of 50ft, as well as be reflective, illuminated, or otherwise visible in darkness.

§9.12.30 OPERATION OF PRIVATE VEHICLES FOR HIRE

- (a) No private vehicle-for-hire operator shall stop to load or unload passengers on the traffic side of the street, while occupying any intersection or crosswalk, or in such a manner as to unduly interfere with the orderly flow of traffic. All private vehicle-for-hire drivers shall pull as close to the curb or edge of the roadway as possible to take on or discharge passengers.
- (b) No private vehicle-for-hire operator shall stop or park a private vehicle-for-hire adjacent to any curb except as follows: while actually taking on or discharging passengers; when occupying a designated passenger loading zone; when answering a call or delivering a parcel; or when not using his or her private vehicle as a private-vehicle-for-hire, in which event the trade dress shall be removed from the vehicle and the driver shall be away from the vehicle on business of his or her own.





## **CHAPTER 10**

### **FUNERALS**

#### **§ 10.1. PERMIT REQUIRED**

##### **§10.1.10. NO FUNERAL PROCESSIONS THROUGH CAPITOL SQUARE**

No funeral procession shall be driven over any street or roadway in the area known as Capitol Square unless specifically permitted to do so by the Congress.

#### **§ 10.2. RESPONSIBILITIES OF FUNERAL PROCESSION MEMBERS**

##### **§10.2.10. STAY TO THE RIGHT**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

##### **§10.2.20. PROCEEDING THROUGH AN INTERSECTION**

The leading vehicle in a funeral procession shall stop at any intersection where the traffic control device requires such a stop, but after the leading vehicle has entered the intersection, all vehicles in the funeral procession shall continue their passage except in the instance there is a funeral escort officer preceding the funeral procession.

##### **§10.2.30. HEADLIGHT DISPLAY**

A funeral composed of a procession of vehicles in order to be recognized as such, shall display on each vehicle two (2) illuminated headlights.

##### **§10.2.40. DISPLAY OF HEADLIGHTS ON RETURN**

The vehicles in a procession returning from a funeral shall not display headlights, except during the hours when lights are required to be displayed on all motor vehicles.

#### **§ 10.3. DRIVER RESPONSIBILITIES**

##### **§10.3.10. DRIVING THROUGH A FUNERAL PROCESSION**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion. The provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers unless provided in this chapter.



### **ARTICLE III: PEDESTRIANS, BICYCLES AND OTHER TRAFFIC**

## CHAPTER 11

### PEDESTRIAN INFRACTIONS

#### § 11.1. GENERAL

##### §11.1.10. PEDESTRIANS SUBJECT TO TRAFFIC REGULATIONS

Pedestrians shall be subject to traffic control signals as provided Chapter 2.<sup>30</sup> At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

##### §11.1.20. PEDESTRIAN IDENTIFICATION

- (a) IDENTIFICATION FOR INFRACTION ONLY. A pedestrian who is stopped by a police officer or other authorized official after the pedestrian has committed an infraction of these regulations shall be required to inform the officer or other official of his or her true name and address for the purpose of including that information on a notice of infraction; provided, that no pedestrian shall be required to possess or display any documentary proof of his or her name or address in order to comply with the requirements of this section.
- (b) PENALTY. A pedestrian who refuses to provide his or her name and address to a police officer upon request after having been stopped for committing an infraction of these regulations shall, upon conviction, be fined not less than \$100 nor more than \$250.

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<sup>30</sup> Chapter 2 (“Traffic Signs, Signals, Symbols and Devices”).

**§ 11.2.     RIGHT-OF-WAY IN CROSSWALKS**

§11.2.10.     APPLICATION

No pedestrian shall suddenly leave a curb, safety platform, safety zone, loading platform, or other designated place of safety and walk or turn into the path of a vehicle which is so close that it is impossible for the driver to yield.

§11.2.20.     JAYWALKING

No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices.

§11.2.30.     OBEDIENCE TO SIGNALS

When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

**§ 11.3.     NON-CROSSWALK CROSSING**

§11.3.10.     APPLICATION

Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

§11.3.20.     YIELD TO VEHICULAR TRAFFIC

Each pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.

§11.3.30.     PROPER CROSSING

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

**§ 11.4.     SIDEWALKS AND ROADWAYS**

§11.4.10.     STAY TO THE RIGHT

Whenever possible, pedestrians shall walk on the right half of the crosswalk.

§11.4.20.     MUST USE SIDEWALKS

Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

§11.4.30.     STAY TO LEFT OF ROADWAY

Where sidewalks are not provided, any pedestrian walking along and upon a street or highway shall, when practicable, walk only on the left side of the roadway or its shoulder-facing traffic, which may approach from the opposite direction.

§11.4.40.     HITCHHIKING

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

§11.4.50.     MOVE-OVER LAW

Upon the approach of an authorized emergency vehicle, pedestrians shall yield right-of-way and immediately proceed to the nearest point of safety.





## CHAPTER 12

### DEMONSTRATIONS AND SPECIAL EVENTS

#### § 12.1. DEMONSTRATION ACTIVITY

##### §12.1.10. DEFINITION

Demonstration activity is defined as any protest, rally, march, vigil, gathering, assembly, projecting of images or similar conduct engaged in for the purpose of expressing political, social, religious or other similar ideas, views or concerns protected by the First Amendment of the United States Constitution.

##### §12.1.20. APPLICABILITY

The provisions of this chapter shall be applicable to any one (1) person or group of persons engaged in demonstration activity on Capitol Grounds. The provisions of this chapter shall apply equally to all demonstrators, regardless of viewpoint.

##### §12.1.30. SPECIAL EVENTS

Certain events on Capitol Grounds are not considered “demonstrations” for the purposes of this chapter. They are authorized as follows:

- (a) **BAND CONCERTS.** Concerts performed by bands that are in the service of the federal government, at times which will not interfere with Congress, as authorized by the Architect of the Capitol.<sup>31</sup>
- (b) **LOUISIANA AVENUE.** Parades, processions or assemblages on that part of Louisiana Avenue located within Capitol Grounds. The Capitol Police Board grants the Mayor of the District of Columbia the authority to permit the use of Louisiana Avenue for these events.<sup>32</sup>
- (c) **TOUR GROUPS.** A group organized for the purpose of sightseeing and visiting the Capitol.
- (d) **CEREMONIAL EVENTS AND ENTERTAINMENT.** Any small-scale event such as a school band, musical presentation or military reenlistment ceremony. Any group wishing to engage in this type of activity must apply for and receive prior written approval from the Board. These events shall only be conducted in assigned areas and must comply with all restrictions, limitations and conditions as determined by the Board.

#### § 12.2. GENERAL REQUIREMENTS

##### §12.2.10. PERMISSIBLE DEMONSTRATION AREAS

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<sup>31</sup> 40 U.S.C. § 5107 (“Concerts on Grounds”). See Appendix F.

<sup>32</sup> 40 U.S.C. § 5106(c) (“Authority of Mayor to Permit Use of Louisiana Avenue”). See Appendix F.

Demonstration activity is allowed in designated areas as indicated on the “United States Capitol Grounds Demonstration Areas Map,” as amended.<sup>33</sup>

§12.2.20.

PROHIBITED DEMONSTRATION AREAS

No person or group of any size may engage in demonstration activity on the steps of the United States Capitol, on the steps of any building on Capitol Grounds or in any area otherwise closed or restricted for official use. In addition, projecting of images on any building on Capitol Grounds shall not be permitted. Demonstration activity by Members of Congress is exempt from this section if:

- a. it is being done in his or her official capacity as a Member;
- b. it is being organized or sponsored by a Member of Congress; and
- c. the Member(s) is personally in attendance at the demonstration activity at all times.

The exemption will no longer apply to others at the demonstration activity if the organizing or sponsoring Member(s) departs the activity. The exemption will not apply when a Member of Congress merely advocates for demonstration activity organized or sponsored by others.

**§ 12.3. GROUPS OF THIRTY OR LESS**

§12.3.10.

NO PERMIT REQUIRED

No person or group of thirty (30) or less persons shall be required to obtain a permit.

§12.3.20.

AVAILABILITY

Space for one (1) person or group of thirty (30) persons or less is available on a first-come, first-served basis, subject to the provisions of this chapter.

§12.3.30.

PERMIT ENCOURAGED

One (1) person or group of thirty (30) persons or less that desires to secure a specific demonstration area is encouraged to file an application for a permit. A permit holder will be given priority over any person or group occupying a demonstration area not in possession of a permit. The Board may remove or relocate any person or group of thirty (30) persons or less not in possession of a permit to accommodate permitted demonstration activity or special event as authorized by §12.1.30.

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<sup>33</sup> See Appendix G. Approved December 5, 2012.

§12.3.40. PROHIBITIONS

A person or group of thirty (30) persons or less shall not engage in the following:

- (a) SEGMENTING FROM THE GROUP. A person or group of thirty (30) persons or less may engage in demonstration activity without a permit provided that the demonstration activity is not merely a segment of the same group whose complement would consist of over (30) persons.
- (b) INTERFERENCE. No person or group of thirty (30) persons or less shall engage in demonstration activity that audibly or physically interferes with the demonstration activity of another person or group.
- (c) DENSITY. No person or group of thirty (30) persons or less shall occupy an area in which the density exceeds 4.95 square feet per person, including props and equipment.<sup>34</sup> In no instance shall the per person density of any area exceed that set by the Federal Emergency Management Agency.
- (d) SEVEN DAY LIMITATION. No person or group of thirty (30) persons or less shall engage in demonstration activity for a period that exceeds more than seven (7) consecutive days.
- (e) CONTINUOUS DAILY DEMONSTRATION. No person or group of thirty (30) persons or less shall engage in demonstration activity having a duration of more than twenty-four (24) consecutive hours, including clean-up and the set-up and take down of props and equipment.<sup>35</sup>

§12.3.50. APPLICABILITY OF OTHER SECTIONS.

With the exception of §12.4, any person or group of thirty (30) persons or less is required to adhere to the provisions of this chapter.

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<sup>34</sup> "Special Events Contingency Planning," Federal Emergency Management Agency (Mar. 2005).

<sup>35</sup> *Community for Creative Non-Violence v. Carvino, et al.*, 660 F. Supp 744 (D.D.C. 1987); *Community for Creative Non-Violence v. Kerrigan, et.al.*, 865 F.2d 382 (D.C. App. 1989). See Appendix H for all related case law.

**§ 12.4.     GROUPS OVER THIRTY**

**§12.4.10.     PERMIT REQUIRED FOR GROUPS OF TWENTY OR MORE**

No group of over thirty (30) persons shall engage in demonstration activity on Capitol Grounds except pursuant to the terms of a permit issued by the Capitol Police Board.

**§12.4.20.     PERMIT APPLICATIONS**

- (a)     ADVANCE NOTICE. All applications for permits shall be submitted in writing to the Capitol Police Board.<sup>36</sup> An application shall be submitted in writing so as to be received by the Capitol Police Board at least five (5) business days in advance of the proposed demonstration activity.
- (b)     CONTENTS. Permit applicants shall provide the following:
  - 1.     Requested area of Capitol Grounds;
  - 2.     Date, time, duration, and nature of the demonstration activity;
  - 3.     Estimated number of participants;
  - 4.     Sponsoring person or organization;
  - 5.     Requested props and equipment; and,
  - 6.     Name, address, telephone number and signature of applicant.
- (c)     WAIVER. The Board may waive notice or reduce the number of days of advance notice if it determines that unforeseen or exceptional circumstances exist.

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<sup>36</sup> The Special Events Division of the United States Capitol Police has been designated to receive and process applications. Applications can be obtained by calling (202) 224-8891 or visiting [www.uscapitolpolice.gov](http://www.uscapitolpolice.gov).

§12.4.30.

PROCESSING APPLICATIONS AND ISSUANCE OF PERMITS

- (a) APPROVAL. The Capitol Police Board shall process applications in order of their receipt. Properly completed applications will be given priority over applications that are defective.
- (b) ISSUANCE. The Board shall issue a permit authorizing peaceable and orderly demonstration activity upon proper and timely application.
- (c) CONTENTS. Each permit shall clearly identify:
  - 1. The sponsoring person and organization;
  - 2. The area on Capitol Grounds where the permitted demonstration activity is to take place;
  - 3. The date, time and duration of the demonstration activity;
  - 4. The nature of the event and detailed description of the activity; and,
  - 5. The number of participants.
- (d) TACIT APPROVAL. Should the Board fail to act on a properly completed and timely filed application within twenty-four (24) hours prior to the date of the proposed demonstration activity, such application shall be deemed approved by the Board.

§12.4.40.

TERMS AND CONDITIONS

In addition to any additional terms as set forth in the permit, no permit shall be issued that authorizes the following:

- (a) AREA. No permit shall authorize a group to demonstrate in more than one (1) area per event simultaneously.
- (b) DENSITY. No permit shall be issued that would exceed a density of five (5) square feet per person in the requested demonstration area, including props and equipment.
- (c) SEVEN DAY LIMITATION. No permit shall be issued for a period of more than seven (7) consecutive days.
- (d) CONTINUOUS DAILY DEMONSTRATION PROHIBITED. No permit shall authorize demonstration activity having a duration of more than twenty-four (24) consecutive hours, including clean-up and the set up and take down of props and equipment.<sup>37</sup>

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<sup>37</sup> *Community for Creative Non-Violence v. Kerrigan, et.al.*, 660 F. Supp 744 (D.D.C. 1987); 865 F.2d 382 (D.C. App. 1989). See Appendix H for all related case law.

§12.4.50. GROUPS TO REMAIN IN ASSIGNED AREAS

All groups are required to remain in their assigned demonstration areas throughout the course of the demonstration activity. The same group may not hold a permit to more than one demonstration area at the same time.

§12.4.60. REVOCATION FOR NON-COMPLIANCE OR FOR CAUSE.

In any case in which the terms of the permit are violated, such permit may be revoked by the Capitol Police Board. The Board is authorized to revoke a permit if it determines that continuation of demonstration activity is likely to result in bodily harm or death to an individual, damage to or destruction of any real or personal property or that a breach of the peace is imminent and good order cannot otherwise be maintained.

**§ 12.5. PROPS AND EQUIPMENT**

The following provisions apply to all persons or groups of persons bringing props and equipment onto Capitol Grounds.

§12.5.10. GENERAL

- (a) DEFINITION. Props and equipment include items such as stands, lecterns, sound amplification equipment, chairs, tables, portable sanitary facilities, press and news facilities or other similar items that are reasonably necessary as an integral part of demonstration activity.
- (b) HEIGHT RESTRICTION. No single prop, piece of equipment or combination thereof may exceed fifteen (15) feet in height.
- (c) STAGES, RISERS AND PLATFORMS. No stage, riser or platform may exceed two (2) feet in height.
- (d) UNATTENDED PROPS AND EQUIPMENT. No prop or piece of equipment shall be left unattended while on Capitol Grounds.
- (e) REMOVAL. All props and equipment must be capable of immediate removal.
- (f) TWENTY FOUR HOUR LIMITATION. Props and equipment must be removed from Capitol Grounds at least once every consecutive twenty-four (24) hour period.<sup>38</sup>
- (g) CONCLUSION. Demonstration activity is not considered concluded until all props and equipment are removed from Capitol Grounds within the permitted time.

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<sup>38</sup> *Id.*

§12.5.20. ADDITIONAL REQUIREMENTS FOR PERMIT APPLICANTS

- (a) All permit applicants are required to list props and equipment in their application.
- (b) Permit applicants must provide a description and the intended use of each such item in the permit application.
- (c) Any stage, riser or platform must be clearly identified in the permit application and receive Board authorization prior to use.
- (d) Permit holders are subject to any additional requirements pertaining to props and equipment as determined by the Board and set forth in the permit.

§ 12.6. SIGNS, BANNERS AND PLACARDS

Signs, banners and placards are permissible on Capitol Grounds provided the supports for these items have dull ends, do not exceed  $\frac{3}{4}$  of an inch at their widest point and cannot in any way be construed as a weapon. No nails, screws or bolt-type fastening devices may be protruding from the supports.

§ 12.7. TEMPORARY STRUCTURES

No temporary structure of any kind may be erected on Capitol Grounds. Tents, cabanas, canopies and all other types of covered or enclosed structures are expressly prohibited.<sup>39</sup> No object shall be tied, fastened or suspended to any tree, pole or other landscape or architectural feature on Capitol Grounds.

§ 12.8. AMPLIFICATION AND OTHER NOISE DISTURBANCES

§12.8.10. AMPLIFICATION EQUIPMENT

Amplification equipment is not permitted on the Lower West Front Terrace or any other location on Capitol Grounds as determined by the Board.

§12.8.20. SOUND PROJECTION

All sound amplification equipment must be projected away from the Capitol and all other Congressional office buildings.

§12.8.30. UNAMPLIFIED DISTURBANCES

No individual may utter loud, threatening or abusive language or engage in disorderly or disruptive conduct at any place on Capitol Grounds that interferes with any business being conducted in the Capitol or in any of the office building on Capitol Grounds at any time, including during periods of recess.

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<sup>39</sup> See also §16.6 ("Camping").

**§ 12.9. ROAD RACES**

§12.9.10. DEFINITION

A road race is any type of sponsored running or cycling event, such as a marathon or triathlon.

§12.9.20. PERMIT REQUIRED FROM NEIGHBORING AGENCY

No road race will be allowed to traverse Capitol Grounds when the route includes District of Columbia or National Park Service land unless a permit from the Metropolitan Police and National Park Service has been issued.

§12.9.30. SUNDAYS

Road races are permitted on Sundays only.

§12.9.40. NO RE-TRACING ON CAPITOL GROUNDS

Road races shall only pass through Capitol Grounds once; there will be no re-tracing of the route on Capitol Grounds.

§12.9.50. CAPITOL SQUARE

A road race may not occupy more than two (2) streets that comprise Capitol Square.

§12.9.60. AUTHORIZED ROUTE

Race coordinators must submit documentation that lays out the route of the race. Race participants must remain on the authorized route throughout the course of the race.

**§ 12.10. MARCHES**

§12.10.10. PRIOR PERMIT REQUIRED

No march will be authorized without an existing permit from both the Metropolitan Police Department and the National Park Service.

§12.10.20. AUTHORIZED ROUTE

Participants must submit documentation that lays out the route and remain on the authorized route throughout the march. Unless otherwise authorized by the Board, all marchers are to remain on sidewalks.



**§ 12.11. DAMAGE TO CAPITOL GROUNDS**

**§12.11.10. RESTORATION OF GROUNDS**

Any person or group of persons that engages in demonstration activity on Capitol Grounds shall restore the grounds to same condition that existed prior to that demonstration activity.

**§ 12.12. PERSONAL ACTIVITIES**

Wedding ceremonies, graduation ceremonies and other events of a personal nature are not permitted on Capitol Grounds.

**§ 12.13. ADDITIONAL CONDITIONS**

The Board reserves the right to impose additional reasonable time, place and manner restrictions on any demonstration activity consistent with this chapter in the interest of safety and in order to minimize the obstruction or impediment of vehicular and pedestrian traffic through or within the Capitol Grounds.



## **CHAPTER 13**

### **BICYCLES**

#### **§ 13.1.     GENERAL PROVISIONS**

##### **§13.1.10.     APPLICATION**

This chapter shall apply to any bicycle that is parked or being operated on Capitol Grounds.

##### **§13.1.20.     BICYCLE DEFINED**

A bicycle is a device which is propelled solely by human power; which is designed to be ridden by one (1) or more persons; which has a saddle or seat for each person that the device is designed and equipped to carry; which has a tandem arrangement of two (2) wheels (or is a device generally recognized as a bicycle though equipped with two front or rear wheels); and which has either one wheel at least twenty inches (20 in.) in diameter or is designed to be ridden on a roadway. This *shall not* include any device equipped with a motor or engine capable of propelling such device either exclusively or in combination with human power, whether or not such motor or engine is in actual operation.

#### **§ 13.2.     HIGHWAYS AND SIDEWALKS**

##### **§13.2.10.     RIDING ON SIDEWALKS**

There shall be no prohibition against any person riding a bicycle on a sidewalk so long as that person does not create a hazard.

##### **§13.2.20.     OBEDIENCE TO TRAFFIC CONTROL DEVICES**

No person shall operate a bicycle except in obedience to the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer or other person authorized to control and direct traffic.

##### **§13.2.30.     DUTIES OF BICYCLE OPERATORS**

Every person who rides a bicycle on a highway shall have the same duties as any other vehicle operator under these regulations, except as otherwise expressly provided in this chapter, and except for those duties imposed by these regulations which, by their nature or wording, can have no reasonable application to a bicycle operator.

**§ 13.3. SAFE RIDING**

§13.3.10. SAFE OPERATION

A person shall operate a bicycle in a safe and non-hazardous manner so as not to endanger himself or herself or any other person.

§13.3.20 SEAT REQUIRED

No person shall operate or ride a bicycle other than upon or astride a regular seat attached to the bicycle.

§13.3.30 EXTRA RIDERS

No person shall operate or ride a bicycle with more persons on it at any one time than the bicycle is equipped to carry.

§13.3.40. CARRYING ARTICLES

No person shall operate or ride a bicycle while carrying any package, bundle, or article which prevents the operator from keeping at least one hand on the handle bars.

§13.3.50. WARNING DEVICE

No person operating a bicycle shall sound any warning device at any intersection so as to interfere with the obedience to the instructions of official traffic control signals or to the directions of a police officer.

§13.3.60. NO CLINGING

No person riding upon a bicycle shall attach himself, herself or the device upon which he or she is riding, to another bicycle, Segway, play vehicle or any other vehicle.

§13.3.70. RIDING ABREAST

Persons riding upon a roadway shall not ride more than two abreast except on paths or part of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impeded the normal and reasonable movement of traffic and, on a lane roadway, shall ride within a single lane.

§13.3.80. OVERTAKING AND PASSING

- (a) A person operating a bicycle may overtake and pass another vehicle only under conditions which permit the movement to be made with safety.
- (b) A person operating a bicycle may overtake and pass other vehicles on the left or right side, staying in the same lane as the overtaken vehicle, or changing to a different lane, or riding off the roadway, as necessary to pass with safety.
- (c) If a lane is partially occupied by vehicles that are stopped, standing, or parked in that lane, a person operating a bicycle may ride in that or in the next adjacent lane used by vehicles proceeding in the same direction.

§13.3.90. RIDING INTO PATH OF VEHICLE

No bicyclist shall suddenly leave a sidewalk and ride into the path of a vehicle which is so close that it is impossible for the driver to yield.

**§ 13.4. RIGHT-OF-WAY**

**§13.4.10. YIELD TO PEDESTRIANS ON SIDEWALK**

Any person propelling a bicycle upon a sidewalk shall yield the right-of-way to pedestrians and shall travel at a speed no greater than the posted speed limit of the adjacent roadway provided that such speed is safe for the conditions then existing on the sidewalk.

**§13.4.20. YIELD TO PEDESTRIANS IN CROSSWALK**

A person propelling a bicycle while crossing a roadway in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the bicyclist must yield to pedestrians on the sidewalk or crosswalk.

**§13.4.30. EMERGING AND ENTERING**

The operator of a bicycle emerging from or entering an alley, driveway, or building shall yield the right-of-way to all pedestrians upon approach to the sidewalk or the sidewalk area extending across any alleyway. Upon entering the roadway, the bicyclist shall yield the right-of-way to all vehicles approaching on said roadway to the extent necessary to safely enter the flow of traffic.

**§ 13.5. BICYCLE SAFETY EQUIPMENT**

**§13.5.10. BICYCLE BRAKE**

Each bicycle shall be equipped with a brake which enables the operator to cause the braked wheels to skid on dry, level, clean pavement. A fixed gear bicycle is not required to have a separate brake, but an operator of a fixed gear bicycle shall be able to stop the bicycle using the pedals.

**§13.5.20. FRONT LAMP ON BICYCLE**

Each bicycle, when in use at night, shall be equipped with a lamp on the front which shall emit a steady or flashing white light visible from a distance of at least five hundred feet (500 ft.) to the front and with a red reflector on the rear which shall be visible from all distances from fifty feet (50 ft.) to three hundred feet (300 ft.) to the rear when directly in front of upper beams of head lamps on a motor vehicle.

**§13.5.30. REAR LAMP ON BICYCLE**

A lamp emitting a steady or flashing red light visible from a distance of five hundred feet (500 ft.) to the rear may be used in lieu of the red reflector.

