December 13, 2021

Anthony C. Willingham
Policy and Legislative Affairs Division
District of Columbia Department of Transportation
250 M Street, SE, 8th Floor
Washington, DC 20003

Dear Anthony:

The undersigned are pleased to submit these comments on the Department of Transportation's ("DDOT") proposed rulemaking for the Transportation Benefits Equity Amendment Act of 2020 ("TBEA"; D.C. Law 23-113). Our organizations represent profit and non-profit employers committed to the long-term vitality of the District of Columbia.

Summary

We respectfully request a delay in implementing the proposed TBEA regulations until their impact on the local economy and employers has been carefully evaluated. Now is not the time to get employers a reason to encourage teleworking. The downtown economy relies on office workers. This coming year will be a critical time when new protocols and commuting habits will be established, and the Mayor's Office has been fighting hard to encourage employers to entice their employees back to the office. Implementing these regulations now would undermine those efforts and threaten the recovery of the delicate downtown economy.

The federal government, the city's largest employer and office lease holder, is already ominously taking steps to solidify teleworking. In November, the U.S. Office of Personnel Management ("OPM") directed federal agencies to "permanently" adopt and expand teleworking options for its employees.[1] It marked the first major update of the federal government's telework policy in a decade.[2] This could be catastrophic for the District. We applaud Mayor Bowser for requesting that the OPM to reconsider its directive.

The District is more susceptible to accelerated and sustained telework utilization than any other city in America. That's mostly due to the size of its federal workforce and congressional mandates for its agencies to begin implementing telework, pursuant to the Telework Enhancement Act of 2010 ("TEA"). But it's also been catching on among private employers. Most DC-based employers were already evaluating and/or had started implementing *permanent* teleworking options for their employees—and

[1] https://chcoc.gov/sites/default/files/Telework-Guide-2021_0.pdf
[2] Wagner, Erich. "OPM Encourages Agencies to Expand Telework, Remote Work Permanently in New Guidance." *Government Executive*. November 12, 2021.

on a parallel track, undertaking plans for reducing its office space. OPM's decision will only accelerate these actions.

District policymakers should thoroughly understand what the potential explosion of telework means for the city, its economy, and the tax revenues that fund its safety-net, before making the problem worse through new burdensome employer mandates, such as the proposed TBEA regulations.

Teleworking impairs property values in the city's commercial core. This problem, however, does not rest with commercial owners alone. It will cascade down to the many small businesses, including our restaurants and retailers, that provide the city with its vitality and social fabric. It will also impact the government's ability to fund its substantial (and growing) social safety net. Prior to the pandemic, commercial property and business sales taxes were the backbone of local government revenues, amounting to nearly 40% of local tax revenues annually.[3]

Regulators must prioritize "first, do no harm" to the District's local economy. Implementing the TBEA regulations as DDOT has proposed—at a time of economic emergency—would be too risky.

What's more, implementing these regulations now would entrench DC's growing reputation as an unfriendly place to do business. It would provide additional reasons for employers to locate elsewhere. **This is why we urge the District to stay the implementation of these proposed regulations.**

If the District does moves forward with these ill-advised regulations, it should take special care to minimize the burden the regulations place on already over-regulated employers. We have included specific comments to DDOT's proposed regulations to make these regulations more employer-friendly. These comments are summarized below and are included in a redlined version of the proposed regulations that accompanies this letter.

Transit Benefit Equality Act

The TBEA is an expansive, first-of-its kind new law will add to the mounting reasons for existing employers to move out of the city and make it hard for others to justify moving in. Only two states have "parking cash out" laws—California and Rhode Island—neither of which are as onerous as D.C. Law 23-113. California's law applies only to employers located in air basins designated as "nonattainment" by the U.S. Environmental Protection Agency. This amounts to just 3% of employer-subsidized parking spaces in the state. Nor does California's law require employers to monitor and report their employee's commuting choices under threat of civil penalties, as the TBEA does.

Similarly, Rhode Island's parking cash out law does not apply to all employers, only those within ¼ mile of public transit. And it does not require businesses to "cash out" a parking benefit, only to offer a public transit pass (bus or train) to employees receiving a parking benefit. District lawmakers have saddled local employers with the most expansive mandate of its kind in the United States right as the economy was facing a cataclysmic challenge that threatens to undermine the city's economic engine—its downtown—for years to come.

