

**Council of the District of Columbia
Committee on the Environment, Public Works, and Transportation**

Draft Committee Report

1350 Pennsylvania Avenue, N.W., Washington, DC 20004

To: Members of the Council of the District of Columbia

From: Mary M. Cheh, Chairperson
Committee on the Environment, Public Works, and Transportation

Date: November 28, 2012

Subject: Bill 19-607, the “Neighborhood Contractor Daytime Parking Permit Act of 2012”

The Committee on the Environment, Public Works, and Transportation, to which Bill 19-607, the “Neighborhood Contractor Daytime Parking Permit Act of 2012,” was referred, reports favorably on the legislation and recommends its approval by the Council of the District of Columbia.

CONTENTS

Statement of Purpose and Effect _____	Page 2
Legislative History _____	Page 2
Background and Committee Reasoning _____	Page 2
Section-by-Section Analysis _____	Page 3
Summary of Public Hearing _____	Page 4
Fiscal Impact _____	Page 5
Analysis of Impact on Existing Law _____	Page 5
Committee Action _____	Page 5
List of Attachments _____	Page 6

STATEMENT OF PURPOSE AND EFFECT

Bill 19-607, the “Neighborhood Contractor Daytime Parking Permit Act of 2012,” directs the District Department of Transportation (“DDOT”) to establish a daytime parking permit program for contractors licensed to do business in the District. Under this legislation, a commercial vehicle, as defined by 18 DCMR § 9901.1, that is displaying a valid contractor daytime parking permit issued by DDOT would be authorized to park in a legal on-street parking space designated as part of the Residential Permit Parking Program from 7:00 a.m. until 5:00 p.m. for purposes of construction, maintenance, or repair work.

LEGISLATIVE HISTORY

December 6, 2011	Introduction of Bill 19-607 by Councilmember Wells
December 6, 2011	Referral of Bill 19-607 to the Committee on the Environment, Public Works, and Transportation
December 16, 2011	Notice of Intent to Act on Bill 19-607 published in the <i>District of Columbia Register</i>
June 8, 2012	Notice of Public Hearing on Bill 19-607 published in the <i>District of Columbia Register</i>
June 27, 2012	Public Hearing on Bill 19-607 held by the Committee on the Environment, Public Works, and Transportation
November 28, 2012	Consideration and vote on B19-607 by the Committee on the Environment, Public Works, and Transportation

BACKGROUND AND COMMITTEE REASONING

I. Background

Under current District law, contractors who perform work in residences in the District of Columbia are not permitted to park in parking spaces designated as part of the Residential Permit Parking Program.¹ The result is that residential contractors—such as those performing work on heating, ventilation, and air conditioning systems—must be prepared to either violate District

¹ Under the Residential Parking Permit (“RPP”) program, a vehicle—such as those used by contractors—may only park in an RPP zone for up to 2 hours per day, unless the vehicle is registered to a person living in the zone. However, contractors do have other means of parking for more than 2 hours in an RPP zone. A resident may give a contractor his or her visitor parking permit, if he or she has been issued one. A resident may go to a police station and obtain a two-week visitors pass that the contractor can use. And the contractor, with a letter from a resident, can obtain a 15-day parking permit from the Department of Motor vehicles. However, as many contractors and trade associations explained in their testimony in support of this legislation, these means are insufficient.

parking laws and face resulting fines and towing charges or charge customers higher rates to cover the fines and towing.

The shortage of legal parking near District residences for contractors licensed to do business in the District has adverse effects on both contractors and residents. Residential contractor businesses of all sizes—from those using over one hundred vehicles to those relying on one or just a few vehicles to service customers in the District—sometimes avoid working in the District due to current parking restrictions; many contractors believe that they could not charge customers directly for fines or towing charges resulting from illegal parking of contractor vehicles. Contractors report that even during peak seasons, when residents most need heating or air conditioning services, current parking restrictions remain a significant disincentive for contractors to perform residential work in the District, leading contractors to prefer and accept jobs in Maryland or Virginia. The loss of heat or air conditioning service can create a hardship for residents, and waiting days for a contractor to provide needed services can add to that hardship. In sum, current parking restrictions lead contractors to avoid work in the District that could otherwise expand business and boost revenue for local contracting companies, and residents in the District must wait longer for service by residential contractors and have fewer contractors to choose from.