§13.5.40. BODY LAMP ON BICYCLE OPERATORS

In place of the requirements of §13.5.20, a lamp may be worn on the body of an operator; it may be readily seen from the distances set forth in that subsection.

§13.5.60. PROHIBITION ON SIRENS

A bicycle shall not be equipped with, nor shall any bicycle rider use, a siren of any kind.

**§ 13.6. PARKING AND SECURING BICYCLES**

§13.6.10. PERMISSIBLE BICYCLE PARKING

No person shall park his bicycle on Capitol Grounds in any place other than a bicycle rack or other area designated specifically for the parking of bicycles.

§13.6.20. PARKED BICYCLES

Any bicycle parked in a parking garage or secured designated staff parking lot must have a valid permit issued by the Senate Committee on Rules and Administration or the Committee on House Administration. Any bicycle parked in any other public parking area, including a bicycle rack, does not need to have a permit.

§13.6.30. TWENTY-FOUR HOUR TIME LIMITATION

A person may secure a bicycle in accordance with the provisions of this chapter for a period of not more than twenty-four (24) consecutive hours, by means of a lock or similar device, in accordance with the requirements of this chapter. Any bicycle secured in excess of twenty-four (24) consecutive hours may be seized by the U.S. Capitol Police.

§13.6.40. SECURED BICYCLE CANNOT IMPEDE TRAFFIC

A person may secure a bicycle in accordance with the provisions of this chapter by means of a lock or similar device as long as securing the bicycle does not obstruct or unduly impede traffic or pedestrian movement and as long as securing bicycles has not been forbidden by any signage or notice.

§13.6.50.

SECURING BICYCLES PROHIBITED IN CERTAIN AREAS

No person shall secure a bicycle to any of the following publicly-owned facilities:

- (a) Fire hydrants;
- (b) Police and fire call boxes;
- (c) Electric traffic signal poles;
- (d) Fences;
- (e) Stanchion, bollard or any publicly-owned pole or post used as support;
- (f) Tree, shrub or plant;
- (g) Bench, fountain, fixture or object temporarily or permanently attached or appended to any structure or building;

§13.6.60.

BUILDINGS AND IMPROVED AREAS

No person shall park a bicycle:

- (a) Upon a highway other than the roadway against the curb; or
- (b) Upon a sidewalk, against a building or any other fixture or improved area not specifically designated by this chapter.

§13.6.70.

TAMPERING PROHIBITED

No person shall tamper with any bicycle that has been locked, placed in a bicycle rack or otherwise secured.





## **CHAPTER 14**

### **PEDICABS**

#### **§ 14.1.     GENERAL PROVISIONS**

##### **§14.1.10.     APPLICATION**

This chapter shall apply to any pedicab that is parked, standing or being operated on Capitol Grounds.

##### **§14.1.20.     PEDICAB DEFINED**

A bicycle with two (2) rear wheels and one (1) front wheel that is designed to be ridden by one (1) or more persons, that transports, or is capable of transporting, passengers on seats attached to the bicycle, and that is used for transporting passengers for hire.

#### **§ 14.2.     HIGHWAYS AND SIDEWALKS**

##### **§14.2.20.     PUBLIC ROADS**

Pedicabs shall only be operated only on public streets.

##### **§14.2.20.     OBEDIENCE TO TRAFFIC CONTROL DEVICES**

Unless otherwise directed by a police officer, no person shall operate a pedicab except in obedience to the instructions of official traffic control signals, signs, and other control devices applicable to vehicles.

##### **§14.2.30.     DUTIES OF PEDICAB OPERATORS**

Every person who rides a pedicab on a highway shall have the same duties as any other vehicle operator under these regulations, except as otherwise expressly provided in this chapter, and except for those duties imposed by these regulations which, by their nature or wording, can have no reasonable application to a pedicab operator.

**§ 14.3. SAFE RIDING**

**§14.3.10. APPLICABILITY OF BICYCLE REGULATIONS**

Pedicabs shall be operated in accordance with the general safety requirements set forth in §13.3 and §13.4.40.<sup>40</sup>

**§14.3.20. SAFE OPERATION**

Each pedicab shall be operated in accordance with the following provisions:

- (a) PASSENGER LIMIT. The maximum number of passengers a pedicab may transport shall not exceed the number of available seats.
- (b) PASSENGERS MUST BE SEATED. All passengers shall be seated while the pedicab is in motion.
- (c) SEATBELTS. All passengers shall have a seatbelt securely fastened while the pedicab is in motion.
- (d) 30 MPH SPEED LIMIT. A pedicab shall not be operated on a roadway with a posted speed limit of more than thirty miles per hour (30 mph).
- (e) SIDEWALKS. A pedicab may not be operated or parked on a sidewalk.
- (f) LOADING. Pedicab passengers shall be loaded and off-loaded while the pedicab is stopped.
- (g) LOADING. No pedicab operator shall stop to load or unload passengers on the traffic side of the street, while occupying any intersection or crosswalk, or in such a manner as to unduly interfere with the orderly flow of traffic. All pedicab operators shall pull as close to the curb or edge of the roadway as possible to take on or discharge passengers.
- (h) PARKING. A pedicab shall not be parked in any restricted zones identified for other vehicles, including, but not limited to, parking meter zones, residential permit parking zones, valet parking zones, bus zones, taxicab zones, and sightseeing zones.
- (i) SECURING. A pedicab shall not be tied, cabled, or otherwise attached to a parking meter, street light pole, or other public space asset.

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<sup>40</sup> §13.3: ("Safe Riding"); §13.4.40 ("Emerging and Entering").

- (j) HEADLAMPS. At any time from one half (1/2) hour after sunset to one-half (1/2) hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet (500 ft.) ahead, a pedicab shall be operated with a headlamp of sufficient intensity to reveal a person or a vehicle three hundred feet (300 ft.).
- (k) TAIL LAMPS. At any time from one half (1/2) hour after sunset to one-half (1/2) hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet (500 ft.) ahead, a pedicab shall be operated with tail lamps capable of being seen from a distance of five hundred feet (500 ft.).

§14.3.30.

DRIVING WHILE IMPAIRED

No one shall operate or be in control of a pedicab while the person's alcohol concentration is eight hundredths of a gram (0.08 g.) or more either per one hundred milliliters (100 ml.) of blood or per two hundred and ten liters (210 L.) of breath or is one tenth of a gram (0.10 g.) or more per one hundred milliliters (100 ml) of urine, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor.

**§ 14.4. SAFETY EQUIPMENT**

**§14.4.10. SAFETY REQUIREMENTS**

Each pedicab shall meet the following safety requirements:

- (a) **WIDTH.** The maximum width of the pedicab shall be fifty-five inches (55 in.);
- (b) **LENGTH.** The maximum length of the pedicab shall be ten feet (10 ft.);
- (c) **EQUIPMENT.** The pedicab shall be equipped with:
  - 1. *Seatbelts.* Passenger seat belts for no more than three (3) passengers (either one (1) seat belt for each passenger or one (1) seat belt that covers all passengers);
  - 2. *Brakes.* Hydraulic or mechanical disc or drum brakes, which shall be unaffected by rain or wet conditions;
  - 3. *Head Lamps.* At least one (1) and no more than two (2) battery-operated head lamps capable of projecting a beam of white light for a distance of three hundred feet (300 ft.) in front of the pedicab, under normal atmospheric conditions at the times that use of the head lamp is required;
  - 4. *Tail Lamps.* Battery-operated tail lamps mounted on the rear of the pedicab, which, when operated, shall emit a red beam of light visible from a distance of five hundred feet (500 ft.) to the rear, under normal atmospheric conditions at the times that use of the head lamp is required;
  - 5. *Turning Lights.* Turn lights;
  - 6. *Audible Signal.* A bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100 ft.); and,
  - 7. *Reflectors.* Reflectors on the spokes of the wheels of the pedicab.
- (d) **REFLEXIVE TAPE.** Reflective tape that meets the following requirements shall be affixed on the side and back of the pedicab:
  - 1. The tape shall be at least two inches (2 in.) wide;
  - 2. The tape shall be at least twelve inches (12 in.) long; and
  - 3. There shall be at least two (2) pieces of tape on each side and on the back of the pedicab.

## CHAPTER 15

### LOW-SPEED VEHICLES

#### § 15.1. GENERAL PROVISIONS

##### §15.1.10. APPLICATION

This chapter shall apply to any low-speed vehicle that is parked or being operated on Capitol Grounds.

##### §15.1.20. LOW-SPEED VEHICLE DEFINED

Low-speed vehicles consist of, but are not limited to, the following:

- (a) **MOTORIZED BICYCLE:** Any motor vehicle having either a tandem arrangement of two wheels equipped with tires which are sixteen inches (16 in.) or more in diameter or a tricyclic arrangement of three (3) wheels equipped with tires which are sixteen inches (16 in.) or more in diameter, having a seat or saddle for the use of the operator, having an automatic transmission, and having a motor or engine which produces not more than one and one-half (1.5) brake horsepower (S.A.E. rating), has a piston displacement of not more than fifty cubic centimeters (50 cc), and is capable of moving the vehicle at a maximum speed of not more than thirty-five miles per hour (35 mph) on level ground when propelled exclusively by such motor or engine.
- (b) **MOPED:** A motorcycle or motorized bicycle equipped with functional pedals.
- (c) **MOTOR-DRIVEN CYCLE:** Any motorcycle having a motor or engine which produces five (5.0) brake horsepower (S.A.E. rating) or less.
- (d) **PERSONAL MOBILITY DEVICE:** A motorized propulsion device, designed to transport only one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair or any “power driven mobility device.”<sup>41</sup>
- (e) **SEGWAY:** A Personal Mobility Device.
- (f) **SIMILAR MOTORIZED DEVICES.** Any other vehicle similar to those listed above that does not otherwise fall within Chapter 13 or Chapter 14.<sup>42</sup>

##### §15.1.40 TAMPERING PROHIBITED

No person shall tamper with any low-speed vehicle that has been locked, placed in a bicycle rack or otherwise secured.

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<sup>41</sup> As defined by 28 C.F.R. § 35.104 (2011).

<sup>42</sup> Chapter 13 (“Bicycles”); Chapter 14 (“Pedicabs”).

**§ 15.2.     GENERAL SAFETY REQUIREMENTS**

§15.2.10.     REASONABLE AND PRUDENT SPEED

No rider shall ride a low-speed vehicle at a speed in excess of any posted limited or at a speed which is greater than is reasonable and prudent under conditions then existing.

§15.2.20.     SAFE OPERATION

A person shall operate a low-speed vehicle in a safe and non-hazardous manner so as not to endanger himself or herself or any other person.

§13.2.30.     OBEDIENCE TO TRAFFIC CONTROL DEVICES

No person shall operate a low-speed vehicle except in obedience to the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer or other person authorized to control and direct traffic.

§15.2.40.     DUTIES OF LOW-SPEED VEHICLE OPERATORS

Every person who propels a low-speed vehicle on highway shall have the same duties as any other vehicle operator under these regulations, except as otherwise expressly provided in this chapter, and except for those duties imposed by these regulations which, by their nature or wording, can have no reasonable application to an operator of a low-speed vehicle.

**§ 15.3.     SEGWAYS**

§15.3.10.     REGISTRATION

No Segway shall be operated on Capitol Grounds unless it has been validly registered in the District or other jurisdiction and bears readily visible evidence of being registered.<sup>43</sup>

§15.3.20.     AGE

No person shall operate a Segway if they are under sixteen (16) years of age.

§15.3.30.     MAXIMUM SPEED LIMIT

Notwithstanding the limitations set forth in §15.3.10, no person shall operate a Segway at a speed in excess of ten (10) miles per hour.

§15.3.40.     PACKAGES

No person shall operate a Segway if they are carrying a package, bundle or other article that hinders the person from keeping both hands on the handlebars.

§15.3.50.     HEADPHONES

No person shall operate a Segway on Capitol Grounds while the person is wearing a headset, headphone or earphone, unless the device is being used to improve the hearing of a person with a hearing impairment or covers or is inserted in one ear only.

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<sup>43</sup> Operator permits are not required for Segways. See 18 DCMR § 1200.4

- §15.3.70. RIDING ON SIDEWALKS  
There shall be no prohibition against any person riding a Segway on a sidewalk, so long as the rider does not create a hazard.
- §15.3.80. YIELD TO PEDESTRIANS ON SIDEWALK  
Any person riding a Segway upon a sidewalk shall yield the right-of-way to pedestrians and shall travel at a speed no greater than the posted speed limit of the adjacent roadway provided that such speed is safe for the conditions then existing on the sidewalk.
- §15.3.90. YIELD TO PEDESTRIANS IN CROSSWALK  
A person operating Segway while crossing a roadway in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the Segway operator must yield to pedestrians on the sidewalk or crosswalk.
- §15.3.100. EMERGING AND ENTERING  
The operator of a Segway emerging from or entering an alley, driveway, or building shall yield the right-of-way to all pedestrians upon approach to the sidewalk or the sidewalk area extending across any alleyway. Upon entering the roadway, the Segway operator shall yield the right-of-way to all vehicles approaching on said roadway to the extent necessary to safely enter the flow of traffic.

**§ 15.4. MOTORIZED BICYCLES**

- §15.4.10. MINIMUM AGE  
No motorized bicycle shall be operated upon any public space on Capitol Grounds by any person who is less than sixteen (16) years old.
- §15.4.20. SIDEWALKS  
No person shall operate a motorized bicycle on any sidewalk, path or bicycle route on Capitol Grounds.
- §15.4.30. ROADWAY  
A motorized bicycle may be operated on any part of a roadway designated for the use of bicycles.
- §15.4.40. SEAT REQUIRED  
No person shall operate or ride a motorized bicycle other than upon or astride a regular seat attached to the motorized bicycle.
- §15.4.50. EXTRA RIDERS  
No person shall operate or ride a motorized bicycle with more persons on it at any one time than the motorized bicycle is equipped to carry.
- §15.4.60. CARRYING ARTICLES  
No person shall operate or ride a motorized bicycle while carrying any package, bundle, or article which prevents the operator from keeping at least one hand on the handle bars.

- §15.4.70. WARNING DEVICE  
No person operating a motorized bicycle shall sound any warning device at any intersection so as to interfere with the obedience to the instructions of official traffic control signals or to the directions of a police officer.
- §15.4.80. NO CLINGING  
No person riding upon a motorized bicycle shall attach himself, herself or the device upon which he or she is riding, to another bicycle, low-speed vehicle or play vehicle or any other vehicle.
- §15.4.90. RIDING ABREAST  
Persons riding upon a roadway shall not ride more than two abreast except on paths or part of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a lane roadway, shall ride within a single lane.
- §15.4.100. YIELD TO PEDESTRIANS IN CROSSWALK  
A person operating a motorized bicycle while crossing a roadway in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that they must yield to pedestrians on the sidewalk or crosswalk.
- §15.4.120. EMERGING AND ENTERING  
The operator of a motorized bicycle emerging from or entering an alley, driveway, or building shall yield the right-of-way to all pedestrians upon approach to the sidewalk or the sidewalk area extending across any alleyway. Upon entering the roadway, the operator shall yield the right-of-way to all vehicles approaching on said roadway to the extent necessary to safely enter the flow of traffic.
- §15.4.130. OVERTAKING AND PASSING
- (a) A person operating a motorized bicycle may overtake and pass another vehicle only under conditions which permit the movement to be made with safety.
  - (b) A person operating a motorized bicycle may overtake and pass other vehicles on the left or right side, staying in the same lane as the overtaken vehicle, or changing to a different lane, or riding off the roadway, as necessary to pass with safety.
  - (c) If a lane is partially occupied by vehicles that are stopped, standing, or parked in that lane, a person operating a motorized bicycle may ride in that or in the next adjacent lane used by vehicles proceeding in the same direction.



**§ 15.5. ALL-TERRAIN VEHICLES AND DIRTBIKES**

§15.5.10. PROHIBITED

No person shall operate an all-terrain vehicle or dirt bike on Capitol Grounds at any time.

§15.5.20. PENALTIES

Any individual violating this section shall upon conviction be fined not more than \$1,000 or imprisoned not more than 30 days, or both.<sup>44</sup>

**§ 15.6 PARKING AND SECURING LOW-SPEED VEHICLE ON PUBLIC SPACE**

§15.6.10. BUILDINGS AND IMPROVED AREAS

No person shall park a low-speed vehicle:

- (a) Upon a highway other than the roadway against the curb; or
- (b) Upon a sidewalk, against a building or any other fixture or improved area not specifically designated by these regulations.

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<sup>44</sup> This offense is prosecuted in the Superior Court of the District of Columbia.



## CHAPTER 16

# RECREATIONAL ACTIVITIES AND SPECIAL RESTRICTIONS WITHIN CAPITOL GROUNDS

### § 16.1. LEGAL DEFINITION OF CAPITOL GROUNDS

The boundaries of Capitol Grounds are set forth in 40 USC § 5102.<sup>45</sup>

### § 16.2. PUBLIC USE AND RECREATION

#### §16.2.10. RESTRICTION ON PUBLIC USE

Public travel in and occupancy of Capitol Grounds is restricted to the roads, walks and places specifically prepared for that purpose.<sup>46</sup>

#### §16.2.20. PROPERTY DAMAGE

No person shall use any portion of the Capitol Grounds as a playground or in any manner that may potentially cause destruction or injury to persons or property.<sup>47</sup>

#### §16.2.30. CLIMBING AND SWINGING

Climbing, jumping, hanging or swinging onto or into any landscape or architectural feature on Capitol Grounds is prohibited.<sup>48</sup>

#### §16.2.40. STANDING ON SKYLIGHTS AND ENTRY INTO WORK AREAS

Standing on or entrance onto any skylight, air grate, generator, light pole, elevator tower or any other such object or area is prohibited.<sup>49</sup>

#### §16.2.50. SWIMMING AND ENTRY INTO POOLS

No person shall swim, wade or enter into any fountain, pool, or other body of water on Capitol Grounds.

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<sup>45</sup> See Appendix I.

<sup>46</sup> See also 40 U.S.C. § 5103. Restrictions on public use of United States Capitol Grounds:

“Public travel in, and occupancy of, the United States Capitol Grounds is restricted to the roads, walks, and places prepared for that purpose.” See Appendix F.

<sup>47</sup> See also 2 U.S.C. § 1963:

“It shall be the duty of the Capitol police on and after April 29, 1876, to prevent any portion of the Capitol Grounds and terraces from being used as playgrounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury.”

<sup>48</sup> See also 2 USC § 5104(d):

“A person may not step in or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant or turf in the Grounds.” See Appendix F.

<sup>49</sup> As added by Board Order 08.03 “Concerning the Reopening of the East Front and Amendments to the Traffic and Motor Vehicle Regulations for the United States Capitol Grounds.” November 21, 2008.

§16.2.60. SKATING AND PLAY VEHICLES

No person shall skate-board, roller-skate, roller-blade or ice-skate on Capitol Grounds. The use of scooters, kiddie cars, tricycles, wagons or any similar device is prohibited on Capitol Grounds.

§16.2.70. GAME-PLAYING

No person shall kick, toss, throw or strike any ball, disc or object of any material, shape or size onto or into any area within Capitol Grounds.

§16.2.80. KITE-FLYING

Kite-flying is prohibited on Capitol Grounds.

§16.2.90. MODEL ROCKETS AND BOATS

The use of model rockets, remote or manually-controlled model gliders, model airplanes or unmanned aircrafts, model boats and model cars is prohibited on Capitol Grounds.

**§16.3. CROWD CONTROL**

§16.3.10. ESTABLISHING A POLICE LINE

When fires, accidents, wrecks, explosions, parades or other occasion causes or may cause persons to collect on any street, roadway, pathway on Capitol Grounds, the Board may establish an area or zone necessary for the purpose of affording clearing for the following:

- (a) Operation of fireman or policeman,
- (b) The passage of a parade,
- (c) The movement of traffic,
- (d) The exclusion of the public from the vicinity of a riot, disorderly gathering, accident, wreck, explosion or other emergency; and
- (e) The protection of persons and property.

§16.3.20. OBEY AN ORDER

Each person present at the scene of an emergency occasion shall comply with any necessary order or instruction of any police officer.

§16.3.30. UNAUTHORIZED ENTRY

No person shall enter the emergency area or zone unless duly authorized by the person in command of the emergency occasion.

§16.3.40. BLOCKING AND OBSTRUCTING ROADWAYS

It is forbidden to occupy the roads on Capitol Grounds in a manner that obstructs or hinders their proper use.<sup>50</sup>

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<sup>50</sup> See also 40 U.S.C. § 5104(b) ("Obstruction of Roads"). See Appendix F.

**§ 16.4. SLEEPING OR LYING DOWN**

§16.4.10. PAVED OR IMPROVED AREAS

No person shall sleep or lie down on the paved or improved portions of Capitol Buildings and Grounds (such as streets, roads, sidewalks, walkways, steps, curbs, gutters, doorways, alcoves, walls or benches) at any time.

§16.4.20. UNPAVED AND GRASSY AREAS

No person shall sleep or lie down on any unpaved or unimproved grassy portion of the Grounds from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise.

**§ 16.5. WINTER ACTIVITIES**

§16.5.10. SNOWMOBILING

Except in the case of a street closed by the Capitol Police Board to motor vehicular traffic due to conditions of ice or snow, no person shall drive or ride on a snowmobile on any such area within Capitol Grounds.

§16.5.20. SLEDDING

No person shall coast or slide a sled within Capitol Grounds.

§16.5.30. SKIING

With the exception of the use of cross-country skis or snowshoes as a means for transportation, no person shall ski on any area within Capitol Grounds.

**§16.6.     CAMPING**

§16.6.10.     CAMPING DEFINED

Any activity such as sleeping, making preparations to sleep, cooking or the making of any fire, digging, earth-breaking or any other activity that reasonably appears, in light of all circumstances, that the participants are using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging, including demonstration activity.<sup>51</sup>

§16.6.20.     CAMPING PROHIBITED

No person shall use or occupy any part of Capitol Grounds for camping or for living accommodations.

§16.6.30.     STORAGE OF PERSONAL BELONGINGS

No person shall set up, place or store any type of tent, sleeping bag, bedroll, bedding, equipment or shelter of any kind at any time for any purpose on Capitol Grounds.

**§ 16.7.     DRIVING INTO RESTRICTED AREAS**

§16.7.10.     SIDEWALK AND NON-ROADWAY AREAS

The driver of a vehicle shall not drive within or across any sidewalk area, except at a permanent or temporary driveway. No vehicle shall be operated on or across any part of the Capitol Grounds not prepared and designated for vehicular traffic.

§16.7.20.     EAST FRONT PLAZA

The center section of the East Front Plaza shall be a non-roadway restricted to emergency or authorized official government vehicles.<sup>52</sup>

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<sup>51</sup> *Clark v. Community for Creative Non-Violence*, 468 U.S. 288 (1984). See Appendix H for all related case law.

<sup>52</sup> As added by Board Order 08.05 "Amendments to the Traffic and Motor Vehicle Regulations for the East Front Plaza of the United States Capitol Grounds" (December 5<sup>th</sup> 2008).

**§ 16.8. ANIMALS WITHIN CAPITOL GROUNDS**

**§16.8.10. NON-DOMESTICATED ANIMALS**

No person shall drive, lead, herd, ride, release or conduct any sheep, swine, cattle, horse, mule, goat, elephant, duck, goose, fowl or any other non-domesticated animal on Capitol Grounds. This section does not apply to authorized law enforcement or military horses or during an official function of the U.S. Congress.

**§16.8.20. LEASH LAW**

No person shall bring a domesticated animal onto Capitol Grounds unless the animal is firmly secured by a leash not exceeding four (4) feet in length.

**§ 16.9. METAL DETECTORS**

With the exception of equipment officially authorized by the Board, no person may use or possess a mineral or metal detector, magnetometer or other metal detecting device on Capitol Grounds.

**§ 16.10. OPEN FLAMES, GAS GENERATORS AND OTHER INCENDIARY DEVICES**

**§16.10.10. OPEN FLAMES**

Unless exempted by the Board, no person shall use or display any open flame; all candles, torches, lanterns, lamps or other similar items are prohibited.

**§16.10.20. INCENDIARY DEVICE**

With the exception of household lighters and ordinary matches, no item, substance or material capable of igniting another material is permitted on Capitol Grounds.<sup>53</sup>

**§16.10.30. GAS GENERATORS**

Gas generators are only permitted in areas as specified by the Board; all generators must be fueled and refueled off of Capitol Grounds.