[3] D.C. Tax Facts 2019, Office of the Chief Financial Officer of the District of Columbia, https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC%20Tax%20Facts%20Visual%20Guide%20Report%20121219.pdf

Indeed, the TBEA was approved by the Council on April 7, 2020, thirteen days *after* most District businesses were forced to shut down for over a year due to the public health emergency. Since the time of the law's original enactment, it's become clearer that the District is not immune to competitive pressures. Relocating employees to less costly jurisdictions has never been easier for local businesses.

With this in mind, **we urge the District Government to evaluate how these and other regulations (both proposed and extant) will impact the growth of telework in the city and the risks this poses for our local economy**. Given the urgency of this analysis, the study should be delivered in the next 6-9 months. In addition, **DDOT should also conduct a comprehensive analysis of the CO^2 reductions that are anticipated by the implementation of the law and examine ways to blunt its economic impact within the bounds of the agency's regulatory discretion**.

Proposed Changes After a Stay is Lifted

If, after a comprehensive analysis of how the new regulations impact the issues discussed in this letter, it is advisable to proceed with the implementation of final regulations, we urge DDOT to make the following changes. A redlined version of the proposed regulations that reflect these amendments is attached to this letter.

- **§ 3307.2, § 3308.1, and § 3308.2 – Employee notice**

Under our proposed amendments to the regulations, covered employees would be required to provide notice to their employer on a standard form (produced by DDOT) of their desire to utilize a Clean-air Transportation Fringe Benefit in lieu of an existing parking benefit. Covered employees would be required to provide the notice during the open enrollment months determined by the employer, or, if none, during the months of November and December each year with the effective date of the alternative benefit staring on January 1 of the following year. Employees could also amend their existing benefit during this time by providing an updated worksheet (required under § 3308.1) during this time. If the employee does not provide such notice or provide an updated worksheet, they would be presumed to have declined the Clean-air Transportation Fringe Benefit alternative or to stay with the same benefit calculation respectfully.

These recommendations have the benefit of simplifying the administration of the benefit for employers. Under the TBEA, covered employers are required to provide—under the threat of uncapped civil penalties—new government-mandated benefits, as well the new recordkeeping and reporting requirements that accompany this mandate. The suggested language would limit the covered employer's exposure if a covered employee does not provide them with basic information necessary to administer the benefit. It also removes ambiguity surrounding what happens if an employer neither affirmatively accepts nor declines a Clean-Air Transportation Fringe Benefit.

- **§ 3310.1 – Notice of market value of employer-provided parking**

Our recommended changes to § 3310.1 would require DDOT to mail an annual notice to each covered employer that includes the information or data used to calculate the market-value of parking for that employer. The covered employer would then have 30 days to dispute or provide additional information to DDOT regarding the market-value of parking within ¼ mile of the employer. Next, in the spirit of fairness, we recommend that the employer not be subject to the requirement to provide a Clean-air Transportation Fringe Benefit if DDOT does not provide them with this critical information. It is

unreasonable to hold employers accountable under this section if DDOT does not also meet its requirements under the proposed regulation.

- **§ 3311.1 – Employer reporting**

In keeping with the theme of fairness, our recommendation for § 3311.1 is that DDOT mail bi-annual notices to covered employers outlining their reporting obligations under the TBEA. These notices must be sent no later than 60 days prior to the report due date for each covered employer. In addition, this notice must include the template and instructions for employers to use in completing their reports. Finally, our recommendation is that a covered employer be relieved of their reporting obligations under the TBEA, including the suspension of any fines or assessed penalties for the failure to report, if DDOT does not fulfill its obligations by providing the notice, template, and instructions. DDOT cannot require employers to meet the TBEA's reporting obligations if it does not make them aware of the obligation and provide them with clear instructions.

- **Implementation of fines**

Lastly, once these regulations are implemented after the stay there should be a grace period in which fines are not enforced of eight months to allow employers the time to submit their plans to DDOT, to poll their workforce, and to ensure their compliance with the law. When the Department of Employment Services implemented the original transit benefits regulations in 2015, this option was provided to allow for adequate time for training and education.