II. Legislative Action

The Committee Print of B19-607 would improve parking for contractors in the District. Specifically, the Committee Print directs DDOT to establish a contractor daytime parking permit (“CDP permit”) program and to sell CDP permits to licensed contractors through electronic or phone based systems, booklets of tickets, and other means. The Committee Print would allow only a contractor licensed to do business in the District to purchase a CDP permit. The Committee Print provides that commercial vehicles, as defined by 18 DCMR § 9901.1, displaying a valid CDP permit issued by DDOT will be authorized to park in a legal on-street parking space designated as part of the Residential Permit Parking Program from 7:00 a.m. until 5:00 p.m. for purposes of construction, maintenance, or repair work. The Committee Print provides that the CDP permit will be a daily permit and sets the fee for a CDP permit at \$10 per day, but allows DDOT to adjust this fee by rule. Finally, the Committee Print requires that fees collected from the issuance of CDP permits be used to administer the CDP permit program and be deposited into the District Department of Transportation Enterprise Fund for Transportation Initiatives.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the long and short titles of the legislation.

Section 2 directs DDOT to establish a CDP permit program, sets forth who may purchase a CDP permit, requires DDOT to sell CDP permits through several means, provides that the CDP permit is a daily permit, sets the fee for a CDP permit, authorizes DDOT to adjust the CDP permit fee by rule, and describes what DDOT must do with fees collected from the issuance of CDP permits.

Section 3 contains the fiscal impact statement.

Section 4 contains the effective date.

SUMMARY OF PUBLIC HEARING

On June 27, 2012, the Committee on the Environment, Public Works, and Transportation held a hearing on Bill 19-607, the “Neighborhood Contractor Daytime Parking Permit Act of 2012.” Councilmember Mary M. Cheh, Chairperson of the Committee, called the hearing to order at 11:44 a.m. in room 412 of the John A. Wilson Building.

Representatives of Adrian L. Merton, Inc., Rod Miller, Inc., Home Air Services, Inc., Minnick’s, Air Conditioning Contractors of America, M & M Mechanical, Inc., Climate Heating and Cooling, South County Enterprises, and Comfort Solutions, Inc. (businesses that provide residential heating, ventilation, and air conditioning services)² testified in support of B19-607. They testified that their businesses were harmed by strict residential parking restrictions that make it difficult for them to complete residential contract work in the District without violating those restrictions. They explained that their companies sometimes avoid residential work in the District because they do not want to risk fines or towing fees from contractors’ parking violations—costs that they cannot directly pass on to residential customers. They testified that this phenomenon results in a smaller pool of contractors who serve District residents, making residents wait longer for services, even during peak seasons when residents need heating and air conditioning services the most. They testified that if their companies could complete residential contract work without violating parking restrictions, this would encourage them to perform more work in the District. Finally, they requested that the CDP permit fee be lowered to fifty dollars per truck per year, or \$500 per contractor for ten or more trucks, and they asked that the Council not view B19-607 as a revenue-generating change in the law.

Eric Jones, on behalf of Associated Builders and Contractors (“ABC”) of Metropolitan Washington, representing more than 500 contractors, subcontractors, suppliers, and construction-affiliated businesses that make up ABC’s Washington, D.C. chapter. He testified in support of B19-607. He stated that the introduced version of the bill did not clearly specify whether a CDP permit would be registered to a specific vehicle or to a company that could then transfer a CDP permit between its vehicles as needed. He asked that B19-607 be drafted to specify that companies may purchase permits that would be registered to the company instead of to a specific vehicle. He further requested that B19-607 clearly state that the CDP permit may be used by any vehicle registered to the contractor company as part of its fleet or by any rental vehicle within the company’s control.