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<sup>53</sup> See Appendix J for the *Police Board Regulations Pertaining to Firearms, Explosives, Incendiary Devices and Other Dangerous Weapons* (October 31, 1967); 40 U.S.C. § 5104(e).

**§ 16.11. RESTRICTED VEHICLES**

§16.11.10. COMMERCIAL AND AGRICULTURAL VEHICLES

No person shall operate any commercial, recreational, agricultural, construction vehicle or truck on any street, highway, or driveway within Capitol Grounds, except while actually transacting business at the Capitol Buildings, provided that the vehicle is essential to the transaction. That transaction must involve an administrative, housekeeping or support function or duty necessary to the maintenance of the Capitol Buildings or an official function of the United States Congress. All such vehicles must be security screened through the United States Capitol Police Off-Site Delivery Center, or such other screening security as determined by the Board.<sup>54</sup>

§16.11.20. ANIMAL-DRAWN VEHICLES

No person shall operate any animal-drawn vehicle on any street, highway, or driveway in the area bounded by First Street on the west, Constitution Avenue on the north, Independence Avenue on the south, and First Street on the east.

**§ 16.12. SALE OF GOODS, COMMERCIAL ACTIVITY AND SOLICITATION**

§16.12.10. CONVEYANCE OF GOODS AND MERCHANDISE

It is unlawful to use any road on Capitol Grounds to convey goods or merchandise except as officially authorized..<sup>55</sup>

§16.12.20. VENDING

No person shall offer or expose any article for sale unless officially authorized to do so.<sup>56</sup>

§16.12.30. COMMERCIAL ADVERTISING

No person shall display, place or maintain a sign, placard, or other form of advertisement unless officially authorized to do so.<sup>57</sup>

§16.12.40. SOLICITATION

No person shall solicit fares, alms, subscriptions, or contributions unless officially authorized to do so.<sup>58</sup>

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<sup>54</sup> As added and amended by the Board pursuant to "Amendment to the Traffic and Motor Vehicle Regulations for United States Capitol Grounds" (February 8, 2002).

<sup>55</sup> See also 40 U.S.C. § 5104(b) ("Obstruction of Roads"). See Appendix F.

<sup>56</sup> See also 40 U.S.C. § 5104(c) ("Sale of Articles, Display of Signs and Solicitations"). See Appendix F.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*



**§ 16.13. TRIPODS AND PHOTOGRAPHY EQUIPMENT**

The use of tripods or other film or photography enhancement equipment is limited to grassy areas where pedestrian or vehicular traffic will not be impeded. Tripods may not be used for commercial photography unless officially authorized by the Board.<sup>59</sup> Any tripod that does not conform to this regulation is subject to removal or relocation to another area on Capitol Grounds.

**§ 16.14. TEMPORARY CLOSING OR CORDONING OFF OF CAPITOL GROUNDS**

The Board is authorized to issue an order temporarily closing or cordoning off any area or any part of Capitol Grounds at any time if a determination is made that doing so is necessary for the safety, convenience or protection of pedestrian, vehicular or any other type of traffic on Capitol Grounds.

**§ 16.15. CLOSED OR CORDONED OFF AREAS ON CAPITOL GROUNDS**

No unauthorized person shall enter any closed or cordoned off areas on Capitol Grounds.

**§ 16.16. PROHIBITED ITEMS ON CAPITOL GROUNDS.**

**§ 16.16.10** Pursuant to 40 U.S.C. Section 5104(e)(1), firearms, dangerous weapons, explosives, or incendiary devices are prohibited on Capitol Grounds.

**§16.16.20** At the direction of the Chief of Police, the United States Capitol Police may search packages, backpacks, and other containers in the immediate possession of individuals who enter and are within the United States Capitol Grounds for the purpose of detecting prohibited items.

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<sup>59</sup> Currently the Board issues permits on a case-by-case basis for commercial filming on Union Square. Legislation is pending at the time of printing.

## Chapter 17

### Union Square

#### § 17.1 **General Prohibition of Commercial Activity**

All activity on Capitol Grounds is regulated by and subject to all Capitol Police Board regulations. However, certain commercial activity described below is allowed at the parcel of land known as Union Square to the extent that it was allowable on or before December 23, 2011. (P.L. 113-76.)

All other commercial activity that is generally prohibited on Capitol Grounds, and not specifically allowed pursuant to this Chapter, remains prohibited within Union Square.

#### § 17.2 **Union Square**

Union Square is described as the property which is bounded on the north by Pennsylvania Avenue Northwest, on the east by First Street Northwest and First Street Southwest, on the south by Maryland Avenue Southwest, and on the west by Third Street Southwest and Third Street Northwest. This comprises the area transferred to the Architect of the Capitol under Section 1202 of the Legislative Branch Appropriations Act, 2012.

#### § 17.3 **Authority of the United States Capitol Police Board**

Pursuant to Public Law 113-76, the Capitol Police Board may promulgate regulations (in consultation with the Committee on House Administration and the Committee on Rules and Administration of the Senate) regarding the use of Union Square pursuant to the Capitol Police Board's authority under Section 14 of the Act of July 31, 1946 (2 U.S.C. § 1969).

#### § 17.4 **Commercial Activity**

§ 17.4.1 **Definition** – The only commercial Activities permitted on Union Square are the taking of photographs, filming, and sales of articles and printed material (only books, newspapers, leaflets, pamphlets, buttons and bumper stickers) associated with the permitted activity. The sale of food, food items, or other perishable items shall not be permitted.

§ 17.4.2 **Definition** – “Person”, as used in these regulations, includes any individual, company, or other entity, whether public or private, for profit or not for profit.

#### § 17.5 **Permits**

Prior to engaging in commercial activity within Union Square a person shall obtain a permit from the United States Capitol Police. In order to request a permit, an application shall be filed with the United States Capitol Police Special Events

Section, and may be subject to a security assessment by the Chief of the United States Capitol Police (“Chief”) or designee.

All applications for commercial activity permits must be submitted in writing to the United States Capitol Police Special Events Section at least ten (10) business days in advance of the proposed commercial activity.

Should the Chief fail to act on a properly completed and timely filed application within forty-eight (48) hours prior to the date of the proposed commercial activity, such application shall be deemed denied.

No permit, other than still photography permits, shall be issued for more than 7 consecutive days nor may permits be issued for consecutive 7 day periods to the same applicant.

No permitted activity shall be for more than 23 consecutive hours unless good cause is shown on the permit application and a waiver is granted by the Capitol Police Board.

**§ 17.6      Prohibited Items and Activities**

The following items/activities are prohibited within Union Square:

- a. Firearms
- b. Replica firearms
- c. Knives
- d. Mace or pepper spray
- e. Ammunition
- f. Explosives and fireworks
- g. Open flame
- h. Alcohol
- i. Commercial Advertisement not associated with permitted activity
- j. Sale of food and beverages
- k. Climbing, jumping, hanging, or swinging onto or into any landscaping or architectural feature
- l. Swimming, wading, or entering the Reflecting Pool
- m. The use of model rockets, remote or manually-controlled model gliders, model airplanes or unmanned aircrafts, model boats, and model cars

**§ 17.7      Security Assessments**

§ 17.7.1 Security Assessment – The Chief or designee may require a security assessment of any activity or items included in a permit application.

§ 17.7.2 Inspections All items and vehicles transporting items to be used at Union Square shall be subject to inspection at a time and place determined by the United States Capitol Police.

## **§ 17.8 Permit Fees**

§ 17.8.1 Permit Fees - The terms and conditions of a permit issued by the Chief will require the person to whom the permit is issued to pay a fee to cover any costs incurred by the Architect of the Capitol as a result of the issuance of the permit. The United States Capitol Police shall collect the fee on behalf of the Architect of the Capitol upon the issuance of a permit in such a manner as determined by the United States Capitol Police in consultation with the Architect of the Capitol.

§ 17.8.2 Approval of the Fee Structure – The Capitol Police Board shall approve the fee structure for permits.

§ 17.8.3 Review of the Fee Structure – The Capitol Police Board shall review the permit fee structure annually. Any proposed changes to the fee structure shall be approved in writing by the Capitol Police Board.

§ 17.8.4 Capitol Trust Account – Any permit fee that is collected by the United States Capitol Police on behalf of the Architect of the Capitol shall be transferred to the “Capitol Trust Account” established in the Treasury of the United States.

§ 17.8.5 Use of Funds – Amounts in the Capitol Trust Account shall be available without fiscal year limitation for such maintenance, improvements, and projects with respect to Union Square as the Architect of the Capitol considers appropriate, subject to the approval of the Committees on Appropriations of the United States House of Representatives and Senate.

§ 17.8.6 Publication of Fees – The Chief, upon the approval of the Capitol Police Board, may amend the fees on 30 days published notice. Any permit issued prior to such notice shall not be subject to the amended fees.

## **§ 17.9 Fee Schedule and Other Requirements**

§ 17.9.1 Still Photography Fees – The following shall be the per day fee for an application to photograph at Union Square and the Grant Statue consistent with the fees that had previously been collected by the National Park Service:

1-10 people photographed	\$50 per day
11-30 people photographed:	\$150 per day
Over 30 people photographed:	\$250 per day

Still photography permits shall only be valid for 30 days from the date of issuance. No bond shall be required when the activity relates solely to still photography at the Grant Statute.

§ 17.9.1.1 Still Photography Fees: School Photography Companies– The following shall be the annual fee for a permit to take still photographs at Union Square and the Grant Memorial for companies whose principal commercial work is to photograph school groups: \$10,000 annual fee which permits 200 days per calendar year of photography. Each company shall pay a pro rata share of the fee monthly and submit at that time the days on which they wish to take photographs. Any company that exceeds 200 days photographing at Union Square and/or the Grant Memorial shall be charged the current daily fees set forth in § 17.9.1 above. No bond shall be required when the activity relates to still photography by companies whose principal commercial work is to photograph school groups at Union Square and the Grant Memorial.

§ 17.9.2 Filming Fees – The following shall be the per day fee for an application to film at Union Square and the Grant Statue consistent with the fees that had previously been collected by the National Park Service:

1-10 people on set:	\$150 per day
11-30 people on set:	\$250 per day
31-49 people on set:	\$500 per day
Over 50 people on set:	\$750 per day

§ 17.9.3 Bond – At the discretion of the Chief, in consultation with the Architect of the Capitol, a bond may be required as a condition of a permit issued for commercial use of Union Square except as stated herein. Such bond shall be based on the cost estimate by the Architect of the Capitol. Such estimate shall be based on current estimates of labor and overtime rates plus materials needed to support the permitted activity and to restore the property to its condition prior to the permitted activity.

§ 17.9.4 Insurance – The Chief of the United States Capitol Police in consultation with the Architect of the Capitol may require proof of liability insurance (naming the United States as an additional insured) as a condition of a permit being issued for the commercial use of Union Square.

## **§ 17.10 Denial of Permit Application**

§ 17.10.1 Denial of Permit Application – A permit application may be denied after a security assessment if it is determined that the commercial activity or any items associated with the activity pose a risk to the safety and security of the United States Capitol complex, Members of Congress, staff, or visitors; or if it is determined that the requested activity would create an unreasonable risk of damage to Capitol Grounds which could not be repaired or adequately covered by a bond; or if Union Square is

otherwise unavailable on the date(s)/time(s) requested. A permit may also be denied if the permit application does not contain sufficient information for a determination to be made as to whether a permit should be issued or if the required fees are not submitted in full with the permit application.

The Chief or designee shall notify the permit applicant, in writing (where time allows), of the reason for the denial of the permit application. (Email communication may also be used.)

- § 17.10.2 Resubmission – A permit applicant may resubmit a commercial activity application that has been denied if the application has been cured of all identified deficiencies and all security/safety or architectural concerns have been resolved.
- § 17.10.3 Appeal – A permit applicant may submit a written appeal of the denial of a permit (including permits denied through inaction under § 14.5) to the Capitol Police Board within 10 days of receipt of the denial of the permit application or within 10 days of the denial of a permit by inaction. The appeal must include a copy of the written denial (if there is one), state the reasons why the permit should be issued, and include any additional factors that the applicant would like the Capitol Police Board to consider. The Capitol Police Board shall issue a written decision (email may also be used) on the appeal within 10 business days after the appeal is received. All decisions of the Capitol Police Board are final. However, an applicant whose appeal has been denied may resubmit a permit application curing all deficiencies contained in the original application or curing all issues/concerns identified in the security assessment.

## **APPENDIX A-DEFINITIONS**

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## APPENDIX A-DEFINITIONS

The terms and phrases used in these regulations shall have the meanings set forth below, unless the text or context of the particular chapter, section, subsection, or paragraph provides otherwise.

<b>ALLEY</b>	Any public or private court, thoroughfare, or passage which is less than thirty feet (30 ft.) wide at any point or which is more than thirty feet (30 ft.) in width but does not open with a width of at least thirty feet (30 ft.) directly upon a public street.
<b>ANIMAL-DRAWN VEHICLE</b>	Any carriage, sleigh, sled, wagon or other vehicle or appliance which is pushed, pulled or powered by any type of animal.
<b>AUTHORIZED EMERGENCY VEHICLE</b>	A vehicle of any fire or police department such as an ambulance or other vehicle designated as an emergency vehicle through a grant of authority by Congress, a federal law enforcement agency or by the Director of the District of Columbia.
<b>BICYCLE</b>	A device which is propelled solely by human power; which is designed to be ridden by one (1) or more persons; which has a saddle or seat for each person that the device is designed and equipped to carry; which has a tandem arrangement of two (2) wheels (or is a device generally recognized as a bicycle though equipped with two front or rear wheels); and which has either one wheel at least twenty inches (20 in.) in diameter or is designed to be ridden on a roadway. This shall not include any device equipped with a motor or engine capable of propelling such device either exclusively or in combination with human power, whether or not such motor or engine is in actual operation.
<b>BOLLARD</b>	A post or marker designed to divert motor vehicles from a road or grassy area.
<b>BUS</b>	Any vehicle having a seating capacity of (8) or more passengers, exclusive of the driver, and used for the transportation of passengers; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
<b>CAMPING</b>	See §16.6.

<b>CAPITOL GROUNDS</b>	The United States Capitol Grounds comprises all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled “Map showing areas comprising United States Capitol Grounds”, dated June 25, 1946, approved by the Architect of the Capitol, and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added by law after June 25, 1946. (40 USC §5102(a)).
<b>CAPITOL POLICE BOARD</b>	The Board created by the Act of July 31, 1946, which consists of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol and the Chief of the Capitol Police who serves in an ex-officio capacity, or an authorized agent.
<b>COMMERCIAL VEHICLE</b>	Every motor vehicle exceeding one and one quarter (1¼) ton capacity or any motor vehicle with more than 2 axels.
<b>CROSSWALK</b>	That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
<b>DEALER</b>	Any person engaged in the business of buying, selling, distributing, exchanging, or dealing in motor vehicles or trailers. The term shall include, but not be limited to, “new car dealer” and “used car dealer.”
<b>DIRECTOR</b>	The Director of the Department of Motor Vehicles or the Director of the Department of Public Works, as applicable, either acting directly or through a duly authorized agent. This definition is included for reference purposes only and in no way grants any additional authority to any Director or agent in the District of Columbia over activities that take place on Capitol Grounds.
<b>DISTRICT</b>	District of Columbia.
<b>DOMESTICATED ANIMAL</b>	Any animal that has been tamed and made fit for a human environment.

<b>DRIVER</b>	A person who drives or is in actual physical control of a vehicle, bicycle or any other vehicle or apparatus mentioned in these regulations.
<b>DRIVEWAY</b>	Vehicular entrance to buildings, garages, parking lots or other special entrances.
<b>FIRE LANE</b>	Any private roadway designated by the Fire Chief on which parking is prohibited.
<b>HIGHWAY</b>	The entire width between the boundary lines of every publicly maintained way, when any part thereof is open to the use of the public for purpose of vehicular or pedestrian travel.
<b>HISTORIC MOTOR VEHICLE</b>	Any motor vehicle whose manufacturer's model year is at least twenty-five (25) years old or motor vehicle which is at least fifteen
<b>(15) years old and is a make of motor vehicle no longer manufactured</b>	Provided, that the motor vehicle has been or is being restored, preserved, or maintained as an exhibition or collector's item because of its special historical value or significance, has not been substantially altered or modified from the manufacturer's original specifications, and is used on the public highways for the transportation of passengers or property in conjunction with exhibitions, expositions, parades, tours, club activities, or similar activities or events, including transportation directly to and from such activities or events, but in no event used for general transportation. Motor vehicles which are less than twenty-five (25) years old but which are fifteen (15) or more years old and which qualify as historic motor vehicles shall include but not be limited to the following makes which are no longer manufactured: Kaiser, Hudson, DeSoto, Nash, Edsel, Studebaker, and Packard.
<b>INSPECTION STATION</b>	A safety inspection station owned and operated by the District of Columbia for the mechanical inspection and testing of vehicles and the equipment and accessories affixed to vehicles.

<b>INTERSECTION</b>	The area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two (2) or more roadways which join one another at an angle, whether or not one such roadway crosses the other; Provided that, where a highway includes two (2) roadways thirty feet (30 ft.) or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30 ft.) or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
<b>LOADING</b>	The expeditious unloading and delivery of materials to, or the pickup and loading of materials from a curb-side elevator or chute, or a store, shipping room, loading dock, or similar place of pickup and delivery. "Loading" shall not include waiting for such pick-up or delivery.
<b>LOADING PLATFORM</b>	See Safety Zone.
<b>LOADING ZONE</b>	A space adjacent to a curb for exclusive use of commercial vehicles during the loading or unloading of materials
<b>MATERIALS</b>	Goods, wares, or merchandise of any description.
<b>METAL TIRE</b>	Every tire, the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.
<b>MOPED</b>	A motorcycle or motorized bicycle equipped with functional pedals.
<b>MOTORCYCLE</b>	Any motor vehicle other than a motorized bicycle having either a tandem arrangement of two (2) wheels or a tricyclic arrangement of three (3) wheels and having a seat or saddle for the use of the operator, but not including a tractor.
<b>MOTOR-DRIVEN CYCLE</b>	Any motorcycle having a motor or engine which produces five (5.0) brake horsepower (S.A.E. rating) or less.

<b>MOTORIZED BICYCLE</b>	Any motor vehicle having either a tandem arrangement of two wheels equipped with tires which are sixteen inches (16 in.) or more in diameter or a tricyclic arrangement of three (3) wheels equipped with tires which are sixteen inches (16 in.) or more in diameter, having a seat or saddle for the use of the operator, having an automatic transmission, and having a motor or engine which produces not more than one and one-half (1.5) brake horsepower (S.A.E. rating), has a piston displacement of not more than fifty cubic centimeters (50 cc), and is capable of moving the vehicle at a maximum speed of not more than thirty-five miles per hour (35 mph) on level ground when propelled exclusively by such motor or engine.
<b>MOTOR VEHICLE</b>	Any vehicle propelled by internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, electric personal assistive mobility devices, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour.
<b>OFFICIAL TRAFFIC CONTROL DEVICE</b>	Any sign, signal, marking, or device not inconsistent with this title placed or erected by authority of the Capitol Police Board, the Council of the District of Columbia or the Director for the purpose of regulating, warning, or guiding traffic.
<b>PARK OR PARKING</b>	The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
<b>PARKING METER</b>	A mechanical or electronic device located upon a sidewalk or public parking adjacent to one or more places regularly designated as a parking meter zone, which measures and displays the amount of time remaining for lawful parking or which issues a receipt indicating the time at which lawful parking will expire.

<b>PARKING METER ZONE</b>	A certain designated and marked-off section of a public roadway within the marked boundaries of which a vehicle may be temporarily parked and allowed to remain for such period of time as indicated on a parking meter or on a receipt issued by a parking meter serving that zone.
<b>PARKING SPACE</b>	A twenty foot (20. ft.) long area of street, alongside the curb, where motor vehicles may lawfully park.
<b>PASSENGER VEHICLE</b>	Any vehicle other than a commercial vehicle, with more than three (3) wheels, designed, used, or maintained for passenger, recreational, or other non-commercial purposes, except such vehicles used for livery, rental, sightseeing, or taxi purposes.
<b>PATHWAY</b>	An area that is used primarily by pedestrians.
<b>PEDESTRIAN</b>	Any person afoot or who is using a wheelchair or motorized wheelchair.
<b>PEDICAB</b>	A bicycle with two (2) rear wheels and one (1) front wheel that is designed to be ridden by one (1) or more persons, that transports, or is capable of transporting, passengers on seats attached to the bicycle, and that is used for transporting passengers for hire
<b>PERSONAL MOBILITY DEVICE ("PMD")</b>	A motorized propulsion device, designed to transport only one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair or any "power driven mobility device" as defined by 28 C.F.R. § 35.104 (2011).
<b>PNEUMATIC TIRE</b>	A tire in which compressed air is designed to support the load.
<b>POLE TRAILER</b>	A vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

<b>POLICE OFFICER</b>	Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
<b>PRIVATE ROAD</b>	A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
<b>PUBLIC VEHICLE FOR HIRE</b>	A taxicab, limousine, ambulance, funeral car, sightseeing vehicle, or other vehicle whose owners or operators extend the use of such vehicles with a driver to the public for hire. The term does not include vehicles confined to rails or tracks, or vehicles which travel over a defined route or routes on regular schedules and are not used exclusively for sightseeing purposes, or vehicles rented without drivers and used exclusively for the personal and private use of the lessee, or vehicles used exclusively for purposes other than transporting passengers.
<b>RAILROAD</b>	A carrier of persons or property upon cars operated upon stationary rails.
<b>REGISTRANT</b>	An owner of a vehicle for which valid registration exists.
<b>REGISTRATION</b>	The acts of the Director in registering a vehicle, issuing and delivering a registration card and owner's identification tags or special bus identification to a registrant, dealer, or owner of a prorated interstate bus.
<b>REGISTRATION CERTIFICATE</b>	A certificate or its duplicate issued by the Director to a registrant, containing any or all of the information that appeared on his or her application for registration, the number of the owner's identification tags issued to the registrant for use on the vehicle described on such card and such other information as the Director may determine, or a registration certificate or its duplicate, issued by the Director to a new car dealer, or used car dealer, containing any or all of the information that appeared on his or her application for dealer's identification tags, the number of the dealer's identification tags issued to the new car dealer or used car dealer for use as provided by this chapter and any other information as the Director may require.

<b>REPAIR SHOP</b>	A place of business located within the District of Columbia, engaged in performing one or more types of work on motor vehicles, including general or specialized mechanical work, body and fender work, upholstering, glazing, or painting.
<b>RESIDENTIAL PERMIT PARKING STICKER</b>	The certificate of permission, under the provisions of 18 DCMR§2411 through §2416, for a resident of a residential permit parking zone in the District to park a motor vehicle in that zone beyond the limits generally imposed upon motor vehicles parked in the zone.
<b>REVOCATION</b>	The termination of a person's license or privilege to operate a motor vehicle in the District which shall not be subject to renewal or restoration except that an application for a new license may be made after the expiration of the period of time of such revocation.
<b>RIGHT-OF-WAY</b>	The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one vehicle grants precedence to the other.
<b>ROADWAY</b>	That portion of a highway which is improved, designed or ordinarily used for vehicular travel. In the even a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.
<b>SAFETY ZONE</b>	The area or space officially set apart within a roadway for exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
<b>SCHOOL BUS</b>	A bus which is regularly used by or on behalf of a school to transport children to or in connection with school activities; provided, that this definition shall not include buses operated by common carriers which are not used primarily for the transportation of school children, or vehicles owned by the United States government.
<b>SEGWAY®</b>	A Personal Mobility Device ("PMD").



<b>SEMI-TRAILER</b>	Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some of its weight and that of its load rests upon or is carried by another vehicle.
<b>SIDEWALK</b>	That portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
<b>SIDEWALK AREA</b>	Pedestrian zone that must remain clear.
<b>SPECIAL BUS IDENTIFICATION</b>	A serially numbered identification sticker issued by the Director for use on prorated interstate buses.
<b>SPECIAL MOBILE EQUIPMENT</b>	A vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.
<b>STANCHION</b>	Any publicly-owned pole or post used as support.
<b>STANDING</b>	Halting a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with other traffic or in compliance with the directions of a police officer or a traffic control sign or signal; provided, that a vehicle may stop momentarily to pick up a passenger or passengers actually waiting at the curb, or discharge a passenger or passengers, but not for loading materials.
<b>STOP</b>	When required means complete cessation of movement.
<b>STOPPING</b>	When prohibited, means halting a vehicle except to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control sign or signal.
<b>STREET</b>	A block of a street, avenue, road, or highway.