Thank you for considering our comments on the proposed TBEA regulations. We have attached a redlined version of the proposed regulations that includes these and other amendments with this letter. Again, we urge DDOT to undertake a comprehensive examination of how these regulations will impact teleworking and suggest other ways to minimize the risks of this law and others to our local economy prior to publishing final regulations. We would be delighted to discuss these comments with you or answer any questions you may have.

Sincerely,

Anthony A. Williams
CEO and Executive Director
Federal City Council

Jacqueline Bowens
President and Chief Executive Officer
DC Hospital Association

Angela Franco
President and CEO
DC Chamber of Commerce

Elizabeth DeBarros
Interim CEO
DC Building Industry Association

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in the Transportation Benefits Equity Amendment Act of 2020, effective January 24, 2020 (D.C. Law 23-113; D.C. Official Code § 32-151 *et seq.*) and Mayor's Order 2020-124, dated December 10, 2020, hereby gives notice of the intent to adopt amendments to Chapter 33 (Transit Benefit Programs) of Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

This rulemaking will implement the Transportation Benefits Equity Amendment Act of 2020 (Act), which requires most employers that offer free or reduced-cost parking benefits to their employees to either: 1) provide an alternative benefit in the form of a transit or bicycling subsidy; 2) pay to DDOT a monthly compliance fee; or 3) implement a DDOT-approved transportation demand management (TDM) plan.

This rulemaking specifies the requirements of a qualifying TDM plan; sets criteria to determine the market value of a Clean-air Transportation Fringe Benefit; establishes biennial employer reporting requirements; sets fines and penalties for noncompliance with the Act, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*); provides the applicable exceptions to the general benefit requirement; and adds new definitions of relevant terms.

DDOT hereby gives notice of the intent to adopt these rules as final in not less than thirty days after the publication of the notice in the *District of Columbia Register*. Instructions for submitting comments may be found at the end of this notice.

Chapter 33, TRANSIT BENEFIT PROGRAMS, of Title 7, EMPLOYMENT BENEFITS, of the DCMR is amended as follows:

Section 3300, PURPOSE AND SCOPE, is amended as follows:

Subsection 3300.1 is amended to read as follows:

3300.1 The purpose of this chapter is to establish standards and procedures for the implementation of Title III-A of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 32-151 *et seq.*) (the "Act") and the Transportation Benefits Equity Amendment Act of 2020, effective June 24, 2020 (D.C. Law 20-113; D.C. Official Code, § 32-152.01 *et seq.)*.

Section 3302, PENALTIES AND FINES, is amended as follows:

Subsection 3302.4 is added to read as follows:

3302.4 The following persons shall be subject to civil fines and penalties pursuant to the Transportation Benefits Equity Amendment Act of 2020, effective January 24, 2020 (D.C. Law 23-113; D.C. Official Code § 32-151 *et seq.*) and the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.* (2016 Repl. & 2018 Supp.)):

(a) A covered employer who fails to comply with the provisions of § 3307.1;

(b) A covered employer who fails to comply with the reporting requirement in § 3311; or

(c) A covered employee who fails to comply with § 3307.2.

A new section 3307, CLEAN-AIR TRANSPORTATION FRINGE BENEFIT: REQUIREMENTS, is added to read as follows:

3307.1 Except as provided in § 3312, a covered employer that offers a parking benefit to an employee shall:

(a) Offer the employee a Clean-air Transportation Fringe Benefit in an amount equal to or greater than the monthly market value of the parking benefit offered to the employee;

(b) Pay to DDOT a Clean Air Compliance fee of $100 per month per employee who is offered a parking benefit; or

(c) Implement a transportation demand management plan that meets the standards set forth in § 3309.

3307.2 *In order to receive a Clean-air Transportation Fringe Benefit in lieu of a parking benefit, a covered employee shall provide notice to their employer on a form made available by DDOT. Such notice shall be provided to the employer between the first day of November and the last day of December to be effective starting on the first day of the ensuing year. A covered employee's failure to provide the required notice to the employer during this time shall constitute a refusal of the Clean-air Transportation Benefit.* A covered employee's acceptance of the Clean-air Transportation Fringe Benefit shall constitute a refusal of the parking benefit offered by the covered employer.

3307.3 A covered employee shall not concurrently accept or use a Clean-air Transportation Fringe Benefit and a parking benefit offered by the covered employer.

A new section 3308, CLEAN-AIR TRANSPORTATION FRINGE BENEFIT: PROCEDURES, is added to read as follows:

3308.1 An employee who accepts a Clean-air Transportation Fringe Benefit shall, using the Clean-air Transportation Fringe Benefit worksheet made available by DDOT, estimate the amount of the Clean-air Transportation Fringe Benefit that the employee will use each month and provide that estimate to his or her employer. *A covered employee's failure to provide the Clean-air Transportation Fringe Benefit worksheet to their employer shall constitute a refusal of the Clean-air Transportation Benefit.*

3308.2 An employee may amend the estimate provided to his or her employer in accordance with § 3308.1 not more than once every twelve (12) months *provided that such amendment shall occur during the open enrollment months determined by the employer, or, if none, between the first day in November and the last day in December to be effective on the first day of the ensuing year.*

3308.3 If the estimate provided pursuant to this section is less than the Clean-air Transportation Fringe Benefit offered to the employee pursuant to § 3307.1(a), the covered employer shall provide the employee with one of the following in an amount that, when combined with the estimate is equal to the Clean-air Transportation Fringe Benefit offered to the employee:

(a) Additional compensation;

(b) An increased contribution to the employee's health coverage;

(c) A combination of (a) and (b) of this subsection.

A new section 3309, CLEAN-AIR TRANSPORTATION FRINGE BENEFIT: TRANSPORTATION DEMAND MANAGEMENT PLAN REQURIEMENTS, is added to read as follows:

3309.1 *Covered employers electing* to comply *under* § 3307.1(c) shall submit to DDOT a proposed transportation demand management (TDM) plan, in a format provided by DDOT, which includes the following information:

(a) The total number of employees at work locations within the District;

(b) The number of employees currently receiving parking benefits subject to this chapter;

(c) Results of a survey of the commute modes used by its employees, to include driving, carpooling, for-hire vehicles, public transportation, walking, and biking, that has been conducted in a manner acceptable to DDOT. For covered employers with:

(1) Fewer than fifty (50) employees, survey results must comprise responses from at least ninety percent (90%) of employees;

(2) Between fifty (50) and ninety-nine (99) employees, survey results must comprise responses from at least eighty-four percent (84%) of employees;

(3) Between one hundred (100) and two hundred and forty-nine (249) employees, survey results must comprise responses from at least seventy percent (70%) of employees;

(4) Between two hundred and fifty (250) and four hundred and ninety-nine (499) employees, survey results must comprise responses from at least fifty percent (50%) of employees;

(5) Between five hundred (500) and nine hundred and ninety-nine (999) employees, survey results must comprise responses from at least thirty-seven percent (37%) of employees

(6) One thousand (1000) employees or more, survey results must comprise responses from at least twenty percent (20%) of employees.

(d) A plan that lists reasonable strategies and a timeline for reducing the number of employees' commuter trips made by car by at least 10% from the previous year, until 25% or less of employees' commuter trips are made by car, including for-hire vehicles; and

(e) Any other information DDOT deems necessary to evaluate the feasibility of a proposed TDM plan.

3309.2 DDOT shall review a submitted TDM plan and provide the covered employer with a determination within sixty (60) calendar days of receipt.

3309.3 If DDOT determines that the proposed TDM plan meets the requirements of this section, DDOT shall approve the proposed TDM plan.

3309.4 Within ninety (90) calendar days of the approval of its TDM plan, a covered employer shall provide DDOT with evidence demonstrating the employer's implementation of the plan in accordance with § 3307.1(c). Satisfactory evidence may include proof of enrollment in WMATA's SmartBenefits program, or an employer's notifications to its employees concerning transit options and benefits.

3309.5 If DDOT determines that a proposed TDM plan does not meet the requirements of this section, DDOT shall provide the covered employer with a notice of disapproval that includes a brief description of the deficiencies in the plan, and an

opportunity to amend and resubmit the proposed TDM plan within thirty (30) calendar days of the issuance of the notice.

3309.6 If DDOT determines that a proposed TDM plan that has been amended and resubmitted in accordance with § 3309.5 fails to meet the requirements of this section, the covered employer shall:

(a) Begin offering a Clean-air Transportation Fringe Benefit to employees; or

(b) Begin paying the Clean Air Compliance fee in accordance with § 3307.1(b).

3309.7 By January 15 of each year, a covered employer with an approved TDM plan shall submit to DDOT an annual data report, on a form provided by DDOT, on the actual commute mode share of the covered employer's employees during the previous calendar year.

3309.8 DDOT shall audit a covered employer's compliance with its approved TDM plan annually.

3309.9 If DDOT determines that a covered employer has failed to comply with its approved TDM plan, the covered employer shall have an additional one hundred and eighty (180) calendar days to comply with the requirements of the TDM plan for the previous year.

3309.10 A covered employer who submits a proposed TDM plan pursuant to this section shall not be subject to the requirements in § 3307.1 unless DDOT informs the covered employer that:

(a) A proposed TDM plan that was amended and resubmitted in accordance with § 3309.5 failed to meet the requirements of this section;

(b) The covered employer failed to submit an annual data report as required by § 3309.7;

(c) After one hundred eighty (180) calendar days granted pursuant to § 3309.9, the covered employer failed to comply with its approved TDM plan for the previous year; or

(d) The covered employer failed to implement an approved TDM plan within ninety (90) calendar days of written approval from DDOT.

A new section 3310, CLEAN-AIR TRANSPORTATION FRINGE BENEFIT: MARKET VALUE OF EMPLOYER-PROVIDED PARKING BENEFIT, is added to read as follows:

3310.1 DDOT shall determine the market value of a Clean-air Transportation Fringe Benefit for each covered employer *and shall mail a written notice outlining the calculated amount to each covered employer. Each notice shall include the market data used to calculate the value of the Clean-air Transportation Fringe Benefit.*

Covered employers may dispute DDOT's calculation of the market value of a Clean-air Transportation Fringe Benefit within thirty (30) days after receiving the notice. If DDOT does not provide the required notice, the covered employer shall have no further obligations under § 3307.1.

The market value of a Clean-air Transportation Fringe Benefit shall be:

(a) The median of the publicly-advertised monthly prices of parking available for rent to the public at any privately-owned parking facilities within one quarter (1/4) mile of the business premises;

(b) If there is no privately-owned parking facility within one quarter (1/4) mile of the employee's place of work that rents parking to the public, the median of the publicly-advertised monthly prices of parking available for rent to the public at any privately-owned parking facilities within one half (1/2) mile of the business premises; or

(c) If there is no privately-owned parking facility within one-half mile of the employee's place of work that rents parking to the public, a sum of one hundred seventy five dollars ($175), which may be adjusted according to the most recent Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical area, as published by the United States Bureau of Labor Statistics. DDOT shall publish the adjusted sum on its website.

3310.2 For purposes of this section, "parking facility" means a facility licensed pursuant to and compliant with Chapter 6 of Title 24 of the DCMR.

3310.3 The publicly-advertised monthly price of a particular privately-owned parking facility shall be determined by referencing published prices available online or in print that correspond to what an individual would pay for monthly access to the parking facility and shall not include personalized price quotes or special one-time or recurring discounts.

A new section 3311, CLEAN-AIR TRANSPORTATION FRINGE BENEFIT: EMPLOYER REPORTING OF PARKING BENEFITS, is added to read as follows:

3311.1 *Every two years DDOT shall mail each covered employer with notice of their obligation to file a report under this section no later than 60 days prior to the due date of the report. Such notice shall be accompanied with a written template or*

fillable table and instructions on how to complete the report. If DDOT fails to supply such notice and template to the covered employer, the covered employer shall have no further obligation under § 3311.

Each covered employer shall submit to the Director of DDOT a report every two (2) years, with the first report to be submitted by January 15, 2023, that includes:

(a) The total number of employees;

(b) The number of employees:

(1) Offered a parking benefit;

(2) Using a parking benefit;

(3) Offered a Clean-air Transportation Fringe Benefit;

(4) Using a Clean-air Transportation Fringe Benefit; and

(5) For whom the covered employer is paying to DDOT the $100 Clean Air Compliance Fee;

(c) The market value of the Clean-air Transportation Fringe Benefit for the covered employer; and

(d) Whether any of the exceptions in § 3312 apply to the covered employer, including:

(1) If the exception in § 3312.1 applies, the date on which any owned parking spot was purchased by the employer;

(2) If the exception in § 3312.2 applies, the date on which the current lease term will end, disregarding any contemplated lease extensions beyond the current term;

(3) If the exception in § 3312.3 applies, the date on which the previously approved transportation demand management plan will expire; or

(4) If the exception in § 3312.4 applies, the date on which the current Campus Plan expires, disregarding any contemplated term extensions.

A new section 3312, CLEAN-AIR TRANSPORTATION FRINGE BENEFIT: APPLICABILITY AND EXCEPTIONS is added to read as follows:

3312.1 A parking benefit offered by a covered employer who, before October 1, 2020, owned, and continues to own, the parking spot used by an employee as a parking benefit shall not be subject to the provisions of § 3307.

3312.2 A parking benefit offered by a covered employer who, before October 1, 2020, leases the parking spot used by an employee as a parking benefit shall not be subject to the provisions of § 3307 until the end of the current lease term, regardless of whether the lease agreement contemplated extension beyond the current lease term.

3312.3 A covered employer who, before October 1, 2020, is party to a transportation demand management (TDM) plan that was reviewed by DDOT, shall not be subject to the provisions of § 3307 until the end of the current term of the TDM plan, regardless of whether the TDM plan contemplated extension beyond the current term, or until October 1, 2025, whichever is earlier.

3312.4 A covered employer who, before October 1, 2020, is party to a Campus Plan approved pursuant to Subtitle X101 of Title 11 of the DCMR, shall not be subject to the provisions of § 3307 until the end of the current term of the Campus Plan, regardless of whether the Campus Plan contemplated extension beyond the current term, if the Campus Plan requires annual reporting to DDOT of:

(a) The current percentage, and year-over-year change in the percentage, of trips to campus that are made by car, including for-hire vehicles;

(b) Performance standards in the Campus Plan related to reducing the percentage of trips to campus that are made by car, including for-hire vehicles; and

(c) Policies that the covered employer will adopt to meet the performance standards in the Campus Plan related to reducing the percentage of trips to campus that are made by car, including for-hire vehicles.

Section 3399, DEFINITIONS, is amended as follows:

Subsection 3399.1 is amended as follows:

A new definition, "Clean-air Transportation Fringe Benefit", is added after the definition of "Act" to read as follows:

Clean-air Transportation Fringe Benefit means the following benefits that are provided, in addition to compensation, by a covered employer to an employee:

(a) Transportation in a commuter highway vehicle, as that term is defined in Section 132(f)(5)(B) of the Internal Revenue Code (26 USC § 132(f)(5)(B)), if such

transportation is in connection with travel between the employee's residence and place of employment;

(b) Any transit pass, as that term is defined in Section 132(f)(5)(A) of the Internal Revenue Code (26 USC § 132(f)(5)(A)); and

(c) Any qualified bicycle commuting reimbursement, as that term is defined in Section 132(f)(5)(F)(i) of the Internal Revenue Code (26 USC § 132(f)(5)(F)(i)).

A new definition, "DDOT", is added after the definition of "Covered employer" to read as follows:

DDOT means the District Department of Transportation.

A new definition, "Parking benefit", is added after the definition of "Full-time employees" to read as follows:

Parking benefit means personal motor vehicle parking, on or within 0.5 miles of the business premises and located in the District, offered to an employee, in addition to compensation, either directly by the employer or through an employer subsidy, for which the employee pays nothing or less than market value. The term "parking benefit" does not include parking that is offered to an employee who is required to use a personal motor vehicle in the regular performance of his or her work.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Anthony C. Willingham, Policy and Legislative Affairs Division, DDOT, 250 M Street, S.E., 8th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.