² The CDP permit created by this legislation may be purchased not only by licensed contractors performing heating and air conditioning work or repairs, but also by other types of licensed contractors performing construction, maintenance, or repair work at a single family residence or a residence with fewer than 4 housing units. The testimony of representatives from businesses providing residential heating, ventilation, and air conditioning services in the District conveyed one set of examples of how residents may suffer because of the parking restrictions addressed by this legislation.

Susan Northcutt, on behalf of Metropolitan Washington Association of Plumbing-Heating-Cooling Contractors, testified in support of the bill and provided several comments and proposed amendments to the bill. She pointed out that many businesses that would like to purchase CDP permits do not reside in the District of Columbia and do not have vehicles that bear commercial license plates. She also explained that some businesses that would like to purchase CDP permits do not own vehicles registered under the name of the business because small or new businesses often do not have the credit or resources to purchase vehicles. In addition, she argued that a fee of \$500 per truck would be prohibitively high for companies that have multiple vehicles, and that it would be more reasonable to charge a permit fee of \$500 to the company or to significantly reduce the fee per vehicle. Lastly, she testified that she was concerned that a CDP permit would expire at 3 p.m. under the introduced bill.

Cheryl Cort testified on behalf of the Coalition for Smarter Growth. She testified about visitor parking passes for residential parking generally and not about B19-607. Several of her comments, however, were relevant to B19-607. She testified that free visitor parking permits create more parking demand and reinforce the perception that parking should be free. She therefore recommended the use of daily visitor parking passes that are available for a modest fee. She noted that a “sensible” visitor parking pass program can address residents’ needs for plumbers and other contractors.

Terry Bellamy, Director of the District Department of Transportation, testified in support of the legislative intent behind B19-607 and acknowledged that several of the District’s parking programs and policies were in need of review and potential improvements. He further testified that he would like to work with the Committee on Environment, Public Works, and Transportation of the Council of the District of Columbia to conduct the necessary analysis, outreach, and future implementation of parking policies in the District.

Councilmember Cheh adjourned the hearing at 3:00 p.m. A video recording of the hearing can be viewed at oct.dc.gov. A copy of the witness list is included as Attachment D, and a copy of written testimony submitted by witnesses is included as Attachment F.

FISCAL IMPACT

A fiscal impact statement prepared by the Chief Financial Officer and dated Month XX, 20XX is attached to this report. The fiscal impact statement notes that B19-607 would [have no adverse fiscal impact?].

IMPACT ON EXISTING LAW

Bill 19-607 amends no existing law and therefore has no impact on existing law.

COMMITTEE ACTION

On November 28, 2012, the Committee on the Environment, Public Works, and Transportation convened a mark-up on Bill 19-607, “Neighborhood Contractor Daytime Parking Permit Act of 2012.” Present and voting were Chairperson Mary M. Cheh, Councilmember XXX, XXX, XXX, and XXX. Chairperson Cheh gave a brief opening statement on the bill, and Councilmember XXX [if any other member gave opening remarks, indicate that here]. Councilmember XXX proposed an amendment to [if a Councilmember offers an amendment or there is a significant alteration made, it should be noted in this section.]

Chairperson Cheh then moved for approval of the Committee print of Bill 19-607. The Committee voted ~~X-X~~ to approve the Committee print with the members voting as follows

YES: 0
NO: 0
PRESENT: 0

Chairperson Cheh then moved for approval of the Committee report on Bill 19-607. The Committee voted ~~X-X~~ to approve the Committee report with members voting as follows:

YES: 0
NO: 0
PRESENT: 0

The meeting was adjourned.

LIST OF ATTACHMENTS

- (A) Bill 19-607, as introduced
- (B) Notice of Intent to Act, published in the *District of Columbia Register*
- (C) Public Hearing Notice, published in the *District of Columbia Register*
- (D) Public Hearing Agenda and Witness List
- (E) Committee Print of Bill 19-607
- (F) Testimony
- (G) Fiscal Impact Statement