<b>TAXICAB</b>	Any public vehicle for hire having a seating capacity of less than eight (8) passengers, exclusive of the driver, except ambulances, funeral cars, vehicles used exclusively for sightseeing purposes, or vehicles for which the rate is fixed solely by the hour.
<b>TEMPORARY PERMIT</b>	A certificate of permission which, under the provisions of §§ 2411 through 2416, temporarily provides the permit holder the same parking rights as those provided by the authority of a residential permit parking sticker.
<b>TRAFFIC</b>	Motor vehicles and all other vehicles, pedestrians, and animals of every description.
<b>TRAFFIC CONTROL SIGNAL</b>	Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
<b>TRAILER</b>	A vehicle with or without motor power intended to be used for carrying property or persons and drawn or intended to be drawn by a motor vehicle, whether such vehicle without motor power carries the weight of the property or persons wholly on its own structure or whether a part of such weight rests upon or is carried by a motor vehicle.
<b>TRUCK</b>	See Commercial Vehicle.
<b>VEHICLE</b>	A motor vehicle or trailer.
<b>UNITED STATES CAPITOL POLICE</b>	Members of the Capitol Police or members of the Metropolitan Police Force acting with the consent or upon the request of the Capitol Police Board.
<b>YIELD</b>	Yield right-of-way.

## APPENDIX B-2 USC 1969 AUTHORITY TO REGULATE TRAFFIC



LEXSTAT 2 USC 1969

UNITED STATES CODE SERVICE

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\*\*\* CURRENT THROUGH PL 111-382,  
WITH A GAP OF PL 111-350, APPROVED 1/4/2011 \*\*\*  
TITLE 2. THE CONGRESS  
CHAPTER 29. CAPITOL POLICE  
POWERS AND DUTIES

**Go to the United States Code Service Archive Directory**

*2 USCS § 1969*

§ 1969. Regulation of traffic by Capitol Police Board

- (a) Exclusive charge and control of all vehicular and other traffic. The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is hereby authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of \$ 300 or imprisonment for not more than ninety days. Notwithstanding the foregoing provisions of this section those provisions of the District of Columbia Traffic Act of 1925, as amended, for the violation of which specific penalties are provided in said Act, as amended, shall be applicable to the United States Capitol Grounds. Prosecutions for violation of such regulations shall be in The Municipal Court for the District of Columbia [Superior Court of the District of Columbia], upon information by the Corporation Counsel of the District of Columbia or any of his assistants.
- (b) Promulgation of regulations. Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary: Provided, That until such regulations are

promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.

- (c) Printing of regulations and effective dates. All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication, except that whenever the Capitol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation "Uniforms and Equipment, Capitol Police".
- (d) Cooperation with Mayor of District of Columbia. It shall be the duty of the Commissioners [Mayor] of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Commissioners [Mayor], upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof.

#### **HISTORY:**

(July 31, 1946, ch 707, § 14, 60 Stat. 720; July 11, 1947, ch 221, §§ 1, 2, 61 Stat. 308; Dec. 24, 1973, P.L. 93-198, Title VII, Part D, § 739(g)(6), 87 Stat. 829.)

#### **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

##### References in text:

The "District of Columbia Traffic Act of 1925", referred to in subsec. (a), is Act March 3, 1925, ch 443, 43 Stat. 1119, which appears as District of Columbia Code, §§ 40-301 et seq. and 40-701 et seq.

##### Explanatory notes:

The bracketed words "Superior Court of the District of Columbia" were inserted in subsec. (a) on the authority of Act July 29, 1970, P.L. 91-358, Title I, § 155(a), 84 Stat. 570, which changed the name of the "District of Columbia Court of General Sessions" to "Superior Court of the District of Columbia", effective the first day of the seventh calendar month which began after July 29, 1970. Act July 8, 1963, P.L. 88-60, §§ 1, 7, 84 Stat. 570, provided that whenever a reference is made in any Act of Congress to the "Municipal Court for the District of Columbia", such reference shall be deemed a reference to the "District of Columbia Court of General Sessions".

The bracketed word "Mayor" has been inserted in subsec. (d) on the authority of Reorganization Plan No. 3 of 1967 and Act Dec. 24, 1973. See transfer of functions note to this section.

This section formerly appeared as 40 USCS § 212b.

This section also appears as District of Columbia Code, § 9-127.  
Amendments:

1947. Act July 11, 1947 in subsec. (b), substituted “and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary” for “within six months after approval of this Act”; in subsec. (c), added the second sentence and all that follows “date of such publication” in the first sentence.

1973. Act Dec. 24, 1973 (effective as provided by § 771 of such Act, which appears as a note to this section), in subsec. (a), deleted “, except on those streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioner of the District of Columbia”, following “United States Capitol Grounds”.

Transfer of functions:

The functions of the Board of Commissioners of the District of Columbia, were transferred to the District of Columbia Council, pursuant to § 402 of Reorganization Plan No. 3 of 1967, 32 Fed. Reg. 11669, which appears as 5 USCS § 903 note, subject to the right of the Commissioner as provided by § 406 of the Plan. For provisions establishing the District of Columbia Council, see Reorg. Plan No. 3 of 1967, § 201. The District of Columbia Council and the Office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Act Dec. 24, 1973, P.L. 93-198, Title VII, § 711, 87 Stat. 818, which was classified to § 1-211 of the District of Columbia Code. The District of Columbia Council and the Office of Commissioner of the District of Columbia were replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, as provided by §§ 401 and 421 of such Act, which are classified to §§ 1-221 and 1-241 of the District of Columbia Code, respectively.

Other provisions:

**Effective date of Dec. 24, 1973 amendment.** Act Dec. 24, 1973, § 771, provided that the amendment of this section by such Act was to become effective on Jan. 2, 1975, if a majority of the registered, qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in Title IV of Act Dec. 24, 1973, P.L. 93-198, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

**NOTES:**

Related Statutes & Rules:

This section is referred to in 2 USCS §§ 1961, 2021; 40 USCS §§ 5105, 5109, 8501.

Interpretive Notes and Decisions:

United States Capitol grounds regulation that no permit shall be issued for period of more than 7 consecutive days and no permit shall authorize demonstration activity having duration of more than 24 consecutive hours is reasonably related to Police Board’s statutory authority to regulate traffic under former 40 USCS § 212b. *Community for Creative Non-Violence v Kerrigan* (1989, App DC) 275 US App DC 163, 865 F2d 382.

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## APPENDIX C-1

### D.C CODE 10-503.25



Formerly cited as DC ST 1981 § 9-127

**Effective:[See Text Amendments]**

West's District of Columbia Code Annotated 2001 Edition Currentness

Division I. Government of District.

Title 10. Parks, Public Buildings, Grounds, and Space. (Refs & Annos)

Subtitle II. Public Buildings and Grounds.

Chapter 5. Regulatory Provisions.

Subchapter II. Capitol Grounds.

Part B. General.

#### **§ 10-503.25. Suspension of prohibitions against use—Traffic regulations by Capitol Police Board.**

- (a) The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is hereby authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of \$300 or imprisonment for not more than 90 days. Notwithstanding the foregoing provisions of this section those provisions of Chapters 14 and 22 of Title 50, for the violation of which specific penalties are provided in said Chapters, shall be applicable to the United States Capitol Grounds. Except as provided in Chapter 23 of Title 50, prosecutions for violation of such regulations shall be in the Superior Court of the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.
- (b) Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary; provided, that until such regulations are promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.
- (c) All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in 1 or more of the daily newspapers published in the District of Columbia, and shall not become

effective until the expiration of 10 days after the date of such publication, except that whenever the Capitol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation “Uniforms and Equipment, Capitol Police.”

- (d) It shall be the duty of the Mayor of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Mayor, upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof.

#### **CREDIT(S)**

(July 31, 1946, 60 Stat. 720, ch. 707, § 14; July 11, 1947, 61 Stat. 308, ch. 221, §§ 1, 2; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Dec. 24, 1973, 87 Stat. 829, Pub. L. 93-198, title VII, § 739(g)(6); May 15, 1993, D.C. Law 9-272, § 201, 40 DCR 796.)

#### **HISTORICAL AND STATUTORY NOTES**

Prior Codifications 1981 Ed., § 9-127.

1973 Ed., § 9-131.

#### **Change in Government**

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.



## CROSS REFERENCES

Operation of vehicle in the District, application of law, see §§ 50-2302.01, 50-2303.01.

### Section References

This section is referred to in §§ 1-207.39 and 10-503.19.

## LIBRARY REFERENCES

### Key Numbers

Formerly cited at DC ST 1981 § 9-27

Automobiles  5(5).

Westlaw Topic No. 48A.

### Encyclopedias

C.J.S. Motor Vehicles §§ 42 to 44, 47 to 50.

## NOTES OF DECISIONS

### In general 1

#### 1. In general

Capitol Police had jurisdiction to act upon traffic tie-up on boundary street of the Capitol Grounds in which they had jurisdiction and, therefore, had right to arrest defendant if he committed a misdemeanor in their presence while they were so acting. D.C.Code 1951, §§ 9-118, 9-126, 9-131. Andersen v. U.S. (Cr.App. 1957) 132 A.2d 155, affirmed 253 F.2d 335, 102 U.S.App.D.C. 313, certiorari denied 78 S.Ct. 1375, 357 U.S. 930, 2 L.Ed.2d 1372.

Automobiles  349(12)

DC CODE § 10-503.25

Current through July 29, 2013

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## APPENDIX C-2

### D.C CODE 50-2301.01



DC ST § 50-2301.01

Formerly cited as DC ST 1981 § 40-601

#### **Effective:[See Text Amendments]**

West's District of Columbia Code Annotated 2001 Edition Currentness  
Division VIII. General Laws.

Title 50. Motor and Non-Motor Vehicles and Traffic. (Refs & Annos)

Subtitle VII. Traffic.

Chapter 23. Traffic Adjudication.

Subchapter I. Purposes; Definitions; Establishment; Hearing Examiners; Sanctions; Time Computations; Regulations. (Refs & Annos)

#### **§ 50-2301.01. Purposes.**

It is the intent of the Council of the District of Columbia (hereinafter referred to as the "Council") in the adoption of this chapter to decriminalize and to provide for the administrative adjudication of certain violations of Title 32 of the District of Columbia Rules and Regulations (Motor Vehicle Regulations for the District of Columbia), and certain offenses codified in Title 50 of the District of Columbia Official Code, in the Highways and Traffic Regulations of the District of Columbia, and in Chapter III of Title 14 of the District of Columbia Rules and Regulations (relating to the operation of taxicabs), and to provide for the civilian enforcement of parking infractions, and thereby to establish a uniform and more expeditious system and continue to assure an equitable system for the disposition of traffic offenses.

CREDIT(S)

(Sept. 12, 1978, D.C. Law 2-104, § 101, 25 DCR 1275.) HISTORICAL AND  
STATUTORY NOTES

Prior Codifications 1981 Ed., § 40-601.

1973 Ed., § 40-1101.

#### Legislative History of Laws

Law 2-104 was introduced in Council and assigned Bill No. 2-195, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 13, 1978 and June 27, 1978, respectively. Signed by the Mayor on July 1, 1978, it was assigned Act No. 2-215 and transmitted to both Houses of Congress for its review. Editor's Notes

Title 18 of the DCMR (Vehicles and Traffic) (June, 1987) has replaced Title 32 of the District of Columbia Rules and Regulations (Motor Vehicle Regulations for the District of Columbia).

Title 18A of the DCMR (Taxicabs and Vehicles for Hire) (October, 1987) has replaced Title 14 of the District of Columbia Rules and Regulations (relating to operation of taxicabs).

#### NOTES OF DECISIONS

Construction and application 1/2 Construction with other laws 1



Double jeopardy 2

Due process 3

Review 5

Search and seizure 4

#### 1/2. Construction and application


Speeding violations detected by District of Columbia's Automated Traffic Enforcement System (ATE System) are civil in nature, such that the Fifth and Sixth Amendment protections available to defendants in criminal prosecutions are not available in administrative adjudications of such violations; such violations are not sanctioned by incarceration or an affirmative disability but by a modest fine, speeding is not a crime, Traffic Adjudication Act (TAA) establishing ATE system is rationally connected to the non-punitive purpose of promoting public safety on the roadways, and that statute does not excessively penalize offenders in light of legislative goals. *DeVita v. District of Columbia*, 2013, 2013 WL 4746785. Action 18;  Automobiles  11

#### 1. Construction with other laws


District of Columbia Council has authority to, and intended to create an exception to contested case review by the Court of Appeals under the District of Columbia Administrative Procedure Act for certain cases adjudicated under the Traffic Adjudication Act; therefore, even though the adjudicative nature of such proceedings was functionally consistent with the general definition of a contested case, there was no conflict between the Traffic Adjudication Act and the District of Columbia Administrative Procedure Act. D.C.Code 1973, § 40-603(i); D.C.Code 1978 Supp. §§ 1-121 et seq., 1-147(a)(1), 1-1501 et seq.; D.C.Code 1980 Supp. § 4-1101 et seq. *District of Columbia v. Sullivan*, 1981, 436 A.2d 364. District Of Columbia 5

#### 2. Double jeopardy



Even if motorist was charged with failing to yield to pedestrian as criminal offense, jeopardy did not attach when defendant mailed fine to Bureau of Traffic Adjudication because Bureau had no jurisdiction to entertain criminal charge of failure to yield to pedestrian and, thus, double jeopardy did not bar prosecution of defendant for negligent homicide based on same automobile collision.


U.S.C.A. Const.Amend. 5; D.C.Code 1981, § 40-726. *Purcell v. U.S.*, 1991, 594 A.2d 527. Double Jeopardy  25

### 3. Due process


Administrative agencies' errors, in relying on inaccurately maintained driver's record in revoking driver's license and suspending cab driver's permit, did not violate due process as long as state provided adequate state remedy to redress and compensate driver for improper maintenance of his record. U.S.C.A. Const. Amend. 5. *Gilles v. Touchstone*, 1987, 676 F.Supp. 341. Constitutional Law  4356

### 4. Search and seizure

Absent support for conclusion that defendant had refused to disclose his name and address to officer, it was not reasonable, within restrictions of Fourth Amendment, for officer to effect full custody arrest accompanied by body search, upon stopping defendant for "walking as to create a hazard." U.S.C.A. Const. Amend. 4; D.C.Code 1981, §§ 40-601 et seq., 40-605. *Barnett v. U.S.*, 1987, 525 A.2d 197. Arrest  58; Searches And Seizures  52

Arrest of defendant for violating pedestrian walking regulation, which is civil infraction for which only monetary sanction may be imposed, was invalid, and contemporaneous search and seizure violated defendant's Fourth Amendment rights. U.S.C.A. Const.Amend. 4; D.C.Code 1981, §§ 40-601 et seq., 40-605. *Barnett v. U.S.*, 1987, 525 A.2d 197. Arrest  58; Searches And Seizures 52

### 5. Review

Bureau of Motor Vehicle Services did not act outside scope of its authority when revoking motorist's driving privileges on findings that she had operated motor vehicle while under influence of intoxicating liquor, and that she had refused to submit to two chemical tests for alcohol after having been warned of consequences of refusal. D.C.Code 1981, §§ 40-302(a), 40-505, 40-601. *Stowell v. District of Columbia Dept. of Transp., Bureau of Motor Vehicle Services*, 1986, 514 A.2d 438. Automobiles  144.1(1.20)

DC CODE § 50-2301.01

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## APPENDIX C-3

### D.C CODE 50-2302.01



DC ST § 50-2302.01

Formerly cited as DC ST 1981 § 40-611

#### **Effective:[See Text Amendments]**

West's District of Columbia Code Annotated 2001 Edition Currentness

Division VIII. General Laws.

Title 50. Motor and Non-Motor Vehicles and Traffic. (Refs & Annos)

Subtitle VII. Traffic.

Chapter 23. Traffic Adjudication.

Subchapter II. Moving Infractions.

#### **§ 50-2302.01. Applicability.**

Notwithstanding any other provision of law, all violations of statutes, regulations, executive orders or rules relating to the operation of any vehicle in the District, including rules issued pursuant to Chapter 14 of Title 8, except those violations covered by subchapter III of this chapter or those violations excepted by §§ 50-2302.02 and 50-2302.03, shall be processed and adjudicated pursuant to the provisions of this subchapter. All violations of regulations issued by the Capitol Police Board, pursuant to § 10-503.25(a), that if committed outside the United States Capitol grounds would be covered by this section shall be processed and adjudicated pursuant to the provisions of this subchapter.

CREDIT(S)

(Sept. 12, 1978, D.C. Law 2-104, § 201, 25 DCR 1275; Oct. 1, 1992, D.C. Law 9-173, § 2, 39 DCR 5834; May 15, 1993, D.C. Law 9-272, § 203(a), 40 DCR 796.)

#### HISTORICAL AND STATUTORY NOTES

Prior Codifications 1981 Ed., § 40-611.

1973 Ed., § 40-1109.

#### Legislative History of Laws

For legislative history of D.C. Law 2-104, see Historical and Statutory Notes following § 50-2301.01.


Law 9-173, the "Traffic Adjudication and Motor Carrier Safety Amendment Act of 1992," was introduced in Council

and assigned Bill No. 9-501, which was referred to the Committee on Public Works. The Bill was adopted on first and second readings on June 23, 1992, and July 7, 1992, respectively. Signed by the Mayor on July 23, 1992, it was assigned Act No. 9-271 and transmitted to both Houses of Congress for its review. D.C. Law 9-172 became effective on October 1, 1992.

Law 9-272, the “Criminal and Juvenile Justice Reform Amendment Act of 1992,” was introduced in Council and assigned Bill No. 9-374, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1992, and December 15, 1992, respectively. Signed by the Mayor on January 14, 1993, it was assigned Act No. 9-401 and transmitted to both Houses of Congress for its review. D.C. Law 9-272 became effective on May 15, 1993.

## LIBRARY REFERENCES

### Key Numbers

Automobiles  335.

Westlaw Topic No. 48A.

### Encyclopedias



C.J.S. Motor Vehicles §§ 1541, 1543, 1548, 1551 to 1552.

## NOTES OF DECISIONS

Automated traffic control systems 2

Taxis 1


### 1. Taxis

Taxicab Commission had jurisdiction over issuance of hacker’s license and penalization of those operating taxicab without such license, rather than Bureau of Traffic Adjudication. D.C.Code 1981, §§ 40-611, 40-1701 et seq., 40-1719(a). *Onabiyi v. District of Columbia Taxicab Com’n*, 1989, 557 A.2d 1317. Automobiles  82; Automobiles  107(2)

### 2. Automated traffic control systems

Administrative hearings adjudicating civil speeding violations based on evidence provided by Automated Traffic Enforcement System (ATE System) provide constitutionally sufficient due process; private interest at stake is minimal and involves only a modest fine, risk of erroneous finding of liability is low because ATE System accurately captures and records traffic violations, because of procedures afforded to individuals contesting a notice of infraction, and



because of “clear and convincing” burden of proof imposed on government, and data used in ATE System proceedings is only accepted as valid evidence if photo radar unit was properly calibrated and certified to be in working order. DeVita v. District of Columbia, 2013, 2013 WL 4746785.  
Constitutional Law  4105(1)

DC CODE § 50-2302.01

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## APPENDIX C-4

### D.C CODE 50-2303.01



#### Effective:[See Text Amendments]

West's District of Columbia Code Annotated 2001 Edition Currentness

Division VIII. General Laws.

Title 50. Motor and Non-Motor Vehicles and Traffic. (Refs & Annos)

Subtitle VII. Traffic.

Chapter 23. Traffic Adjudication.

Subchapter III. Parking, Standing, Stopping and Pedestrian  
Infractions. (Refs & Annos)

#### **§ 50-2303.01. Applicability.**

Notwithstanding any other provision of law, all violations of statutes, regulations, executive orders or rules relating to parking, standing, stopping or pedestrian offenses within the District shall be processed and adjudicated pursuant to the provisions of this subchapter, except as provided in §§ 50-2302.02(19) and 50-2303.02. All violations of regulations issued by the Capitol Police Board, pursuant to § 10-503.25(a), that if committed outside the United States Capitol grounds would be covered by this section shall be processed and adjudicated pursuant to the provisions of this subchapter.

CREDIT(S)

(Sept. 12, 1978, D.C. Law 2-104, § 301, 25 DCR 1275; May 15, 1993, D.C. Law 9-272, § 203(b), 40 DCR 796; May 24, 1996, D.C. Law 11-130, § 4, 43 DCR 1570.)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 40-621.

1973 Ed., § 40-1115.

##### Legislative History of Laws

For legislative history of D.C. Law 2-104, see Historical and Statutory Notes following § 50-2301.01.

For legislative history of D.C. Law 9-272, see Historical and Statutory Notes following § 50-2302.03.

Law 11-130, the “Safe Streets Anti-Prostitution Amendment Act of 1996,” was introduced in Council and Assigned Bill No. 11-439, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 6, 1996, and March 5, 1996, respectively. Signed by the mayor on March 15, 1996, it was as-signed Act No. 11-237 and transmitted to both Houses of Congress for its review. D.C. Law 11-130 became effective on May 24, 1996.

#### LIBRARY REFERENCES

##### Key Numbers

Automobiles  12.

Westlaw Topic No. 48A.

##### Encyclopedias

C.J.S. Motor Vehicles §§ 10, 51 to 52, 54 to 58, 60 to 62.

DC CODE § 50-2303.01

Current through July 29, 2013

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## APPENDIX C-5-18

### DCMR 3003.01



West's District of Columbia Municipal Regulations Currentness

Title 18. Vehicles and Traffic

Chapter 30. Adjudication and Enforcement

#### **3003. ISSUANCE OF MOVING AND NON-MOVING VIOLATIONS**

3003.1 The following are empowered to issue Notices of Infraction for all moving and parking infractions within their respective jurisdictions:

- (a) District of Columbia Metropolitan Police;
- (b) Metro Transit Police;
- (c) National Zoological Park Police;
- (d) United States Capitol Police;
- (e) United States Park Police;
- (f) United States Secret Service, Uniformed Division;
- (g) Walter Reed Army Medical Center;
- (h) Bolling Air Force Base Security Police;
- (i) United States Federal Protective Service;
- (j) Commandant, Naval District Washington;
- (k) District of Columbia Housing Authority Police Force;
- (l) Library of Congress;
- (m) United States Mint Police; and
- (n) District Department of Transportation.

3003.2 REPEALED

3003.3 When information is entered on the ticket manually, the provisions of § 3002.3 through 3002.5 and 3002.9 shall apply.

3003.4 When a hand-held electronic device is used, the provisions of §§ 3002.6 through 3002.7 and 3002.10 shall apply.

3003.5 When a violation is detected by an automated traffic enforcement device, any resulting ticket shall be mailed to the owner and the relevant information transmitted to the Department of Motor Vehicles within twenty-five (25) days after the date the violation is detected.

3003.6 REPEALED

3003.7 REPEALED

SOURCE: Adopted at 46 DCR 4907 June 4, 1999; Amended at 49 DCR 5817 Aug. 21, 2002; Amended at 53 DCR 850 Feb. 10, 2006; Amended at 54 DCR 1577 Feb. 16, 2007; Amended at 56 DCR 5017 June 26, 2009. Amended June 18, 2010; May 20, 2011; May 27, 2011.

18 DCMR § 3003, 18 DC ADC § 3003

Current through District of Columbia Register, Volume 60, Number 48, dated November 8, 2013.

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## APPENDIX D-1

### TRAFFIC REGULATIONS BY BOARD



DC ST § 10-503.25  
Formerly cited as DC ST 1981 § 9-127

**Effective:[See Text Amendments]**

West's District of Columbia Code Annotated 2001 Edition Currentness  
Division I. Government of District.  
Title 10. Parks, Public Buildings, Grounds, and Space. (Refs & Annos)  
Subtitle II. Public Buildings and Grounds.  
Chapter 5. Regulatory Provisions.  
Subchapter 11. Capitol Grounds.  
Part B. General.  
**§ 10-503.25. Suspension of prohibitions against  
use-Traffic regulations by Capitol Police Board.**

- (a) The Capitol Police Board, consisting of the Sergeant at Annos of the United States Senate, the Sergeant at Annos of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is hereby authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of \$300 or imprisonment for not more than 90 days. Notwithstanding the foregoing provisions of this section those provisions of Chapters 14 and 22 of Title 50, for the violation of which specific penalties are provided in said Chapters, shall be applicable to the United States Capitol Grounds. Except as provided in Chapter 23 of Title 50, prosecutions for violation of such regulations shall be in the Superior Court of the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.
- (b) Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary; provided, that until such regulations are promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.

- (c) All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in I or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of 10 days after the date of such publication, except that whenever the Capitol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation "Uniforms and Equipment, Capitol Police."
- (d) It shall be the duty of the Mayor of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Mayor, upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof.

#### CREDIT(S)

(July 31, 1946, 60 Stat. 720, ch. 707, § 14; July 11, 1947, 61 Stat. 308, ch. 221, §§ 1, 2; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § I; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Dec. 24, 1973, 87 Stat. 829, Pub. L. 93-198, title VII, § 739(g)(6); May 15, 1993, D.C. Law 9-272, § 20 I. 40 DCR 796.)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 9-127.

1973 Ed., § 9-131.

##### Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume I). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume I) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 7 I I (D.C. Code, § 1-207.11 ), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.



## CROSS REFERENCES

Operation of vehicle in the District, application of law, see §§ 50-2302.01, 50-2303.01. Section References

This section is referred to in §§ 1-207.39 and 10-503.19.

## LIBRARY REFERENCES

### Key Numbers

Automobiles  5(5)

Westlaw Topic No. 48A.


### Encyclopedias

C.J.S. Motor Vehicles §§ 42 to 44, 47 to 50.

## NOTES OF DECISIONS

### In general 1

#### 1-In general

Capitol Police had jurisdiction to act upon traffic tie-up on boundary street of the Capitol Grounds in which they had jurisdiction and, therefore, had right to arrest defendant if he committed a misdemeanor in their presence while they were so acting. D.C.Code 1951, §§ 9-118, 9-126, 9-131. *Andersen v. U.S.* (Cr.App. 1957) 132 A.2d 155, affirmed 253 F.2d 335. 102 U.S.App.D.C. 313, certiorari denied 78 S.Ct. 1375. 357 U.S. 930, 2 L.Ed.2d 1372. Automobiles  349(12)

DC CODE § 10-503.25

Current through July 29, 2013

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## APPENDIX D-2 CONDUCT OF PROSECUTIONS

Westlaw

DC ST § 23-101

Page 1

Formerly cited as DC ST 1981 § 23-101

C

Effective:[See Text Amendments]

West's District of Columbia Code Annotated 2001 Edition Currentness

Division IV. Criminal Law and Procedure and Prisoners.

§ Title 23. Criminal Procedure. (Refs & Annots)

§ Chapter 1. General Provisions.

→ → § 23-101. Conduct of prosecutions.

(a) Prosecutions for violations of all police or municipal ordinances or regulations and for violations of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year, shall be conducted in the name of the District of Columbia by the Corporation Counsel for the District of Columbia or his assistants, except as otherwise provided in such ordinance, regulation, or statute, or in this section.

(b) Prosecutions for violations of section 6 of the Act of July 29, 1892 (D.C. Official Code, sec. 22-1307), relating to disorderly conduct, and for violations of section 9 of that Act (D.C. Official Code, sec. 22-1312), relating to lewd, indecent, or obscene acts, shall be conducted in the name of the District of Columbia by the Corporation Counsel or his assistants.

(c) All other criminal prosecutions shall be conducted in the name of the United States by the United States attorney for the District of Columbia or his assistants, except as otherwise provided by law.

(d) An indictment or information brought in the name of the United States may include, in addition to offenses prosecutable by the United States, offenses prosecutable by the District of Columbia, and such prosecution may be conducted either solely by the Corporation Counsel or his assistants or solely by the United States attorney or his assistants if the other prosecuting authority consents.

(e) Separate indictments or informations, or both, charging offenses prosecutable by the District of Columbia and by the United States may be joined for trial if the offenses charged therein could have been joined in the same indictment. Such prosecution may be conducted either solely by the Corporation Counsel or his assistants or solely by the United States attorney or his assistants if the other prosecuting authority consents.

(f) If in any case any question shall arise as to whether, under this section, the prosecution should be conducted by the Corporation Counsel or by the United States attorney, the presiding judge shall forthwith, either on his own motion or upon suggestion of the Corporation Counsel or the United States attorney, certify the case to the District of Columbia

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Formerly cited as DC ST 1981 § 23-101

Court of Appeals, which court shall hear and determine the question in a summary way. In every such case the defendant or defendants shall have the right to be heard in the District of Columbia Court of Appeals. The decision of such court shall be final.

#### CREDIT(S)

(July 29, 1970, 84 Stat. 604, Pub. L. 91-358, title II, § 210(a).)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 23-101.

1973 Ed., § 23-101.

##### Miscellaneous Notes

Section 34 of D.C. Law 15-354 provides that Title 23 is designated Title 23 of the District of Columbia Official Code.

#### CROSS REFERENCES

Adult protective services, penalties and enforcement, see [§ 7-1912](#).  
Alcoholic beverages provisions, penalties for violations, see [§ 25-831](#).  
Cable television provisions, prosecutions for violations, see [§ 34-1250](#).  
Corporation Counsel, duties, see [§ 1-301.111](#).  
Funeral services, prosecutions for violations, see [§ 3-418](#).  
Hazardous waste management provisions, penalties for violations, see [§ 8-1711](#).  
Indigents, representation, see [§§ 2-1602](#) and [11-2601](#).  
Insurance companies, prosecutions for violations of provisions governing, see [§ 47-2605](#).  
Medicaid Provider Fraud Prevention Act, prosecution of violations, see [§ 4-804](#).  
Public passenger vehicles, penalties for unlawful conduct on, see [§ 35-253](#).  
Wastewater control law, penalties and prosecutions under, see [§ 8-105.14](#).  
Water pollution control provisions, penalties and prosecutions for violation, see [§ 8-103.16](#).

#### LAW REVIEW AND JOURNAL COMMENTARIES

[District of Columbia Criminal Procedure Survey](#), 34 *Cath.U.L.Rev.* 1293, (1985).

"The District of Columbia Revitalization Act and Criminal Justice: The Federal Government's Assault on Local Authority," 4 *The District of Columbia Law Review* 77 (1998).

Formerly cited as DC ST 1981 § 23-101

#### LIBRARY REFERENCES

##### Key Numbers

[District and Prosecuting Attorneys](#)  8.

[District of Columbia](#)  7.

Westlaw Key Number Searches: 131k8; 132k7.

##### Encyclopedias

[C.J.S. District and Prosecuting Attorneys §§ 10, 14.](#)

[C.J.S. District of Columbia § 5.](#)

##### Treatises and Practice Aids

1069 Practising Law Institute Corporate Law and Practice 567.

#### NOTES OF DECISIONS

Certification [5](#)

Controlled substances offenses [11](#)

Delinquency [6](#)

Disorderly conduct [7](#)

Firearms violations [9](#)

Indecency [8](#)

Joinder of local and federal offenses [4](#)

Jurisdiction of court [3](#)

Property offenses [10](#)

Prosecutorial authority, generally [2](#)

Single sovereign [1](#)

[1](#). Single sovereign

Violations of the District of Columbia Code are violations of the United States Code and are all crimes against a single sovereign namely, the United States, and the District of Columbia Court Reform and Criminal Procedure Act did not vitiate the essential character of the District of Columbia as an arm of the sovereign United States. [D.C.C.E. § 11-101](#)

Formerly cited as DC ST 1981 § 23-101

et seq. Goode v. Markley, C.A.D.C. 1979, 603 F.2d 973, 195 U.S.App.D.C. 391, certiorari denied 100 S.Ct. 1039, 444 U.S. 1083, 62 L.Ed.2d 768, District Of Columbia ➞20

Where prisoner is serving two consecutive sentences, existence of the second sentence is not equivalent to a detainer lodged by another sovereign under the Interstate Agreement on Detainers for purposes of regulation providing that detainer lodged by state against a federal prisoner is not basis for denial of parole. D.C.C.E. § 24-701, art. III; Interstate Agreement on Detainers Act, § 2, art. III, 18 U.S.C.A. App. Goode v. Markley, C.A.D.C. 1979, 603 F.2d 973, 195 U.S.App.D.C. 391, certiorari denied 100 S.Ct. 1039, 444 U.S. 1083, 62 L.Ed.2d 768. Pardon And Parole ➞44

Where defendant was convicted in the United States District Court for the District of Columbia for possession of narcotics and thereafter was convicted in the Superior Court for the District of Columbia of armed robbery, and the armed robbery sentence was imposed to run consecutively to the narcotics sentence, she need not be granted a parole hearing until she has served one-third of the aggregate of the maximum of the two sentences, since the two sentences were imposed by the same sovereign, and the District of Columbia did not acquire the attributes of a separate sovereignty by virtue of its being party to the Interstate Agreement on Detainers. 18 U.S.C.A. § 4205(a, b); D.C.C.E. § 24-701; Interstate Agreement on Detainers Act, § 1 et seq., 18 U.S.C.A. App. Goode v. Markley, C.A.D.C. 1979, 603 F.2d 973, 195 U.S.App.D.C. 391, certiorari denied 100 S.Ct. 1039, 444 U.S. 1083, 62 L.Ed.2d 768. Pardon And Parole ➞51

Provisions of Interstate Agreement on Detainers Act [Interstate Agreement on Detainers Act, § 1 et seq., 18 U.S.C.A.App.] apply to detainees lodged against federal prisoners based upon any District of Columbia code charge tried in Superior Court, whether prosecuted by United States attorney or District of Columbia Corporation Council. U.S. v. Bailey, 1985, 495 A.2d 756, Extradition And Detainers ➞53.1

## 2. Prosecutorial authority, generally

District of Columbia Council did not have authority, under provision in Congressional statute dividing prosecutorial authority that assigned prosecutions for violations of police or municipal ordinances when the maximum punishment was a fine only or imprisonment not exceeding one year to the Office of the Attorney General for the District of Columbia (OAG), to assign prosecutions for violation of the false claims statute passed by Council to the OAG rather than the United States Attorney's Office for the District of Columbia (USAO), as the false claims statute authorized a punishment of fine and imprisonment, and the penalty of up to \$100,000 per violation and up to one year in jail per violation was not a punishment in the nature of one that flowed from a violation of something akin to a police or municipal ordinance. In re Crawley, 2009, 978 A.2d 608, Attorney General ➞7

Generally, prosecutor is not allowed to advance new arguments in rebuttal; however, trial court has some discretion to allow broader rebuttal argument. McCoy v. U.S., 2000, 760 A.2d 164, certiorari denied 121 S.Ct. 1636, 532 U.S. 987, 149 L.Ed.2d 496, certiorari denied 121 S.Ct. 2257, 533 U.S. 909, 150 L.Ed.2d 243, certiorari denied 122 S.Ct. 227, 534 U.S. 900, 151 L.Ed.2d 163, certiorari denied 122 S.Ct. 486, 534 U.S. 1005, 151 L.Ed.2d 399. Criminal Law ➞2165

Primary purpose of rule that generally prosecutor is not allowed to advance new arguments in rebuttal is to protect the



Formerly cited as DC ST 1981 § 23-101

defense from surprise. *McCoy v. U.S.*, 2000, 760 A.2d 164, certiorari denied 121 S.Ct. 1636, 532 U.S. 987, 149 L.Ed.2d 496, certiorari denied 121 S.Ct. 2257, 533 U.S. 909, 150 L.Ed.2d 243, certiorari denied 122 S.Ct. 227, 534 U.S. 900, 151 L.Ed.2d 163, certiorari denied 122 S.Ct. 486, 534 U.S. 1005, 151 L.Ed.2d 399. *Criminal Law* ¶2165

Prosecutor did not engage in improper rebuttal argument by focusing on matters brought out in opening argument and discussed by defendant's counsel. *McCoy v. U.S.*, 2000, 760 A.2d 164, certiorari denied 121 S.Ct. 1636, 532 U.S. 987, 149 L.Ed.2d 496, certiorari denied 121 S.Ct. 2257, 533 U.S. 909, 150 L.Ed.2d 243, certiorari denied 122 S.Ct. 227, 534 U.S. 900, 151 L.Ed.2d 163, certiorari denied 122 S.Ct. 486, 534 U.S. 1005, 151 L.Ed.2d 399. *Criminal Law* ¶2165

Prosecutor's brief comments allegedly mischaracterizing defense argument about witness in discussing reasonable doubt did not prejudice defendants, so as to warrant reversal. *McCoy v. U.S.*, 2000, 760 A.2d 164, certiorari denied 121 S.Ct. 1636, 532 U.S. 987, 149 L.Ed.2d 496, certiorari denied 121 S.Ct. 2257, 533 U.S. 909, 150 L.Ed.2d 243, certiorari denied 122 S.Ct. 227, 534 U.S. 900, 151 L.Ed.2d 163, certiorari denied 122 S.Ct. 486, 534 U.S. 1005, 151 L.Ed.2d 399. *Criminal Law* ¶171.7

Statute, which provides that corporation counsel shall conduct prosecutions for violations of all police or municipal ordinances or regulations and for violations of all penal statutes in nature of police or municipal regulations, where maximum punishment is a fine only, or imprisonment not exceeding one year, gives prosecutorial authority to the corporation counsel as to all municipal ordinances and regulations, irrespective of the prescribed punishment. D.C.C.E. § 23-101(a). *District of Columbia v. Smith*, 1974, 329 A.2d 128. *District Of Columbia* ¶7

### 3. Jurisdiction of court

District court had jurisdiction over prosecution of defendant charged with failing to make tax returns and to pay federal and District of Columbia taxes, since District of Columbia charges were properly joined in same information as federal offenses, and Office of Attorney General authorized United States Attorney to bring charges. *U.S. v. Gray*, 2010, 723 F.Supp.2d 82. *Federal Courts* ¶1036


Plea agreement with the United States Attorney, under which the government would not pursue any charges concerning one particular incident, did not preclude superior court from vindicating its authority to enforce a civil protection order (CPO) against the defendant by a order of criminal contempt in connection with the same incident; only the United States and the defendant were bound by the plea agreement, and it was not objectively reasonable for the defendant to expect that plea agreement would shield him by taking away the inherent power and authority of the superior court to enforce its CPOs through the sanction of criminal contempt. *In re Robertson*, 2011, 19 A.3d 751. *Criminal Law* ¶273.1(2); *Protection of Endangered Persons* ¶101

Even assuming that statutory provision allowing prosecutorial authority between corporation counsel and United States attorney prescribed role for United States attorney, that fact would raise only procedural question without effect upon court's jurisdiction over matter, and therefore, corporation counsel's involvement in contempt proceedings did not deprive court of jurisdiction to act. *D.C.Code* 1981, § 23-101. *Matter of Marshall*, 1983, 467 A.2d 979. *Contempt*


Formerly cited as DC ST 1981 § 23-101

#### 4.4


##### 4. Joinder of local and federal offenses


United States Attorney had authority under District of Columbia law to prosecute codefendant for local offense of aiding and abetting defendant's possession of unregistered firearm due to joinder of codefendant and defendant who was charged with federal offenses; although statute provided that corporate counsel for District of Columbia shall bring charges involving local offenses, statute authorized United States Attorney to prosecute local offense with consent of corporate counsel when local offense is joined with federal offense. D.C.Code 1981, § 23-101(a, d), U.S. v. Johnson, C.A.D.C.1995, 46 F.3d 1166, 310 U.S.App.D.C. 249, District And Prosecuting Attorneys  8(4)


##### 5. Certification

Where question as to proper prosecuting authority as between District of Columbia Corporation Counsel and United States Attorney is raised, the court must certify question to Court of Appeals for District of Columbia, and Municipal Court of Appeals was required to reverse action of Municipal Court in dismissing informations brought by Corporation Counsel after ruling that United States Attorney was proper prosecuting authority and the court would remand with instructions to reinstate informations and to certify questions to Court of Appeals. D.C.Code 1951, §§ 22-109, 22-3112, 23-101. District of Columbia v. Moody (Cr.App. 1961) 175 A.2d 782, certified question answered 304 F.2d 943, 113 U.S.App.D.C. 67, Federal Courts  1067

##### 6. Delinquency

Evidence obtained where the statute has not been complied with and where no exception applies generally may be suppressed on motion by a defendant with standing to challenge the violation. District of Columbia v. Mancouso, 2001, 778 A.2d 270, Criminal Law  392-41

Required use of government prosecutors in criminal-juvenile context did not indicate a congressional intent to require such prosecutors for civil commitments, let alone to preclude private litigation in the commitment field. D.C.C.E. §§ 16-2305, 21-501 et seq., 23-101. In re Kossow, 1978, 393 A.2d 97, Mental Health  38

Question of whether corporation counsel or United States attorney should conduct proceedings charging juvenile with act of delinquency was not properly certifiable since juvenile was not involved in criminal prosecution. D.C.C.E. §§ 16-2301(f), 16-2318, 23-101(f). In re M. W. F., 1973, 312 A.2d 302, Infants  2889


##### 7. Disorderly conduct



Under statute which restricts corporation counsel's authority to cases in which punishment is fine only or imprisonment not to exceed one year, corporation counsel lacked authority to initiate prosecution for disorderly conduct which was punishable by fine of not more than \$250 or imprisonment of not more than 90 days, or both. D.C.C.E. §§ 22-1107, 23-101, 23-102. District of Columbia v. Grimes, C.A.D.C.1968, 404 F.2d 1337, 131 U.S.App.D.C. 360.




Formerly cited as DC ST 1981 § 23-101


#### District And Prosecuting Attorneys


Trial court should have ordered District's Corporation Counsel to respond to arrestee's motion to seal arrest record, where record affirmatively showed that Assistant Corporation Counsel no-papered arrestee's disorderly conduct charge, and trial court should have recognized that Corporation Counsel, rather than United States Attorney, prosecutes disorderly conduct charges in District. District of Columbia v. Houston, 2004, 842 A.2d 667, Criminal Law 1226(2)

United States, through United States attorney, and not the District of Columbia, through the corporation counsel, is proper prosecutive authority for alleged violation of statute prescribing maximum fine of \$500, or imprisonment for not more than six months, or both, for disorderly and unlawful conduct in or about public buildings and public grounds belonging to the United States within the district. D.C.C.E. §§ 22-1107, 22-3111, 23-101(a, f). District of Columbia v. Ackerman, 1971, 283 A.2d 24. District And Prosecuting Attorneys 8(4); Indictment And Information 


Informations charging disorderly conduct were properly prosecuted by the Corporation Counsel on behalf of the District of Columbia even though the informations charged an offense punishable by a fine or by imprisonment, or both. D.C.Code 1961, §§ 22-109, 22-1121, 23-101. Smith v. District of Columbia (App. 1966) 219 A.2d 842, vacated 387 F.2d 233, 128 U.S.App.D.C. 275. District And Prosecuting Attorneys 8(4)

#### 8. Indecency

Prosecution for violation of statute rendering it unlawful to invite, entice or persuade any person fifteen years of age or over for purpose of prostitution or any other immoral or lewd purpose, should be conducted by United States attorney in name of and for benefit of United States, since offense is punishable by both fine and imprisonment. D.C.Code 1951, §§ 22-2701 et seq., 23-101, 23-102; Act July 29, 1892, §§ 7, 18, 27 Stat. 322. U.S. v. Strothers, C.A.D.C. 1985, 228 F.2d 34, 97 U.S.App.D.C. 63. District And Prosecuting Attorneys 8(4)


Statute establishing offense of soliciting for purposes of prostitution is not penal statute in the nature of a police or municipal ordinance or regulation, and thus, prosecutions under statute are to be conducted by United States and not by corporation counsel for District of Columbia. D.C.Code 1981, §§ 22-2701, 23-101. In re Monaghan, 1997, 690 A.2d 476. District Of Columbia 7


#### 9. Firearms violations

In view of 1972 letter from corporation counsel granting standing permission for United States attorney to prosecute violations of police regulations prohibiting possession of unregistered firearms and possession of ammunition therefor if such charges accompany a charge of violating statute prohibiting the carrying of a pistol without a license, the corporation counsel is not required in each case to give formal consent on the record for the United States attorney to prosecute on the regulatory charges. D.C.C.E. §§ 22-3204, 23-101(d). Copening v. U.S., 1976, 353 A.2d 305. District And Prosecuting Attorneys 8(4)

Formerly cited as DC ST 1981 § 23-101

10. Property offenses

United States Attorney for District of Columbia rather than corporation counsel for District was the attorney who should prosecute offense of destroying private property in violation of the District of Columbia Code, where the offense was punishable by fine not to exceed \$100, or imprisonment not to exceed six months, or both. D.C.Code 1961, §§ 22-3112, 23-101. District of Columbia v. Mosdy, C.A.D.C. 1962, 304 F.2d 943, 113 U.S.App.D.C. 67. District And Prosecuting Attorneys 8(4)

Corporation counsel, rather than United States attorney, was appropriate authority for prosecution of defendants for tampering with a parked vehicle in violation of police regulations of the District of Columbia. D.C.C.E. §§ 23-101, 23-101(f). District of Columbia v. Smith, 1974, 329 A.2d 128, District Of Columbia 7

11. Controlled substances offenses

The District of Columbia lacks standing to intervene in a criminal case on the defendant's behalf concerning pretrial detention after an alleged violation of the Uniform Controlled Substances Act. United States v. Sweetney, 113 WLR 2517 (Super. Ct.).

DC CODE § 23-101

Current through July 29, 2013

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## APPENDIX E

### TRUCK INTERDICTION REGULATIONS

LUP 032803

#### UNITED STATES CAPITOL POLICE BOARD REGULATIONS FOR THE TRUCK INTERDICTION PROGRAM PROVIDING FOR THE EXTENDED CAPITOL POLICE JURISDICTION ZONE

Pursuant to Section 1003 of Pub. L. 108-83, 117 Stat. 1007 (September 30, 2003), amending Section 9(B) of the Act of July 31, 1946 (2 USC 1967), to provide for the extended Capitol Police jurisdiction zone for the sole implementation, execution and maintenance of the truck interdiction program, and authority granted to the Capitol Police Board to promulgate regulations thereto, the Capitol Police Board hereby promulgates regulations as follows:

#### PART I. DEFINITIONS

For the purposes of these regulations, the terms below shall be defined as follows:

**A. CAPITOL POLICE** – the United States Capitol Police (USCP).

**B. CAPITOL POLICE BOARD** – the Board, comprised of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, the Architect of the Capitol, and, in an *“ex officio”*, non-voting capacity, the Chief of Police, which is charged with overseeing and supporting the Capitol Police in its mission and advancing coordination between the Capitol Police and the Congress.

**C. CHIEF OF POLICE** – the Chief of the United States Capitol Police.

**D. EXTENDED CAPITOL POLICE JURISDICTION ZONE** – the area bounded by the north curb of Constitution Avenue from 14<sup>th</sup> Street, NW to 3<sup>rd</sup> Street, NW, the east curb of 3<sup>rd</sup> Street from Constitution Avenue, NW to Independence Avenue, SW, the south curb of Independence Avenue from 3<sup>rd</sup> Street, SW, to 14<sup>th</sup> Street, SW, and the west curb of 14<sup>th</sup> Street from Independence Avenue, SW to Constitution Avenue, NW.

**E. PERFORMANCE OF OFFICIAL DUTIES** – activity within the general scope of employment as a member of the Capitol Police while such member is carrying out assigned duties directly related to the USCP Truck Interdiction Program.

**D. TRUCK INTERDICTION PROGRAM** – a monitoring program designed to allow for the automated identification of vehicles of interest upon entry into the extended Capitol Police jurisdiction zone, to evaluate vehicles of interest during their approach to the Capitol Grounds, and to provide for interdiction action by the Capitol Police, if necessary.

**PART II. TRUCK INTERDICTION PROGRAM**

**A. PURPOSE**

The purpose of the truck interdiction program shall be for –

- (1) the identification of vehicles of interest upon entry into the extended Capitol Police jurisdiction zone, as defined in Part I, D, above;
- (2) the evaluation of vehicles of interest during approach to the Capitol Grounds;
- and,
- (3) interdiction action by the Capitol Police, if necessary.

**B. LAW ENFORCEMENT AUTHORITY WITHIN THE EXTENDED CAPITOL POLICE JURISDICTION ZONE**

Within the area defined in Part I, above, as the "extended Capitol Police jurisdiction zone," a member of the Capitol Police shall have authority to make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia –

- (1) with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties when the crime is committed; and
- (2) to prevent imminent loss of life or injury to persons or property, if the officer is in the performance of official duties when the authority is exercised.

**C. OPERATIONAL PROCEDURES**

The Chief of Police shall develop operational procedures to administer the truck interdiction program which are not inconsistent with these regulations, and shall be subject to the approval of the Capitol Police Board.

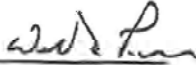
**PART III. SCOPE AND EFFECTIVE DATE**

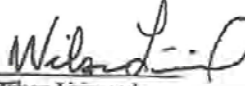
Under Section 1003 of Pub. L. 108-83, 117 Stat. 1007 (September 30, 2003), Section 9(B) of the Act of July 31, 1946 (2 USC 1967), was amended to provide for the extended Capitol Police jurisdiction zone and the sole implementation, execution and maintenance of the truck interdiction program.

Pursuant to this amendment, these regulations shall apply for the sole purposes of the implementation, execution and maintenance of the truck interdiction program. Nothing in these regulations may be construed to limit the authority of the Capitol Police as in effect before the effective date of these regulations.

These regulations shall be effective upon approval by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as required pursuant to Section 1003 of Pub. L. 108-83, 117 Stat. 1007 (September 30, 2003), amending Section 9(B) of the Act of July 31, 1946 (2 USC 1967), and shall apply to fiscal year 2004 and each fiscal year thereafter, unless otherwise provided by Capitol Police Board amendment to these regulations or express congressional directive to the contrary.


Adopted this 12 day of November, 2003.

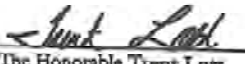
  
William H. Pickle  
Chairman  
Capitol Police Board

  
Wilson Livingood  
Member  
Capitol Police Board

  
Alan M. Hartman  
Member  
Capitol Police Board

APPROVED:

  
The Honorable Robert W. Ney  
Chairman  
Committee on House Administration  
United States House of Representatives  
Date: 12-18-03

  
The Honorable Trent Lott  
Chairman  
Committee on Rules and Administration  
United States Senate  
Date: 1/5/04

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## APPENDIX F

### 40 USC 5104



40 U.S.C.A. § 5104

Page 1

Formerly cited as 40 USCA § 193c; 40 USCA § 193d; 40 USCA § 193e; 40 USCA § 193f; 40 USCA § 193g; 40 USCA § 193m



**Effective:[See Notes]**

United States Code Annotated [Currentness](#)  
Title 40. Public Buildings, Property, and Works ([Refs & Annos](#))  
Subtitle II. Public Buildings and Works  
 [Part B](#). United States Capitol  
 [Chapter 51](#). United States Capitol Buildings and Grounds  
     **§ 5104. Unlawful activities**

**(a) Definitions.**--In this section--

**(1) Act of physical violence.**--The term “act of physical violence” means any act involving--

**(A)** an assault or other infliction or threat of infliction of death or bodily harm on an individual; or

**(B)** damage to, or destruction of, real or personal property.

**(2) Dangerous weapon.**--The term “dangerous weapon” includes--

**(A)** all articles enumerated in section 14(a) of the Act of July 8, 1932 ( ch. 465, 47 Stat. 654); and

**(B)** a device designed to expel or hurl a projectile capable of causing injury to individuals or property, a dagger, a dirk, a stiletto, and a knife having a blade over three inches in length.

**(3) Explosives.**--The term “explosives” has the meaning given that term in [section 841\(d\) of title 18](#).

**(4) Firearm.**--The term “firearm” has the meaning given that term in [section 921\(3\) of title 18](#).

**(b) Obstruction of roads.**--A person may not occupy the roads in the United States Capitol Grounds in a manner that obstructs or hinders their proper use, or use the roads in the area of the Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, to convey goods or merchandise, except to or from the United States Capitol on Federal Government service.

**(c) Sale of articles, display of signs, and solicitations.**--A person may not carry out any of the following activities in the

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Formerly cited as 40 USCA § 193c; 40 USCA § 193d; 40 USCA § 193e; 40 USCA § 193f; 40 USCA § 193g; 40 USCA § 193m

Grounds:

- (1) offer or expose any article for sale.
- (2) display a sign, placard, or other form of advertisement.
- (3) solicit fares, alms, subscriptions, or contributions.

**(d) Injuries to property.**--A person may not step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Grounds.

**(e) Capitol Grounds and Buildings security.**--

**(1) Firearms, dangerous weapons, explosives, or incendiary devices.**--An individual or group of individuals--

(A) except as authorized by regulations prescribed by the Capitol Police Board--

(i) may not carry on or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device;

(ii) may not discharge a firearm or explosives, use a dangerous weapon, or ignite an incendiary device, on the Grounds or in any of the Capitol Buildings; or

(iii) may not transport on the Grounds or in any of the Capitol Buildings explosives or an incendiary device; or

(B) may not knowingly, with force and violence, enter or remain on the floor of either House of Congress.

**(2) Violent entry and disorderly conduct.**--An individual or group of individuals may not willfully and knowingly--

(A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House;

(B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House;

(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of--

(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or



Formerly cited as 40 USCA § 193c; 40 USCA § 193d; 40 USCA § 193e; 40 USCA § 193f; 40 USCA § 193g; 40 USCA § 193m

(ii) the Library of Congress;

(D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;

(E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings;

(F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or

(G) parade, demonstrate, or picket in any of the Capitol Buildings.

**(3) Exemption of government officials.**--This subsection does not prohibit any act performed in the lawful discharge of official duties by--

(A) a Member of Congress;

(B) an employee of a Member of Congress;

(C) an officer or employee of Congress or a committee of Congress; or

(D) an officer or employee of either House of Congress or a committee of that House.

**(f) Parades, assemblages, and display of flags.**--Except as provided in [section 5106](#) of this title, a person may not--

(1) parade, stand, or move in processions or assemblages in the Grounds; or

(2) display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement.

CREDIT(S)

([Pub.L. 107-217](#), § 1, Aug. 21, 2002, 116 Stat. 1176; [Pub.L. 110-161](#), Div. H, Title I, § 1004(d)(2)(A)(iii), Dec. 26, 2007, 121 Stat. 2234; [Pub.L. 110-178](#), § 4(b)(1)(C), Jan. 7, 2008, 121 Stat. 2552; [Pub.L. 111-145](#), § 6(d)(1), Mar. 4, 2010, 124 Stat. 54.)

#### HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

Formerly cited as 40 USCA § 193c; 40 USCA § 193d; 40 USCA § 193e; 40 USCA § 193f; 40 USCA § 193g; 40 USCA § 193m

Section 14(a) of the Act of July 8, 1932, referred to in subsec. (a)(2)(A), is the District of Columbia Dangerous Weapons Act, July 8, 1932, c. 465, § 14(a), 47 Stat. 654, which is classified to [D.C. Code § 22-4514](#).

#### Amendments

2010 Amendments. Subsec. (d). Pub.L. 111-145, § 6(d)(1), repealed Pub.L. 110-161, Div. H, § 1004(d)(2)(A)(iii), which amended this section. See 2007 Amendments note set out under this section.

2008 Amendments. Subsec. (e)(2)(C). Pub.L. 110-178, § 4(b)(1)(C), rewrote subpar. (C). Prior to amendment, former subpar. (C) read: “(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officer, or employee of Congress or either House of Congress;”. Pub.L. 110-161, Div. H, Title I, § 1004(d)(2)(A)(iii), which made an identical amendment, was subsequently repealed by Pub.L. 111-145, § 6(d)(1).

2007 Amendments. Subsec. (d). Pub.L. 110-161, Div. H, § 1004(d)(2)(A)(iii), which rewrote subpar. (C), was subsequently repealed by Pub.L. 111-145, § 6(d)(1).

#### Effective and Applicability Provisions

2008 Acts. Amendments by Pub.L. 110-178, § 4, effective Oct. 1, 2009, see Pub.L. 110-178, § 4(d), set out as an Effective and Applicability Provisions note under [2 U.S.C.A. § 167](#).

2007 Acts. Amendments by Pub.L. 110-161, Div. H, § 1004, effective Oct. 1, 2009, see Pub.L. 110-161, Div. H, Title I, § 1004(d)(4), set out as an Effective and Applicability Provisions note under [2 U.S.C.A. § 167](#). Subsequently, Pub.L. 111-145, § 6(d)(1), repealed Pub.L. 110-161, § 1004.

#### Clarification of Applicability of U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007

Effective as if included in enactment of Div. H of Pub.L. 110-161, section 1004 of Pub.L. 110-161 is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law; nothing may be construed to prevent the enactment or implementation of any provision of Pub.L. 110-178, including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to this paragraph, see Pub.L. 111-145, § 6(d), set out as a note under 2 U.S.C.A. § 1901.

#### LIBRARY REFERENCES

##### American Digest System

[United States](#)  57.  
[Weapons](#)  9.

Key Number System Topic Nos. [393](#), [406](#).

Formerly cited as 40 USCA § 193c; 40 USCA § 193d; 40 USCA § 193e; 40 USCA § 193f; 40 USCA § 193g; 40 USCA § 193m

## RESEARCH REFERENCES

### Encyclopedias

[Am. Jur. 2d Weapons and Firearms § 29](#), Federal Controls.

## NOTES OF DECISIONS

Assemblages [1](#)

Constitutionality [1](#)

Construction with other laws [1/2](#)

Demonstrations [4](#)

Power of Congress [2](#)

[1/2](#). Construction with other laws

Federal Tort Claims Act (FTCA) discretionary function exemption barred false arrest and imprisonment claim arising out of plaintiff's detention and arrest by United States Capitol Police. [Olanivi v. District of Columbia, D.D.C.2011, 763 F.Supp.2d 70, United States !\[\]\(b792654f2cef9719eabeb6c5be00811e\_img.jpg\)78\(12\)](#)

### [1](#). Constitutionality



Statute prohibiting parades, demonstrations, or picketing in Capitol buildings was viewpoint neutral and reasonable regulation of both conduct and expressive activity, thereby satisfying free speech requirements for nonpublic fora. [Bynum v. U.S. Capitol Police Bd., D.D.C.2000, 93 F.Supp.2d 50](#), amended , reconsideration denied [96 F.Supp.2d 4, Constitutional Law !\[\]\(2bae76de5ebbd5c4d7d47162f1673734\_img.jpg\)1769; Constitutional Law !\[\]\(c8d5e2ee847d658b2a7eb88bf9ce84ac\_img.jpg\)1846; Constitutional Law !\[\]\(e8c3b4b3458ce63d765e2b60d287abf5\_img.jpg\)1851; United States !\[\]\(f7b714d14530378130f0e572cadf16a6\_img.jpg\)57](#)

Police regulation defining demonstration, for purposes of statute prohibiting demonstrations in Capitol buildings, as speechmaking or "other expressive conduct that conveys a message supporting or opposing a point of view or has the intent, effect or propensity to attract a crowd of onlookers" was not reasonable in light of statute's purpose of preventing disruptive conduct in Capitol and, thus, amounted to unconstitutional restriction on speech in nonpublic forum. [Bynum v. U.S. Capitol Police Bd., D.D.C.2000, 93 F.Supp.2d 50](#), amended , reconsideration denied [96 F.Supp.2d 4, Constitutional Law !\[\]\(b64b40baaee5acddc1eab8538ba84754\_img.jpg\)1846; United States !\[\]\(f1009ec4c244bb185d08b1dfae838c51\_img.jpg\)57](#)


Governmental interest in maintenance of a "park-like setting" on capitol grounds was not sufficient to sustain this section prohibiting parades or assemblages on the capitol grounds and this section was void on its face on both [U.S.C.A.Const. Amends. 1](#) and [5](#) grounds. [Jeannette Rankin Brigade v. Chief of Capitol Police, D.C.D.C.1972, 342 F.Supp. 575](#), affirmed [93 S.Ct. 311, 409 U.S. 972, 34 L.Ed.2d 236, Constitutional Law !\[\]\(84f47badaad7772cd95667a7c387a639\_img.jpg\)1431; United States !\[\]\(ab1cd3423001ff994d2c02189fd012b0\_img.jpg\)57](#)

Former section 193h [now this section] and former sections 193j and 193k of this title [now [40 U.S.C.A. § 5106](#)] forbidding


Formerly cited as 40 USCA § 193c; 40 USCA § 193d; 40 USCA § 193e; 40 USCA § 193f; 40 USCA § 193g; 40 USCA § 193m

parading, assemblages and named displays in United States capitol grounds except through special arrangement were not subject to constitutional challenge on [U.S.C.A. Const. Amends. 1](#) and [5](#) grounds or as giving unconstitutional discretion to officials of the legislative branch. [Jeannette Rankin Brigade v. Chief of Capitol Police, D.C.D.C.1968, 278 F.Supp. 233, Constitutional Law](#)  [1431](#); [District Of Columbia](#)  [4](#)


## [2. Power of Congress](#)

Matter of rewriting this section forbidding parades or assemblages on the capitol grounds, no matter how peaceful their purpose or orderly their conduct, was function more appropriately to be performed by Congress than by the three-judge court. [Jeannette Rankin Brigade v. Chief of Capitol Police, D.C.D.C.1972, 342 F.Supp. 575](#), affirmed [93 S.Ct. 311, 409 U.S. 972, 34 L.Ed.2d 236, Constitutional Law](#)  [2500](#)

## [3. Assemblages](#)

Conduct of defendants charged with unlawful entry in refusing to quit steps of United States capitol after being ordered to do so by chief of capitol police and in reading names of Vietnam war dead in ordinary speaking voice did not come within prohibition of this section as interpreted. [U. S. v. Nicholson, D.C.App.1970, 263 A.2d 56, District Of Columbia](#)  [20](#)

## [4. Demonstrations](#)

Federal law enforcement officers were entitled to qualified immunity from *Bivens* liability for making warrantless arrest of artist at United States Capitol Building, even though officers did not have probable cause to arrest artist for making false bomb threat or assault, where there was probable cause to believe that artist had violated federal statute barring demonstrations within Capitol Building. [Olaniyi v. District of Columbia, D.D.C.2006, 416 F.Supp.2d 43, United States](#)  [50.10\(3\)](#)

40 U.S.C.A. § 5104, 40 USCA § 5104

Current through P.L. 113-47 approved 10-31-13

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# SUMMARY OF CONSTITUTIONAL CHALLENGES TO THE CAPITOL POLICE BOARD TRAFFIC REGULATIONS

## APPENDIX H CASE LAW SUMMARIES

Case Name	Violation	Facts	Location	Holding	Rationale	Notes
<i>Abney II</i> , 451 A.2d 78 (D.C. App. 1982)	CTR §47(b)(2) (Sleeping or laying on Capitol Grounds)	Individual lying face-down in a stall on Senate steps protesting VA denial of benefits.	Carriage Entrance	Facially valid but unconstitutional as applied.	Individual was not “actually or potentially threatening the movement of traffic on the grounds” which constituted a greater restriction on First Amendment freedoms than was necessary to further the government’s legitimate interest in the free flow of traffic.	Abney’s conduct implicated the First Amendment (he was demonstrating and not just sleeping) because it was a continuation of a vigil that that have taken place in various areas of D.C. since 1975.
<i>Lederman v. United States</i> , 291 F.3d 36 (2002)	CTR §158 (Demonstrating in a “no demonstration” zone,” an area that bars all demonstration activity)	Individual distributing leaflets.	East Front Sidewalk at foot of Senate steps.	(1) Sidewalk is a traditional public forum  (2) Unconstitutional as applied because §158(a) is not narrowly tailored to further gov’t interest of promoting access or security.	(1) Public forum because (i) sidewalk does not differ from the rest of grounds in a “way that makes it uniquely nonpublic” (ii) use as an entryway to the Capitol is not “sufficiently specialized” to warrant distinguishing the sidewalk from the remainder of the Grounds and (iii) it’s an open gathering place where tourists may view and photograph the Capitol.  (2) “Access” is insufficient government interest because protestors are no different than other pedestrians; “security” because a demonstrator poses no greater risk to security than other pedestrians who “come and go anonymously, travel in groups of any size, carry any number of bags and boxes and linger as long as they please.”	Court limited opinion to the East Front Sidewalk only, declining to extend the analysis to other “no demonstration” zones on Capitol Grounds.  Absolute bans suspect  Demonstrators impeding access is basis for <i>reasonable</i> restrictions not outright bans.  Likens East Front sidewalk to that at issue in <i>Heffron</i> . <sup>2</sup>

<sup>1</sup> Traffic Regulations for the United States Capitol Grounds, Art. 10, §47(b)(2) makes unlawful: “any sleeping or lying down on the paved or improved portions of the Buildings and Grounds (such as streets, roads, sidewalks, walkways, steps, curbs, gutters, doorways, alcoves, walls) at any time...”

<sup>2</sup> *Heffron v. Int’l Soc’y for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981).

**SUMMARY OF CONSTITUTIONAL CHALLENGES TO THE CAPITOL POLICE BOARD  
TRAFFIC REGULATIONS**

Case Name	Violation	Facts	Location	Holding	Rationale	Other Issues
<i>CCNV v. Kerrigan</i> , 865 F.2d 382 (D.C. App. 1989)	CTR §156(a)(2) (24 hour limit on duration of permitted demonstration activity) <sup>3</sup>	7 day, 24 hour vigil, Board wants 500 lb statute removed for a few minutes every 24 hours	Few feet from outside perimeter of Capitol Grounds.	24 hour duration for props and equipment is constitutional.	24 hour duration for props and equipment narrowly tailored to further the legitimate government interests of (1) promoting the free flow of traffic (2) keeping the forum open for others, and (3) preserving day-to-day control over the Capitol Grounds	Case affirmed <i>CCNV v. Conlino</i> , 660 F. Supp. 744 (D.C., 1987), but overturned point of law: that the Board interest in guarding against the appearance of congressional sponsorship not related to authority to regulate traffic.  24-hour rule provides a bright- line test that supplements the separate Board requirement that demonstration materials be moveable.

<sup>3</sup> CTR §156 (a)(2) states:  
“No permit shall be issued for a period of more than 7 consecutive days, and no permit shall authorize demonstration activity having a duration of more than 24 consecutive hours...”



## SUMMARY OF CONSTITUTIONAL CHALLENGES TO THE CAPITOL POLICE BOARD TRAFFIC REGULATIONS

Case Name	Violation	Facts	Location	Holding	Rationale	Other Issues
<i>Bynum v. Capitol Police Board</i> , 95 F.Supp.2d (2000)	40 USC §5104(e)(2)(G) (prohibiting parading, demonstrating and picketing inside Capitol Buildings) <sup>4</sup>  Read along with....  CTR §158 definition of "demonstration activity." <sup>5</sup>	Peaceful prayer tour of the Capitol; members of the group bowed their heads and folded their hands.	Various historic sites inside of the Capitol building, including the Washington cornerstone and Statutory Hall.	(1) Inside of the Capitol is a non-public forum.  (2) 40 USC §5104(e)(2)(G) is constitutional.  (3) §158 definition of "demonstration activity" is facially invalid and as applied to an individual praying inside of the Capitol.  (4) §158 is also a due process violation because it is vague and overbroad.	(1) Non-public forum by process of elimination (doesn't fit typical requirements of traditional public forum or designated public forum).  (2) 40 USC §5104(e)(2)(G) restriction on demonstrating in Capitol is a reasonable restriction on speech in order to permit Congress to peaceably carry out its lawmaking responsibilities...without allowing minority a license to "delay, impede or otherwise disrupt the orderly processes of the legislature."  (3) CTR §158 fails even as a reasonable regulation because, though it is viewpoint neutral, it sweeps too broadly over speech that is not disruptive such as "speechmaking... or other expressive conduct."  (4) CTR §158 violates due process because it is (1) overbroad; gives USCP too much discretion to restrict any sort of expressive conduct and (2) vague; no ascertainable standard for enforcement, providing no notice to citizens.	Prayer is NOT a prohibited form of demonstration.  Inside Capitol, speech must be disruptive in order to be considered a "demonstration" under 40 USC §5104(e)(2)(G).  Board does not need to define "demonstration activity."  To be considered unlawful demonstration under 40 USC §104(e)(2)(G), prayer has to be done in a way that obstructs or impedes passage; loud, threatening or abusive or is otherwise disorderly and disruptive.

<sup>4</sup> 40 USC §5104(e)(2)(G) states:

"an individual cannot willfully and knowingly...parade, picket or demonstrate inside Capitol Buildings."

<sup>5</sup> CTR §158 at the time defined "demonstration activity" as:

"parading, picketing, speechmaking, holding vigils, sit-ins, or other expressive conduct that conveys a message supporting or opposing a point of view or has the intent, effect or propensity to attract a crowd or onlookers, but does not include merely wearing Tee shirts, buttons or other similar articles of apparel that convey a message."

# SUMMARY OF CONSTITUTIONAL CHALLENGES TO THE CAPITOL POLICE BOARD TRAFFIC REGULATIONS

Case Name	Violation	Facts	Location	Holding	Rationale	Other Issues
<i>Jeannette Rankin Brigade v. Chief of Capital Police</i> 342 F. Supp. 575 (D.C. 1972)	40 USC 5104(f): "A person may not parade, stand or move in processions or assemblages in the Grounds; or display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization or movement."	Women against war on Grounds for a Mayday March, were told they could not march and assemble onto Capitol Grounds as one large group.	Union Station to East Front Plaza of Capitol Grounds	Unconstitutional on its face on both 1A (right to assemble) and 5A grounds (due process).	Capitol Grounds have traditionally been open to the public.  An absolute ban prohibits all assemblages, whether or not they actually threaten any government interest  Gov't interests of "peace, serenity, majesty and maintenance of a park like setting" are not valid to justify excluding all demonstrations.  Distinguished the Capitol from other public areas such as libraries, courthouses and jails; Capitol was designed for the primary purpose of legislating, which is not at all incompatible with parades, assemblages and processions.  Difficult to enforce, danger of selective enforcement.	Plaintiffs sought declaratory relief.  Board is permanently enjoined from enforcing the statute.  Valid government interests include damage to building and grounds, obstruction of passageways and dangers to legislators and staff.

# APPENDIX I

## 40 USC 5102

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40 U.S.C.A. § 5102

Page 1

Formerly cited as 40 USCA § 193a

C

Effective:[See Notes]

United States Code Annotated [Currentness](#)

Title 40. Public Buildings, Property, and Works ([Refs & Annos](#))

Subtitle II. Public Buildings and Works

[Part B](#). United States Capitol

[Chapter 51](#). United States Capitol Buildings and Grounds

→ → § 5102. Legal description and jurisdiction of United States Capitol Grounds

(a) **Legal description.**--The United States Capitol Grounds comprises all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled "Map showing areas comprising United States Capitol Grounds", dated June 25, 1946, approved by the Architect of the Capitol, and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added by law after June 25, 1946.

(b) **Jurisdiction.**--

(1) **Architect of the Capitol.**--The jurisdiction and control over the Grounds, vested prior to July 31, 1946, by law in the Architect, is extended to the entire area of the Grounds. Except as provided in paragraph (2), the Architect is responsible for the maintenance and improvement of the Grounds, including those streets and roadways in the Grounds as shown on the map referred to in subsection (a) as being under the jurisdiction and control of the Commissioners of the District of Columbia.

(2) **Mayor of the District of Columbia.**--

(A) **In general.**--The Mayor of the District of Columbia is responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines of those streets: Constitution Avenue from Second Street Northeast to Third Street Northwest, First Street from D Street Northeast to D Street Southeast, D Street from First Street Southeast to Washington Avenue Southwest, and First Street from the north side of Louisiana Avenue to the intersection of C Street and Washington Avenue Southwest, Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion

Formerly cited as 40 USCA § 193a

of Washington Avenue Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street.

**(B) Repair and maintenance of utility services.**--The Mayor may enter any part of the Grounds to repair or maintain or, subject to the approval of the Architect, construct or alter, any utility service of the District of Columbia Government.

**(c) National Garden of the United States Botanic Garden.--**

**(1) In general.**--Except as provided under paragraph (2), the United States Capitol Grounds shall include--

**(A)** the National Garden of the United States Botanic Garden;

**(B)** all grounds contiguous to the Administrative Building of the United States Botanic Garden, including Bartholdi Park; and

**(C)** all grounds bounded by the curblines of First Street, Southwest on the east; Washington Avenue, Southwest to its intersection with Independence Avenue, and Independence Avenue from such intersection to its intersection with Third Street, Southwest on the south; Third Street, Southwest on the west; and Maryland Avenue, Southwest on the north.

**(2) Maintenance and improvements.**--Notwithstanding subsections (a) and (b), jurisdiction and control over the buildings on the grounds described in paragraph (1) shall be retained by the Joint Committee on the Library, and the Joint Committee on the Library shall continue to be solely responsible for the maintenance and improvement of the grounds described in such paragraph.

**(3) Authority not limited.**--Nothing in this subsection shall limit the authority of the Architect of the Capitol under section 307E of the Legislative Branch Appropriations Act, 1989 ([40 U.S.C. 216c](#)).

**(d) Library of Congress buildings and grounds.--**

**(1) In general.**--Except as provided under paragraph (2), the United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled "An Act relating to the policing of the buildings [\[FN1\]](#) of the Library of Congress", approved August 4, 1950 ([2 U.S.C. 167i](#)).

**(2) Authority of Librarian of Congress.**--Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 ([2 U.S.C. 141](#); 42 Stat. 715).

CREDIT(S)

([Pub.L. 107-217](#), § 1, Aug. 21, 2002, 116 Stat. 1175; [Pub.L. 108-7](#), Div. H, Title I, § 1016(b), Feb. 20, 2003, 117 Stat. 364; [Pub.L. 110-161](#), Div. H, Title I, § 1004(d)(2)(A)(ii), Dec. 26, 2007, 121 Stat. 2233; [Pub.L. 110-178](#), § 4(b)(1)(B), Jan. 7,

Formerly cited as 40 USCA § 193a

2008, 121 Stat. 2551; [Pub.L. 111-145](#), § 6(d)(1), Mar. 4, 2010, 124 Stat. 54.)

[FN1] So in original. Probably should be followed by “and grounds”.

#### DEFINITION OF UNITED STATES CAPITOL GROUNDS

<For provisions directing amendment of this section (or section 1 of the Act of July 31, 1946, as amended (former [40 U.S.C.A. § 193a](#)), which was repealed and reenacted by [Pub.L. 107-217](#), §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as this section) to include within or exclude from the definition of the United States Capitol Grounds certain parcels or areas, see notes set out under this section and under [40 U.S.C.A. § 6101](#).>

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

##### 2002 Acts

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5102	40:193a.	July 31, 1946, ch. 707, § 1, 60 Stat. 718; Pub. L. 90-108, § 1(a), Oct. 20, 1967, 81 Stat. 275; Pub. L. 93-198, § 739(g)(7), Dec. 24, 1973, 87 Stat. 829; Pub. L. 96-432, § 2, Oct. 10, 1980, 94 Stat. 1852.

In subsection (b)(2), the words “Mayor of the District of Columbia” are substituted for “Commissioners of the District of Columbia” [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to “Commissioner of the District of Columbia” because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93-198, 87 Stat. 789). In subparagraph (A), the words “Washington Avenue Southwest” are substituted for “Canal Street S. W.” and “Canal Street Southwest” because of section 2 of D.C. Law 8-39. See section 7-451 note of the District of Columbia Code.

[House Report No. 107-479](#), see 2002 U.S. Code Cong. and Adm. News, p. 827.

2003 Acts. [House Conference Report No. 108-10](#) and Statement by President, see 2003 U.S. Code Cong. and Adm. News, p. 4.

2007 Acts. [House Report No. 110-197](#), see 2007 U.S. Code Cong. and Adm. News, p. 661.

Statement by President, see 2007 U.S. Code Cong. and Adm. News, p. S34.

2008 Acts. House Report No. 110-470(Part I), see 2007 U.S. Code Cong. and Adm. News, p. 839.

##### References in Text

Formerly cited as 40 USCA § 193a

Section 11 of the Act entitled “An Act relating to the policing of the buildings of the Library of Congress”, approved August 4, 1950, referred to in subsec. (d)(1), probably means An Act relating to the policing of the buildings and grounds of the Library of Congress, Act Aug. 4, 1950, c. 561, § 11, 64 Stat. 412, as amended, which is [2 U.S.C.A. § 167j](#).

Section 307E of the Legislative Branch Appropriations Act, 1989 ([40 U.S.C. 216c](#)), referred to in subsec. (c)(3), is Pub.L. 100-458, Title III, § 307E, Oct. 1, 1988, as amended, which is classified to [2 U.S.C.A. § 2146](#), was classified to former 40 U.S.C.A. § 216c prior to the general revision and enactment into positive law of Title 40 by Pub.L. 107-217, Aug. 21, 2002, 116 Stat. 1062, but was not repealed, omitted, or restated by Pub.L. 107-217.

#### Codifications

Section is also set out in [D.C.Code § 10-503.11](#).

#### Amendments

2010 Amendments. Subsec. (d). Pub.L. 111-145, § 6(d)(1), repealed Pub.L. 110-161, Div. H, § 1004(d)(2)(A)(ii), which amended this section. See 2007 Amendments note set out under this section.

2008 Amendments. Subsec. (d). Pub.L. 110-178, § 4(b)(1)(B), added subsec. (d). Pub.L. 110-161, Div. H, Title I, § 1004(d)(2)(A)(ii), which made an identical amendment, was subsequently repealed by Pub.L. 111-145, § 6(d)(1).

2007 Amendments. Subsec. (d). Pub.L. 110-161, Div. H, § 1004(d)(2)(A)(ii), which added subsec. (d), was subsequently repealed by Pub.L. 111-145, § 6(d)(1).

2003 Amendments. Subsec. (c). Pub.L. 108-7, Div. H, § 1016(b), added subsec. (c).

#### Effective and Applicability Provisions

2008 Acts. Amendments by Pub.L. 110-178, § 4, effective Oct. 1, 2009, see Pub.L. 110-178, § 4(d), set out as an Effective and Applicability Provisions note under [2 U.S.C.A. § 167](#).

2007 Acts. Amendments by Pub.L. 110-161, Div. H, § 1004, effective Oct. 1, 2009, see Pub.L. 110-161, Div. H, Title I, § 1004(d)(4), set out as an Effective and Applicability Provisions note under [2 U.S.C.A. § 167](#). Subsequently, Pub.L. 111-145, § 6(d)(1), repealed Pub.L. 110-161, § 1004.

2003 Acts. Amendments made by section 1016 of Division H of Pub.L. 108-7 shall apply to fiscal year 2003 and each fiscal year thereafter, see Pub.L. 108-7, Div. H, § 1016(d), set out as a note under 2 U.S.C.A. § 1961.

Clarification of Applicability of U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007

Formerly cited as 40 USCA § 193a

Effective as if included in enactment of Div. H of Pub.L. 110-161, section 1004 of Pub.L. 110-161 is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law; nothing may be construed to prevent the enactment or implementation of any provision of Pub.L. 110-178, including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to this paragraph, see Pub.L. 111-145, § 6(d), set out as a note under 2 U.S.C.A. § 1901.

#### Definition of United States Capitol Grounds

Provisions directing the amendment of this section or its predecessor provision, [40 U.S.C.A. § 193a](#), to include or exclude certain parcels or areas from the U.S. Capitol Grounds are provided in notes under this section and [40 U.S.C.A. § 6101](#).

#### Transfer of Administrative Jurisdiction Over Certain Properties, Conveyance to Architect of the Capitol, and Other General Provisions

Pub.L. 109-396, Title II, §§ 201, 204, Title IV, §§ 401 to 407, Dec. 15, 2006, 120 Stat. 2713, 2715, 2718, provided that:

#### “Sec. 201. Transfer of administrative jurisdiction over certain properties.

##### “(a) Transfer of administrative jurisdiction from District of Columbia to United States.--

“(1) **In general.**--Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:

“(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

“(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

“(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

“(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

“(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

Formerly cited as 40 USCA § 193a

“(F) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

“(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

“(H) Subject to paragraph (2), lands over I-395 bounded by Washington Avenue Southwest, 2nd Street Southwest, and the C Street Southwest ramps to I-295.

“(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

“(2) **Use of certain property for memorial.**--In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106-348 (114 Stat. 1358; [40 U.S.C. 8903](#) note), except that--

“(A) the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for the tunnel, walls, footings, and related facilities;

“(B) C Street Southwest shall not be connected between 2nd Street Southwest and Washington Avenue Southwest without the approval of the Architect of the Capitol; and

“(C) a walkway shall be included across the site of the memorial between 2nd Street Southwest and Washington Avenue Southwest.

“(3) **Additional transfer.**--

“(A) **In general.**--Administrative jurisdiction over the parcel bounded by 2nd Street Southwest, the C Street Southwest ramp to I-295, the D Street Southwest ramp to I-395, and I-295 is hereby transferred, subject to the terms in this paragraph, from the District of Columbia as follows:

“(i) The northernmost .249 acres is transferred to the Secretary for administration by the Director, who (subject to the approval of the Architect of the Capitol) shall landscape the parcel or use the parcel for special needs parking for the memorial referred to in paragraph (2).

“(ii) The remaining portion is transferred to the Architect of the Capitol.

“(B) **Retention of jurisdiction over subsurface area.**--The District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the parcel referred to in subparagraph (A) for the tunnel, walls, footings, and related facilities.



Formerly cited as 40 USCA § 193a

**“(b) Transfer of administrative jurisdiction from United States to District of Columbia.**--Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

**“(1)** A portion of U.S. Reservation 451.

**“(2)** A portion of U.S. Reservation 404.

**“(3)** U.S. Reservations 44, 45, 46, 47, 48, and 49.

**“(4)** U.S. Reservation 251.

**“(5)** U.S. Reservation 8.

**“(6)** U.S. Reservations 277A and 277C.

**“(7)** Portions of U.S. Reservation 470.

**“(c) Effective date.**--The transfers of administrative jurisdiction under this section [§ 201 of the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Title II, § 201, Dec. 15, 2006, 120 Stat. 2713, which enacted section 201 of this note and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#)] shall take effect on the date of the enactment of this Act [Dec. 15, 2006].

**“Sec. 204. Conveyance to architect of the capitol.**

**“(a) In general.**--Prior to conveyance of title to U.S. Reservation 13 to the District of Columbia under this Act [the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Dec. 15, 2006, 120 Stat. 2711, which enacted this note, provisions set out as a note under [40 U.S.C.A. § 524](#), and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#)], the District of Columbia shall convey, with the approval of the Architect of the Capitol and subject to subsections (b) and (c), not more than 12 acres of real property to the Architect of the Capitol.

**“(b) Title held by Secretary.**--If title to the real property identified for conveyance under subsection (a) is held by the Secretary, not later than 30 days after being notified by the Architect of the Capitol that property has been so identified, the Secretary shall agree or disagree to conveying the interest in such property to the Architect of the Capitol.

**“(c) Review.**--If the Secretary agrees to the conveyance under subsection (b), or if title to the property is held by the District of Columbia, the real property shall be conveyed after a 30-day review period beginning on the date on which notice of the conveyance is received by the Committee on Homeland Security and Governmental Affairs and the Committee on Rules of the Senate and the Committee on Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

Formerly cited as 40 USCA § 193a

“(d) **Study.**--The Architect of the Capitol shall not construct a mail screening facility on any real property conveyed under this section unless each of the following conditions is satisfied:

“(1) **A study is completed that analyzes.**--

“(A) whether one or more other underutilized, surplus, or excess Federal facilities exist in which such a mail screening facility could be more economically located; and

“(B) whether it would be more efficient and economical for the House of Representatives and Senate to share one mail screening facility.

“(2) The study is submitted to the relevant committees of Congress.

“(3) No fewer than 30 days have lapsed since the date of the submission under paragraph (2).

“**Sec. 401. Definitions.**

“In this Act [the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Dec. 15, 2006, 120 Stat. 2711, which enacted this note, provisions set out as a note under [40 U.S.C.A. § 524](#), and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#)], the following definitions apply:

“(1) The term ‘Administrator’ means the Administrator of General Services.

“(2) The term ‘Director’ means the Director of the National Park Service.

“(3) The term ‘Map’ means the map entitled ‘Transfer and Conveyance of Properties in the District of Columbia’, numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.

“(4) The term ‘park purposes’ includes landscaped areas, pedestrian walkways, bicycle trails, seating, opensided shelters, natural areas, recreational use areas, and memorial sites reserved for public use.

“(5) The term ‘Secretary’ means the Secretary of the Interior.

“**Sec. 402. Limitation on costs.**

“The United States shall not be responsible for paying any costs and expenses, other than costs and expenses related to or associated with environmental liabilities or cleanup actions provided under law, which are incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act [the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Dec. 15, 2006, 120 Stat. 2711,

Formerly cited as 40 USCA § 193a

which enacted this note, provisions set out as a note under [40 U.S.C.A. § 524](#), and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#).

**“Sec. 403. Authorization of parties to enter into contracts.**

“An officer or employee of the United States or the District of Columbia may contract for payment of costs or expenses related to any properties which are conveyed or for which administrative jurisdiction is transferred under this Act or any amendment made by this Act [the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Dec. 15, 2006, 120 Stat. 2711, which enacted this note, provisions set out as a note under [40 U.S.C.A. § 524](#), and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#)].

**“Sec. 404. No effect on compliance with environmental law.**

“Nothing in this Act or any amendment made by this Act [the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Dec. 15, 2006, 120 Stat. 2711, which enacted this note, provisions set out as a note under [40 U.S.C.A. § 524](#), and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#)] may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ([42 U.S.C. 9620\(h\)](#)) [Pub.L. 96-510, Title I, § 120(h), as added Pub.L. 99-499, Title I, § 120(a), Oct. 17, 1986, 100 Stat. 1666].

**“Sec. 405. Congressional reports.**

**“(a) District of Columbia.**--Not later than January 31 of each year, the Mayor of the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on the use and development during the previous year of land for which title is conveyed to the District of Columbia and land for which administrative jurisdiction is transferred to the District of Columbia pursuant to this Act [the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Dec. 15, 2006, 120 Stat. 2711, which enacted this note, provisions set out as a note under [40 U.S.C.A. § 524](#), and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#)].

**“(b) Comptroller general.**--The Comptroller General shall report periodically to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on--

“(1) the use and development during the previous 2 years of land for which title is conveyed and land for which administrative jurisdiction is transferred pursuant to this Act; and

“(2) if applicable, how such use and development complies with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 ([sec. 2-1223.03, D.C. Official Code](#)).

Formerly cited as 40 USCA § 193a

“(c) **Sunset.**--This section shall expire 10 years after the date of enactment of this Act [Dec. 15, 2006].

**“Sec. 406. Treatment as properties transferred to architect of the capitol as part of capitol buildings and grounds.**

“Upon transfer to the Architect of the Capitol of title to, or administrative jurisdiction over, any property pursuant to this Act [the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Dec. 15, 2006, 120 Stat. 2711, which enacted this note, provisions set out as a note under [40 U.S.C.A. § 524](#), and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#)], the property shall be a part of the United States Capitol Grounds and shall be subject to sections 9, 9A, 9B, 9C, 14, and 16(b) of the Act entitled ‘An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes’ [Act July 31, 1946, c. 707, 60 Stat. 718, as amended; sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to [2 U.S.C.A. §§ 1961, 1966, 1967, 1922](#), and [1969](#), and section 16(b) of the Act is set out as a note under [2 U.S.C.A. § 1961](#)] (relating to the policing of the United States Capitol Grounds) and [sections 5101 to 5107 and 5109 of title 40, United States Code](#) (relating to prohibited acts within the United States Capitol Grounds).

**“Sec. 407. Deadline for provision of deeds and related documents.**

“With respect to each property conveyed under this Act or any amendment made by this Act [the Federal and District of Columbia Government Real Property Act of 2006, Pub.L. 109-396, Dec. 15, 2006, 120 Stat. 2711, which enacted this note, provisions set out as a note under [40 U.S.C.A. § 524](#), and provisions set out as a table entry in a note under [40 U.S.C.A. § 8903](#)], the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.”

Transfer of Jurisdiction Over Real Property Near Japanese American Patriotism Memorial

Pub.L. 108-447, Div. G, Title II, § 213, Dec. 8, 2004, 118 Stat. 3196, provided that:

**“(a) Transfer of jurisdiction**

“(1) **In general.**--Jurisdiction over the parcels of Federal real property described under paragraph (2) (over which jurisdiction was transferred under section 514(b)(2)(C) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104-333)) is transferred to the Architect of the Capitol, without consideration.

“(2) **Parcels.**--The parcels of Federal real property referred to under paragraph (1) are the following:

“(A) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property, and whose maintenance and repair shall be the responsibility of the District of Columbia.

“(B) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

Formerly cited as 40 USCA § 193a

**“(b) Miscellaneous.--**

**“(1) Compliance with other laws.--**Compliance with this section [this note] shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

**“(2) United States capitol grounds.--**

**“(A) Definition.--**Section 5102 of title 40, United States Code, is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (a)(2) [of this note].

**“(B) Jurisdiction of capitol police.--**The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (a)(2) [of this note] in accordance with section 9 of the Act entitled ‘An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes’, approved July 31, 1946 ([2 U.S.C. 1961](#)).

**“(3) Effect of transfer.--**A person relinquishing jurisdiction over any parcel of Federal real property transferred by subsection (a) [of this note] shall not retain any interest in the parcel except as specifically provided in this section [this note].

**“(c) Effective date.--**This Act [sic; probably means ‘this section’ which enacted this note] shall apply to fiscal year 2005 and each fiscal year thereafter.”

Application of Certain Sections Added by Act July 31, 1946, Chapter 707 to Other Laws

Act July 31, 1946, c. 707, § 16(b), 60 Stat. 721, provided that nothing in former 40 U.S.C.A. §§ 193a to 193m, 212a, 212a-2, or 212b [now [2 U.S.C.A. §§ 1961, 1966, 1969; 40 U.S.C.A. §§ 5101 to 5107, 5109](#)] shall be construed to repeal, amend, alter or supersede the following: (1) former 40 U.S.C.A. §§ 185a, 193 and 214 [now [2 U.S.C.A. §§ 2025, 2183, and 1963](#)], and (2) former 40 U.S.C.A. § 101 [now [40 U.S.C.A. § 8103](#)], except as provided in former 40 U.S.C.A. § 212a [now [2 U.S.C.A. § 1961](#)].

Acquisition of Property to Extend Additional Senate Office Building

Pub.L. 85-429, May 29, 1958, 72 Stat. 148 and Pub.L. 85-591, Aug. 6, 1958, 72 Stat. 495, authorized the Architect of the Capitol to acquire certain real property for purposes of extension of Additional Senate Office Building Site or for Additions to United States Capitol Grounds.

Extension of United States Capitol Grounds

Pub.L. 97-379, Dec. 22, 1982, 96 Stat. 1935, provided: “That section 1 of the Act of July 31, 1946, as amended ([40 U.S.C. 193a](#)) [now this section], is amended to include within the definition of the United States Capitol Grounds the following additional areas which are situated as follows:

Formerly cited as 40 USCA § 193a

“(1) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the south side of Pennsylvania Avenue, Northwest, between the west curb of First Street, Northwest and the east curb of Third Street, Northwest.

“(2) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the north side of Maryland Avenue, Southwest, between the west curb of First Street, Southwest and the East curb of Third Street, Southwest.

“(3) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the west side of First Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.

“(4) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the east side of Third Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.”

Section 1 of Pub.L. 96-432 provided: “That section 1 of the Act of July 31, 1946, as amended ([40 U.S.C. 193a](#)) [now this section], is amended to include within the definition of the United States Capitol Grounds the following additional areas and portions of streets which are situated as follows:

“(1) that portion of D Street Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

“(2) that portion of Second Street Northeast and Southeast from the south curb of F Street Northeast to the south curb of C Street Southeast;

“(3) that portion of Constitution Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

“(4) that portion of Pennsylvania Avenue Northwest from the west curb of First Street Northwest to the east curb of Third Street Northwest;

“(5) that portion of Maryland Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

“(6) that portion of Constitution Avenue Northwest from the east curb of Second Street Northwest to the east curb of Third Street Northwest;

“(7) that portion of Independence Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

“(8) that portion of Maryland Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

Formerly cited as 40 USCA § 193a

“(9) that portion of East Capitol Street from the east curb of Second Street Southeast to the east curb of First Street Southeast;

“(10) that portion of Independence Avenue Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

“(11) that portion of C Street Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

“(12) that portion of North Capitol Street from the south curb of Massachusetts Avenue to the north curb of Louisiana Avenue;

“(13) that portion of New Jersey Avenue Northwest from the north curb of D Street Northwest to the north curb of Louisiana Avenue;

“(14) that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest;

“(15) that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest;

“(16) that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest;

“(17) that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest;

“(18) that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street; and

“(19) all that area contiguous to, and surrounding, square numbered 724 from the property line thereof to the contiguous curb;

“(20) those areas contiguous to, and surrounding, the areas comprising the grounds of the United States Botanic Garden from the property line of such grounds to the contiguous curb;

“(21) all that area contiguous to, and surrounding, the structures comprising the United States Capitol Power Plant, from the building lines of such structures to the contiguous curbs; and

“(22) all that area contiguous to, and surrounding, square numbered 581 from the property line thereof to the contiguous curb.”

Pub.L. 93-198, Title VII, § 739(g)(3), Dec. 24, 1973, 87 Stat. 828, effective Jan. 2, 1975 [Title IV of Pub.L. 93-198 having been accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum conducted May 8, 1974], provided in part that the definition of United States Capitol Grounds should include the following streets: Independence Avenue from the west curb of First Street S.E. to the east curb of First Street S.W., New Jersey

Formerly cited as 40 USCA § 193a

Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the north curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street S.W., including the two circles within such area but that nothing in the inclusion of such streets should be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect prior to the vesting of authority in the United States Supreme Court police and Library of Congress police by Title IV of Pub.L. 93-198 to make arrests in adjacent streets, including First Street N.E. and First Street S.E.

Section 4 of Pub.L. 96-432 provided that: "The foregoing provisions of this Act [amending this section and enacting provisions set out as notes under this section] shall take effect upon the expiration of the thirty-day period following the date of the enactment of this Act [Oct. 10, 1980]."

#### Changes in United State Capitol Grounds

Pub.L. 104-333, Div. I, Title V, § 514, Nov. 12, 1996, 110 Stat. 4165, provided that:

**“(a) Purpose.**--It is the purpose of this section--

**“(1)** to assist in the effort to timely establish within the District of Columbia a national memorial to Japanese American patriotism in World War II; and

**“(2)** to improve management of certain parcels of Federal real property located within the District of Columbia,

by the transferring jurisdiction over such parcels to the Architect of the Capitol, the Secretary of the Interior, and the Government of the District of Columbia.

**“(b) Transfers of jurisdiction.**--

**“(1) In general.**--Effective on the date of the enactment of this Act [Nov. 12, 1996] and notwithstanding any other provision of law, jurisdiction over the parcels of Federal real property described in paragraph (2) is transferred without additional consideration as provided by paragraph (2).

**“(2) Specific transfers.**--

**“(A) Transfers to Secretary of the Interior.**--

**“(i) In general.**--Jurisdiction over the following parcels is transferred to the Secretary of the Interior:



Formerly cited as 40 USCA § 193a

“(I) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by D Street, N.W., New Jersey Avenue, N.W., and Louisiana Avenue, N.W., in square W632 in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

“(II) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by C Street, N.W., First Street, N.W., and Louisiana Avenue, N.W., in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

“(ii) **Limitation.**--The parcels transferred by clause (i) shall not include those contiguous sidewalks abutting Louisiana Avenue, N.W., which shall remain part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol.

“(iii) **Consideration as memorial site.**--The parcels transferred by subclause (I) of clause (i) may be considered as a site for a national memorial to Japanese American patriotism in World War II.

“(B) **Transfers to Architect of the Capitol.**--Jurisdiction over the following parcels is transferred to the Architect of the Capitol:

“(i) That portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

“(ii) That irregular area of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, northeast of the real property described in clause (i) bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running to the northeast on the south, and the private property on the west known as lot 7, in square 726.

