

REQUIREMENTS FOR COMPANY PROVIDING MOBILE STORAGE CONTAINERS

Insurance Requirement:

A public liability insurance policy made out in the name of, and for the sole benefit of the District of Columbia, a municipal corporation, and its officers and employees, covering all use of public space or a liability insurance certificate covering all use of the public space by the Permittee and meeting the requirements shown below:

The following state or political subdivision is added as an additional insured:

**The District of Columbia, A Municipal Corporation
c/o The District Department of Transportation
Public Space Management Branch
Third Floor
1100 4th Street, SW
Washington, DC 20024**

Coverage shall be in the following amounts at minimum (or equivalent):

\$ 1,000,000 each occurrence
\$ 2,000,000 general aggregate

The following endorsements are required, and must be included in all insurance policies covering occupation of and operations in the public space of the District of Columbia.

A. Who is an Additional Insured

“The District of Columbia, a Municipal Corporation, its officers and employees as it pertains to general liability.”

B. Description of Premises Covered

“The public space of the District of Columbia, which includes all the publicly owned property between the property lines on any street in the District of Columbia, as such property lines are shown on the records of the District of Columbia, and includes any roadway, tree space, sidewalk, or parking between such property lines.”

C. Definitions

“Hazards” (Premises-Operations) and “Premises” include all liability arising from operation conducted in or on Public Space within the District of Columbia.

D. Hold Harmless Agreement (Government Immunity Endorsement or may be a separate agreement)

“The first named insured, as it appears in this policy, agrees to indemnify and hold harmless the District of Columbia, its officers, employees or agents from any and all liability, loss or damage the Municipality may suffer as a result of claims, demands, costs or judgments against it arising from the operation and conduct of your business as described in the insurance contract.”

E. Cancellation Clause

“This policy may be canceled by the company by written notice mailed to the additional named insured – The District of Columbia, c/o The District Department of Transportation, Public Space Management Branch, Third Floor, 1100 4th Street, SW, Washington DC, 20024, Attention: Public Space Manager, stating when such cancellation shall be effective.”

Public Space Annual Permit Filing Requirements:

- **Register and apply for public space annual permit online: tops.ddot.dc.gov** (Please register as your company to allow you to approve other company users to apply on your behalf.)
- Electronic copy (PDF OR TIFF) your local business license or, if applicable, your DC DCRA business license. (please see dcra.dc.gov for business licensing information)
- Electronic copy (PDF OR TIFF) of the required public liability insurance policy or insurance certificate, as well as any separate hold harmless agreement. All the documents can all be scanned together as a single electronic PDF or TIFF file prior to uploading to TOPS.
- \$100 annual fee, soon payable on line with MasterCard & Visa or you may mail a check payable to the “DC Treasurer” and a stamped self-addressed envelope to the attention of the Public Space Manager at the address shown above for insurance purposes.
- Customers are also required to obtain a **site-specific permit** prior to the delivery of any container.
- For more information, please see the **DC regulations** or call the Permit Center at (202) 442-4670.

MOVING CONTAINERS IN PUBLIC SPACE

I want to: Place a Moving Container (pod) in the parking lane of the street in front of my residence.

Do I need a permit? Yes, a public space permit is required. If “No Parking” signs are needed, they will be provided with the permit.

Do I still need a permit if I don’t use the street? Yes, in most areas of the District - public space includes the front yards or side yards between the building and the street. Placement of a moving container in an alley also requires a permit; placement of moving containers on the sidewalks or tree spaces is prohibited. Under no circumstances may the container delivery truck drive over a roadway curb or a public sidewalk.

I live on a busy street – is that a problem? If moving containers are to be placed in the roadway, they may only be placed in legal parking spaces and may not be placed in violation of posted rush-hour or street sweeping restrictions.

Where do I go for my permit and No Parking signs? You may enter your permit application information, submit your application, and once approved pay for and print your permit online from your home or office computer at tops.ddot.dc.gov. No parking signs may then be printed at any of the DDOT permit kiosks. You may also go to the public space permit office at 1100 4th Street, SW, second floor, between the hours of 8:30 am and 4:15 pm, weekdays except Thursday when hours are 9:30 am to 4:30 pm to apply at a DDOT electronic permit kiosk. Kiosks are also available at all seven Metropolitan Police Department District Stations. MPD District Station locations are listed under the FAQ tab of the online permit system.