“(iii) The two irregularly shaped medians lying north and east of the property described in clause (i), located between the north and south curbs of Constitution Avenue, N.E., west of its intersection with Second Street, N.E., all as shown in Land Record No. 268, dated November 22, 1957, in the Office of the Surveyor, District of Columbia, in Book 138, Page 58.

“(iv) All sidewalks under the jurisdiction of the District of Columbia abutting on and contiguous to the land described in clauses (i), (ii), and (iii).

“(C) **Transfers to District of Columbia.**--Jurisdiction over the following parcels is transferred to the Government of the District of Columbia:

“(i) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue,

Formerly cited as 40 USCA § 193a

N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property.

“(ii) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

“(c) **Miscellaneous.**--

“(1) **Compliance with other laws.**--Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

“(2) **Law enforcement responsibility.**--Law enforcement responsibility for the parcels of Federal real property for which jurisdiction is transferred by subsection (b) shall be assumed by the person acquiring such jurisdiction.

“(3) **United States Capitol Grounds.**--

“(A) **[Omitted.** Amended this section and provisions set out as a note under section 1003 of this title]

“(B) **Jurisdiction of Capitol Police.**--The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (b)(2)(B) in accordance with section 9 of such Act of July 31, 1946 ([40 U.S.C. 212a](#)) [now [2 U.S.C.A. § 1961](#)].

“(4) **Effect of transfers.**--A person relinquishing jurisdiction over a parcel of Federal real property transferred by subsection (b) shall not retain any interest in the parcel except as specifically provided by this section.”

Jurisdiction of the Capitol Police Board and the Architect of the Capitol

Pub.L. 96-432, § 3, Oct. 10, 1980, 94 Stat. 1852, provided that: “On and after the effective date of this section [upon the expiration of the thirty-day period following Oct. 10, 1980, as provided in Pub.L. 96-432, § 4], that portion of C Street Northeast from the west curb of Second Street Northeast to the east curb of First Street Northeast shall be under the exclusive jurisdiction and control of the Capitol Police Board and the Architect of the Capitol in the same manner and to the same extent as such Board or the Architect of the Capitol has over other streets comprising the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof.”

United States Supreme Court and Library of Congress; Jurisdictional Boundaries

Pub.L. 96-432 § 6(a), (b), Oct. 10, 1980, 94 Stat. 1853, provided that:

“(a) Notwithstanding any other provisions of this Act [enacting section 212a-1 of this title, amending this section and enacting provisions set out as notes under this section and section 193d of this title], with respect to those squares occupied by the United States Supreme Court and the Library of Congress, those streets or portions thereof referred to in the first section of this Act [set

Formerly cited as 40 USCA § 193a

out as a note hereunder] which surround such squares shall be considered a part of the Capitol Grounds only to the face of the curbs contiguous to such squares.

“(b) Nothing in this Act shall be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the date of the enactment of this Act [Oct. 10, 1980] vesting authority in the United States Supreme Court Police and the Library of Congress Police to make arrests in adjacent streets.”

#### Architect of the Capitol: Acquisition of Additional Property

Pub.L. 97-12, Title I, § 112, June 5, 1981, 95 Stat. 64, provided in part: “That upon acquisition of such real property pursuant to this paragraph [incorporating by reference the provisions of Pub.L. 96-432, Oct. 10, 1980, 94 Stat. 1851, which related to the acquisition of property in squares 693, 640, and 582 in the District of Columbia], the structure located on lot 801 of square 693 shall become a part of the House Office Buildings, subject to the provisions of the Act of July 31, 1946 ([40 U.S.C. secs. 193a through 193m, 212a and 212b](#)) [sections 193a to 193m, 212a, 212a-2, and 212b of this title], including any amendments thereto, which are applicable to the Capitol Buildings, and to the Act of March 4, 1907 ([40 U.S.C. 175](#)).”

Pub.L. 96-432, §§ 7 to 10, Oct. 10, 1980, 94 Stat. 1853, provided that:

“**Sec. 7. (a)** The Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for addition to the United States Capitol Grounds, all publicly or privately owned property contained in lot 49 in square 582; lot 70 in square 640; and lots 1, 2, 67, 79, 80, 800, 801, 807, 814 through 822, and 834 in square 693 in the District of Columbia (including all alleys or parts of alleys and streets within the lotlines and curblines surrounding such real property): *Provided*, That upon the acquisition of any such real property by the Architect of the Capitol on behalf of the United States, such property shall be subject to the provisions of the Act of July 31, 1946 (60 Stat. 718) [sections 193a to 193m, 212a, 212a-2, 212b of this title and provisions set out as notes under sections 193a and 193h of this title] as amended in the same manner and to the same extent as all other areas comprising the United States Capitol Grounds.

“(b) For the purposes of this section the properties authorized to be acquired hereunder, shall be deemed to extend to the outer face of the curbs of the squares in which they are located.

“(c) There is hereby authorized to be appropriated to the Architect of the Capitol for the fiscal year ending September 30, 1981, the sum of \$11,500,000 for the purpose of carrying out the provisions of this section, said appropriation to remain available until expended.

“**Sec. 8.** The acquisition of real property under this Act [enacting section 212a-1 of this title, amending this section and enacting provisions set out as notes under this section and section 193d of this title] shall be conducted in accordance with the Act entitled ‘Uniform Relocation Assistance and Land Acquisition Policies Act of 1970’, Public Law 91-646, approved January 2, 1971 [section 4601 et seq. of Title 42, The Public Health and Welfare], and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled ‘An Act to provide for the acquisition of land in the District of Columbia for the use of the United States’, approved March 1, 1929 (16 D.C.Code, secs. 1351-1368).

Formerly cited as 40 USCA § 193a

“**Sec. 9.** The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of section 7 of this Act [section 7 of this note].

“**Sec. 10.** Any contract entered into pursuant to this Act [enacting section 212a-1 of this title, amending this section and enacting provisions set out as notes under this section and section 193d of this title] or pursuant to any amendment made by this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.”

Order of the House Building Commission, Oct. 17, 1967

WHEREAS, under authority of Section 1202 of Public Law 24, 84th Congress (69 Stat. 41), approved April 22, 1955, known as the “Additional House Office Building Act of 1955”, the Architect of the Capitol, at the direction of the House Office Building Commission, acquired during the period of 1955 to 1960, on behalf of the United States, by condemnation, seven squares in the District of Columbia, located south of Independence Avenue, in the vicinity of the United States Capitol Grounds, as a site for an additional office building and other necessary facilities for the House of Representatives and for additions to the United States Capitol Grounds;

WHEREAS, under the aforesaid authority, the Architect of the Capitol, at the direction of the Commission, acquired in 1965 on behalf of the United States, through transfer from the Redevelopment Land Agency, Square 639, also located south of Independence Avenue, for an addition to the United States Capitol Grounds;

WHEREAS, the aforesaid eight squares are identified and bound as follows: *Square 635*, bounded on the north by Independence Avenue, on the east by Delaware Avenue, on the west by First Street, on the south by C Street; *Square 637*, bounded on the north by C Street, on the east by South Capitol Street, on the west by Delaware Avenue, on the south by D Street; *Square South of 635*, bounded on the north by C Street, on the east by Delaware Avenue, on the west and south by Canal Street; *Square 691*, bounded on the north by C street, on the east by New Jersey Avenue, on the west by South Capitol Street, on the south by D Street; *Square 692*, bounded on the north by C Street, on the east by First Street, on the west by New Jersey Avenue, on the south by D Street; *Square 732 north*, bounded on the north by Independence Avenue, on the east by Second Street, on the west by First Street, on the south by Carroll Street; *Square 732 south*, bounded on the north by Carroll Street, on the east by Second Street, on the west by First Street, on the south by C Street; and *Square 639*, bounded on the north by D Street, on the east by South Capitol Street, on the west and south by Canal Street;

WHEREAS, title to all real property in these 8 squares is now vested in fee simple absolute in the United States of America;

WHEREAS, subsequent to acquisition of these 8 squares, under the aforesaid authority, all alleys in these squares were closed and vacated, as were also Delaware Avenue between Independence Avenue and C Street and Carroll Street between First and Second Streets, by the Commissioners of the District of Columbia, and all areas between the property lines and outer faces of curbs surrounding these squares and Square 636 were transferred from the jurisdiction of the Commissioners of the District of Columbia to the jurisdiction of the Architect of the Capitol;

Formerly cited as 40 USCA § 193a

WHEREAS, the Rayburn House Office Building has been constructed on Squares 635 and 636 (the latter square being already owned by the government and having been combined with Square 635 as a site for this building under the aforesaid authority), and the said building is now maintained by the Architect of the Capitol as a part of the House Office Buildings, and the sidewalks and other paved and grassed areas surrounding this building are now maintained as part of the Capitol Grounds;

WHEREAS, underground garages for the House of Representatives have been constructed in Squares 637 and 691 and are now maintained by the Architect of the Capitol as part of the House Office Buildings, and the areas above these garages have been landscaped as a part of the Capitol Grounds;

WHEREAS, Squares South of 635 and 639 have been developed as parking lots for automobiles for Members and employees of the House and are now maintained as part of the Capitol Grounds;

WHEREAS, part of Square 692 is occupied by the Congressional Hotel, acquired by the Architect of the Capitol under the aforesaid authority and leased to the Knott Hotels Corporation for use as a hotel, and the remainder of this square has been converted into a parking lot for automobiles for Members and employees of the House and is now maintained as a part of the Capitol Grounds;

WHEREAS, Squares 732 north and south were acquired as an addition to the Capitol Grounds, are now maintained as part of the Capitol Grounds, and will continue to be so maintained until such time as required for construction thereon of the Library of Congress James Madison Memorial Building, authorized by Public Law 89-260, approved October 19, 1965;

WHEREAS, the aforesaid Additional House Office Building Act provides, in pertinent part, with respect to these properties, as follows:

“\* \* \* At such time or times as may be fixed by order of the House Office Building Commission, (1) any real property acquired under, or made available for the purposes of, this chapter shall become part of the United States Capitol Grounds and subject to the Act entitled ‘An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes’, approved July 31, 1946 ([40 U.S.C., secs. 193a-193m, 212a](#), [212a-2], and 212b), and (2) the building and all facilities constructed pursuant to section 1201 of this chapter shall become subject to such Act approved July 31, 1946, and to the provisions of law relating to the control, supervision, and care of the House Office Building contained in the Act approved Mar. 4, 1907, as amended ([40 U.S.C., sec. 175](#)).”

NOW, THEREFORE, in formal compliance with the aforesaid provisions of the Additional House Office Building Act, the House Office Building Commission, in confirmation of actions heretofore taken by the Commission, hereby orders:

1. The Rayburn House Office Building, the subway connecting such building to the Capitol Building, the pedestrian tunnels connection such building of the Longworth House Office Building, the underground garages in Squares 637 and 691 and the tunnels connecting these garages to the House Office Buildings, are hereby declared to be House Office Buildings and, as such, are hereby made subject to those provisions of the Act of July 31, 1946 ([40 U.S.C., secs. 193a-193m, 212a](#), [212a-2], and 212b), including any amendments to such Act, which are applicable to the Capitol Buildings, and to the Act of Mar. 4, 1907 ([40 U.S.C. 175](#)).

Formerly cited as 40 USCA § 193a

2. All other real property acquired by the Architect of the Capitol under authority of the Additional House Office Building Act is hereby declared to be part of the United States Capitol Grounds and is hereby made subject to the Act of July 31, 1946 ([40 U.S.C., secs. 193a-193m, 212a](#), [212a-2], and 212b), including any amendments to such Act.

3. Nothing herein shall be construed to contravene (a) the provisions of Public Law 89-260 authorizing the future use of Squares 732 north and south as a site for the Library of Congress James Madison Memorial Building; or (b) the authority delegated by the House Office Building Commission to the Select House Committee under authority of H. Res. 514, 90th Congress, pertaining to the direction and supervision of the use and operation of the four House Garages and outdoor parking lots.

4. This order shall become effective immediately.

HOUSE OFFICE BUILDING COMMISSION

JOHN W. MCCORMACK,*Chairman* EMANUEL CELLER,*Member* CHARLES E. GOODELL,*Member*

#### LIBRARY REFERENCES

American Digest System

[District of Columbia](#)  [23](#).

[United States](#)  [57](#).

Key Number System Topic Nos. [132](#), [393](#).

40 U.S.C.A. § 5102, 40 USCA § 5102

Current through P.L. 113-47 approved 10-31-13

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# APPENDIX J

## POLICE BOARD REGULATIONS PERTAINING TO FIREARMS EXPLOSIVES INCENDIARY DEVICES AND OTHER DANGEROUS WEAPONS (1967).

TRAFFIC REGULATIONS FOR CAPITOL GROUNDS

### **POLICE BOARD REGULATIONS PERTAINING TO FIREARMS, EXPLOSIVES, INCENDIARY DEVICES AND OTHER DANGEROUS WEAPONS**

October 31, 1967

Pursuant to the authority vested in it by the Act of July 31, 1946, as amended by the Acts of July 11, 1947 and October 20, 1967 (40 U.S.C. 193a *et seq.*; D.C. Code 9-118 *et seq.*), the Capitol Police Board hereby issues the following regulations with respect to firearms, dangerous weapons, explosives and incendiary devices in order to preserve safety and order within the Capitol Buildings and Grounds.

1. The provisions of section 6(a)(1) (A) and (C) of the Act, as amended, shall not apply to witnesses before Committees or Subcommittees of the Congress summoned or subpoenaed to appear and produce as exhibits firearms, dangerous weapons, explosives or incendiary devices.

2. Except as specified below, the provisions of section 6(a)(1)(A) of the Act, as amended, relating to the carriage of firearms shall not apply to officers or employees of the United States authorized by law to carry firearms, duly appointed federal, state or local law enforcement officers authorized to carry firearms, and members of the Armed Forces, while engaged in the performance of their duties, or any person holding a valid permit under the laws of the District of Columbia to carry firearms in the course of his employment. *Provided*, That nothing contained in the provisions of section 6(a)(1)(A) of the Act shall prohibit any Member of Congress from maintaining firearms within the confines of his office or any Member of Congress or any employee or agent of any Member of Congress from transporting within the Capitol Grounds firearms unloaded and securely wrapped.

No person, whether or not specified in the preceding paragraph, shall carry any firearm inside the chamber or on the floor of either House, in any lobby or cloakroom adjacent thereto, in the galleries of either House or in the Marble Room of the Senate or Rayburn Room of the House unless assigned or approved by the two Sergeants of Arms for maintenance of adequate security.

3. The provisions of section 6(a)(1)(B) of the Act, as amended, relating to the use of firearms and dangerous weapons shall not apply to any duly appointed law enforcement officer engaged in the performance of his official duties.

4. The provisions of section 6(a)(1) of the Act, as amended, relating to the carriage, transporting and use of explosives and incendiary devices shall not apply to any person receiving written approval of the Capitol Police Board, upon certification by the Architect of the Capitol that the use of explosives or incendiary devices is necessary in connection with duly authorized and supervised construction or demolition work.

5. As used in the Act and in these regulations, the term "incendiary device" means any substance, material or item, or any combination thereof (including, but not limited to, spontaneously inflammable, oxidizing, thermal, metallic, and modified oil mixtures) capable of igniting other materials by means of combustion, explosion, intense heat, or otherwise, but does not include ordinary matches, flint and steel lighters or gas lighters intended primarily for personal or household use.

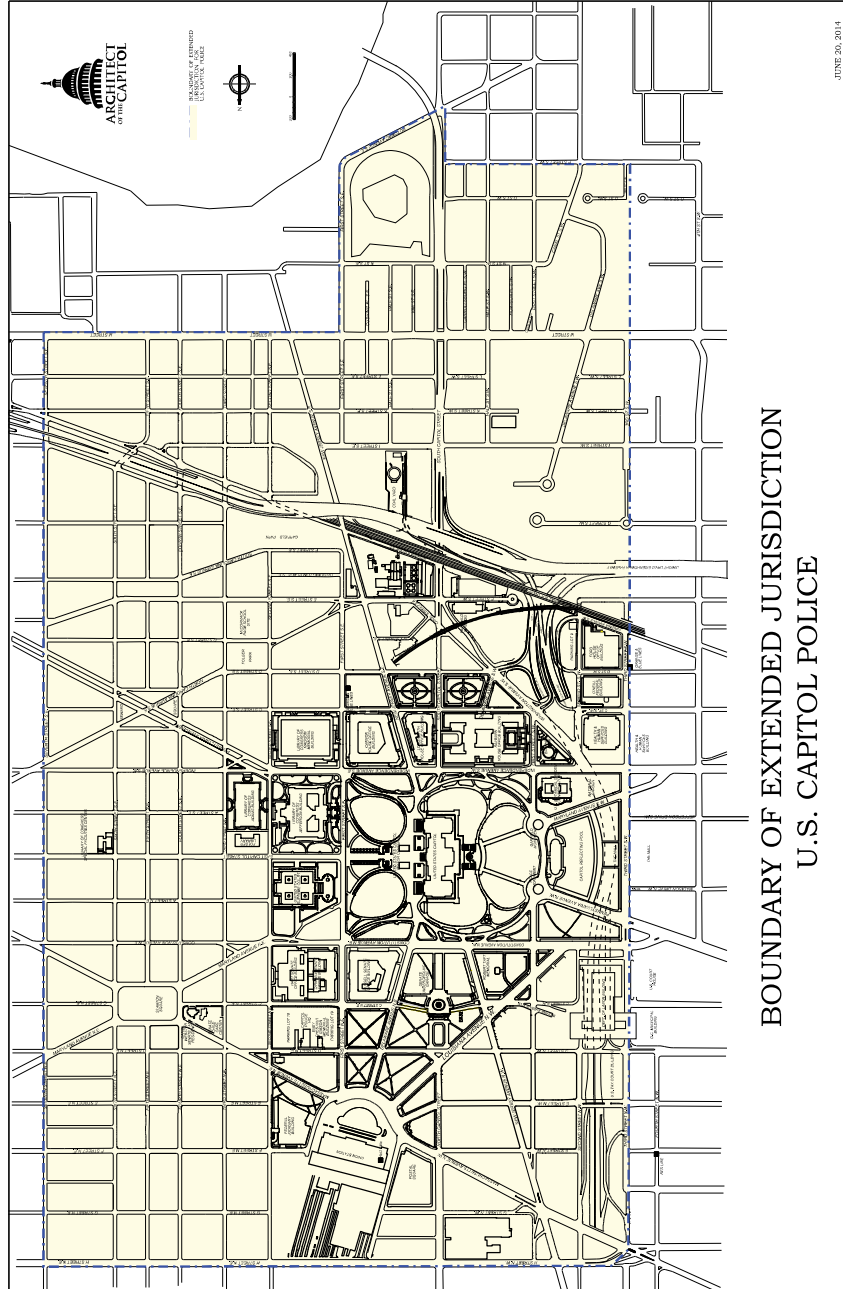
CAPITOL POLICE BOARD,  
ROBERT G. DUNPHY, *Chairman*  
ZEAKE W. JOHNSON, *Member*.  
J. GEORGE STEWARD, *Member*.

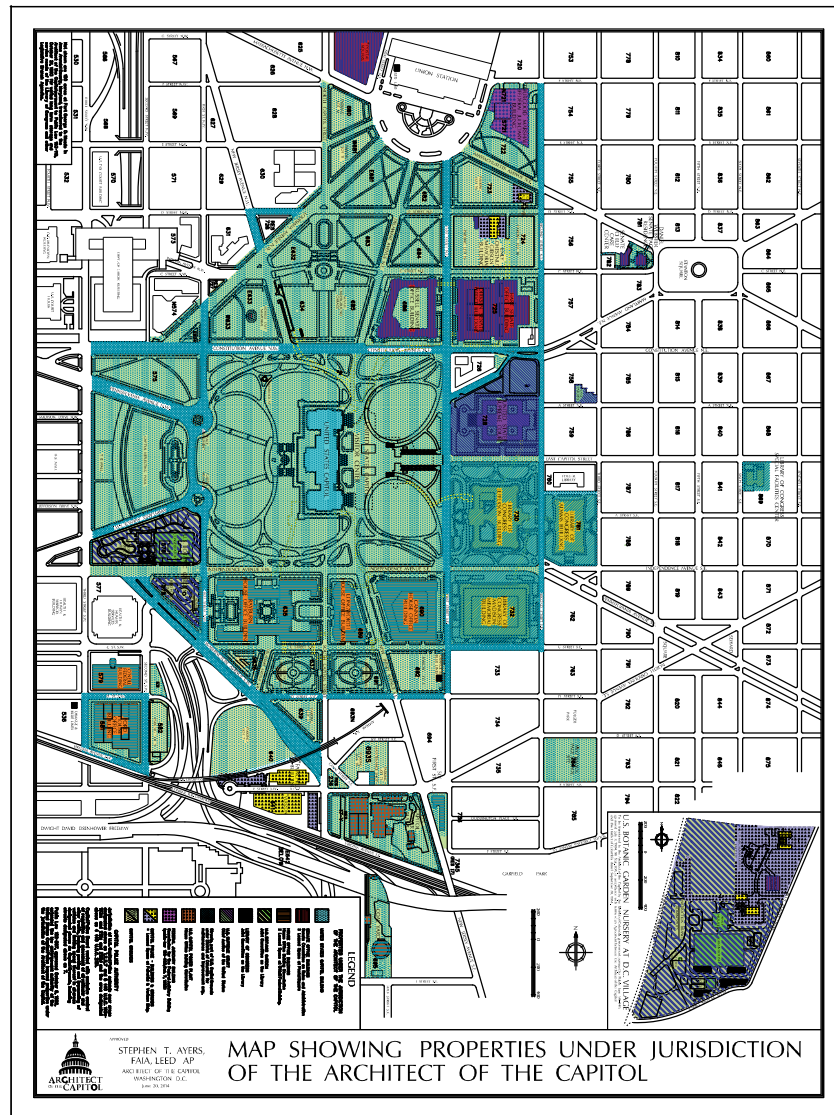
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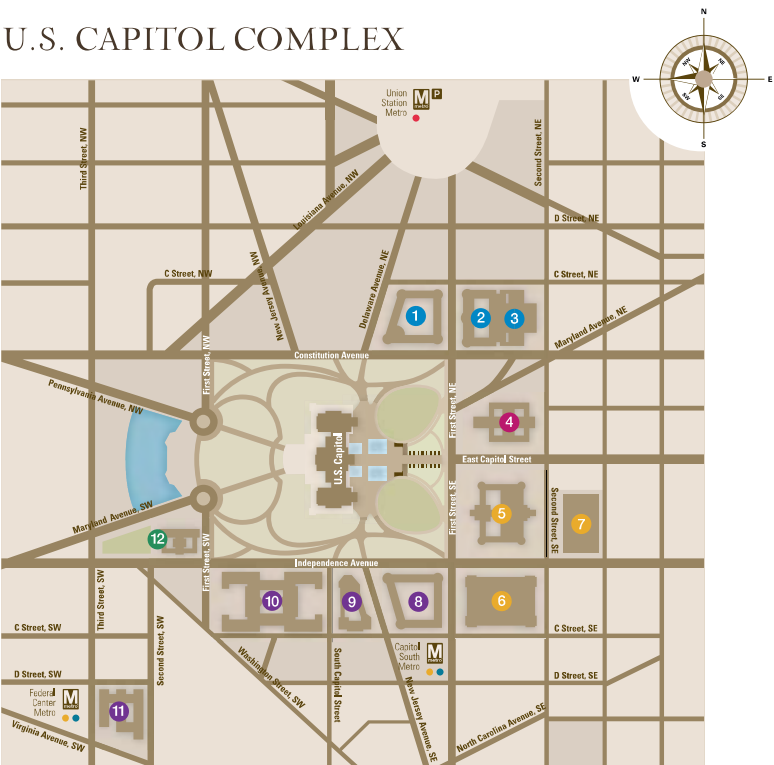
## MAPS







# U.S. CAPITOL COMPLEX



- |   |  |
|---|--|
| 1 Russell Senate Office Building          | 8 Cannon House Office Building               |
| 2 Dirksen Senate Office Building          | 9 Longworth House Office Building            |
| 3 Hart Senate Office Building             | 10 Rayburn House Office Building             |
| 4 U.S. Supreme Court                      | 11 Ford House Office Building                |
| 5 Jefferson Building, Library of Congress | 12 U.S. Botanic Garden & the National Garden |
| 6 Madison Building, Library of Congress   |  |
| 7 Adams Building, Library of Congress     |  |

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