What do I need to apply for my public space permit?

- Register yourself as a user on the DDOT Transportation Online Permit System (TOPS) at any of the DDOT electronic permit kiosks or online at tops.ddot.dc.gov.
- Complete an on-line application at any of the DDOT electronic permit kiosks or online at tops.ddot.dc.gov using the “Parking/Occupancy” section of the TOPS permit system.
- You must know if you are using metered parking spaces (including multi-space meters) and if there are any rush hour or street sweeping parking restrictions.
- The full name of the company providing the container. The company is required to have an annual public space permit from the District Department of Transportation as well.

How much will this cost? A permit to occupy an area measuring up to 8 feet by 12 feet will cost \$50. Each additional 6 linear feet of parking lane will cost \$25. If applicable, there will be an additional fee for parking meters. Once your application is approved, your permit may be paid for on-line with MasterCard and Visa. If you need to go to the permit office to pay, you may make checks payable to the “**DC Treasurer**” or pay with Discover, MasterCard, or Visa.

How long will it take? In many cases your application may be approved automatically, and once you pay on line you may print your permit at your home or office, but you will need to go to any of the DDOT electronic permit kiosks to print your no parking signs, and if desired, print the permit. If not approved automatically, please allow up to 2 weeks to process your application. Please check your application status at tops.ddot.dc.gov, and once approved, payment may be made and your permit and no parking signs may be printed at any of the DDOT electronic permit kiosks.

How long will the Permit be effective? Permits will be issued for no longer than 5 days, however, a permit may be issued weeks in advance of the permit effective start date.

When should the “No Parking” signs be posted? No Parking signs must be posted 72 hours prior to the placement of the moving containers in the parking lane to be enforceable. (24 hours at meters)

What if I need additional information? Please call the Public Space Permit Office at (202) 442-4670.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Interim Director of the Department of Transportation, pursuant to the authority of sections 3(b), 5(4)(A), 6(b), and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(4)(A), 50-921.05(b), and 50-921.06), Mayor's Order 2008-116 (August 20, 2008), Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1996 (D.C. Law 11-198, D.C. Official Code § 10-1141.04) and Mayor's Order 96-175 (December 9, 1996), hereby gives notice of the adoption of the following amendments to Title 24, DCMR Chapter 33, Public Right-Of-Way Occupancy Permits by adding a new section. The amendment adds a new Section 3312 entitled "Mobile Storage Containers," which establishes the general provisions governing the issuance of permits to occupy public space to mobile storage container providers and their customers; and amends Section 3399 entitled "Definitions".

The rulemaking regulates use and placement of mobile storage containers in the District of Columbia, requires annual permits for the placement of mobile storage containers on public space by the mobile storage providers and specific permits for their customers, and sets fees for the permits.

A notice of proposed rulemaking on this issue was published in the D.C. Register on May 25, 2007 at 54 DCR 5325 and was revised in response to comments received by the public. A second notice of proposed rulemaking on this issue was published in the D.C. Register on September 19, 2008 at 55 DCR 9864. Two comments were received from the public. The Department reviewed the comments but did not make any substantive changes to the rulemaking. Both commenters questioned the available locations where mobile storage units may be placed under the proposed rules. The Department has reviewed these comments and considered many possible restrictions on the placement of mobile storage containers. However, the Department has concluded that the current amendments provide sufficient restrictions on where mobile storage containers may be placed. One commenter also suggested reducing the amount of time allowed to keep a mobile storage unit on public space. However, the Department reviewed these suggestions and believes the current time – five days – is a fair balance between the community interests and the individual's needs. Finally, one commenter also raised a clerical mistake – the numbering of section 3312 skipped subsection 3312.6 in the proposed rulemaking – and that was corrected in this final rulemaking. These rules shall become effective on publication in the D.C. Register.

TITLE 24 DCMR, Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS is amended as follows:

By adding a new section 3312 to read as follows:

3312 MOBILE STORAGE CONTAINERS

3312.1 No person shall place in the public right-of-way a mobile storage container without a public space permit issued by the Director of the District of Columbia Department of Transportation.

3312.2 A mobile storage container provider shall submit to the Director of the District of Columbia Department of Transportation an application for an annual permit to use public space together with a one hundred dollars (\$100) fee. With the application, the mobile storage container provider shall also provide proof of insurance as outlined in subsections 3312.3 and 3312.4 and a copy of its current, valid business license.

3312.3 A permitted mobile storage container provider shall maintain throughout the term of the permit an insurance policy or policies covering all operations of the permittee’s mobile storage container business. Failure to maintain the required insurance shall be a violation of the terms of the permit.

3312.4 Each permitted mobile storage container provider shall obtain a public liability insurance policy made out in the name of, and for the sole benefit of the District of Columbia, a municipal corporation, and its officers and employees, covering all use of public space. The insurance policy shall contain coverage in the following amounts:

\$500,000.00	Each individual
\$1,000,000.00	Each accident
\$500,000.00	Property damage

3312.5 A mobile storage container provider who has obtained a permit shall do the following:

- (a) Post on the outside of the mobile storage container a copy of the public space permit issued to the mobile storage container provider or clearly display the name of the mobile storage container provider on the outside of the mobile storage container;
- (b) Place the mobile storage container in the parking lane of the roadway parallel with the edge of the roadway in front of the property owned or leased by the person renting the mobile storage container, or the nearest adjacent location;
- (c) Mark the exterior, traffic facing side of the mobile storage container with reflective material;
- (d) Keep the mobile storage container completely covered and sealed during transport; and

(e) Keep the exterior of the mobile storage container clean and free of graffiti.

3312.6 No mobile storage container provider shall place a mobile storage container in the following manner:

(a) Beyond, atop, or partially resting upon the curb of the roadway;

(b) In the tree box area;

(c) On the sidewalk or across the sidewalk;

(d) In violation of rush hour, street sweeping, building entrance or any other parking restrictions, except the residential permit parking restrictions; and

(e) At a parking meter, unless the person renting the mobile storage container has provided proof of meter fee payment tendered to the Director of the Department of Transportation pursuant to subsection 3312.13 and a copy of the public space permit for the address specific location issued by the Director of the District of Columbia Department of Transportation pursuant to subsection 3312.9.

3312.7 The Director of the District of Columbia Department of Transportation may revoke an annual public space permit issued to a mobile storage container provider for the following reasons:

(a) The mobile storage container provider violates a provision of subsections 3312.2 through 3312.6 or the public space permit issued to the provider;

(b) The mobile storage container provider fails to pay the applicable fees; or

(c) Public safety and welfare.

3312.8 No person shall rent for the placement or otherwise cause to be placed on the public right-of-way a mobile storage container without a public space permit that is address specific to the location and issued by the Director of the District of Columbia Department of Transportation.

3312.9 At least 72 hours prior to the placement of mobile storage containers on the public right-of-way, the person renting such containers shall submit to the Director of the District of Columbia Department of Transportation an application for each address specific location to be occupied by the mobile storage containers.

- 3312.10 The person who rents the mobile storage container shall pay a public space permit fee of fifty dollars (\$50) to rent space at a location in front of or adjacent to the address specific location. The total public space area occupied by mobile storage containers for any location shall not exceed the following dimensions, unless the fee provided in subsection 3312.12 is paid:
- (a) Width of eight feet;
 - (b) Length of twelve feet; and
 - (c) Height of eight feet
- 3312.11 For each additional six (6) feet of length of public right-of-way or portion thereof occupied by the mobile storage containers an additional permit fee of twenty-five dollars (\$25) shall be paid.
- 3312.12 An additional fee shall be charged to compensate the District of Columbia Department of Transportation for the revenue lost due to the occupancy of the public right-of-way by mobile storage containers placed at a parking meter.
- 3312.13 No person shall leave any mobile storage container in the public right-of-way for longer than five (5) days.
- 3312.14 A mobile storage container renter who has obtained a permit to occupy public space shall do the following:
- (a) Post Emergency No Parking signs at the address specific location designated for the mobile storage containers at least 72 hours prior to the placement of the mobile storage containers at the location; and
 - (b) Post on the outside of the mobile storage container a copy of the public space permit for the address specific location.
- 3312.15 The Director of the District of Columbia Department of Transportation may revoke a public space permit issued for an address specific location for the following reasons:
- (a) The permittee violates a provision of subsections 3312.10 through 3312.15 or the public space permit for the address specific location;
 - (b) The permittee fails to pay the applicable fees; or

(c) Public safety and welfare.

Section 3399 is amended as follows:

Add the following new definitions:

Mobile Storage Container - a moveable container that is temporarily placed on the public right-of-way and is used for short-term storage of items, including but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise.