

AN ACT

Bill 19-354
Act 19-534
effective
November 5,
2012

Codification
District of
Columbia
Official Code
2001 Edition

To require the Department of Public Works to create a fleet management program to efficiently manage the District's fleet of vehicles, to create rules for subordinate agencies that manage their fleets of vehicles, to set goals for the fleet management program, to report to the Council and the public on ongoing fleet management performance, to report to the Council and the public on the use of chauffeurs within District government, to update rules on the use of government vehicles, to use the District government's position as the largest vehicle owner in the District to improve availability of alternative fuel sources, and to require the Mayor and the Council to report on costs, savings, and implementation options for allowing all District employees to take transit, Bikeshare, or taxicabs for work-related travel; to amend the Restrictions on the Use of Official Vehicles Act of 2000 to expand the list of agencies which have unique vehicle privileges to include the Office of the Chief Medical Examiner, the Homeland Security and Emergency Management Agency, and the Department of Corrections, to require enhanced reporting on vehicle use, to place restrictions on chauffeurs being offered as perquisites of employment, and to require the Mayor to submit to the Council an annual comprehensive plan on fleet management; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes to repeal outdated language on requirements for marking government vehicles; and to amend An Act To authorize certain programs and activities of the government of the District of Columbia, and for other purposes to eliminate a provision conferring upon the Mayor blanket authority over fleet management.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Employee Transportation Amendment Act of 2012”.

Employee
Transporta-
tion
Amendment
Act of 2012

TITLE I.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) “Alternative fuel” means fuels defined as alternative fuels by section 301(2) of the Energy Policy Act of 1992, approved October 24, 1992 (106 Stat. 2866; 42 U.S.C. § 13211(2)).

(2) “Bikeshare” means the Capital Bikeshare program or its successor programs that allow point-to-point bicycle sharing at stations throughout the District

(3) “Chauffeur” means a District employee who is assigned the official duty of regularly driving a supervising employee to and from the employee's home, appointments, or work sites, and who does not have an official purpose for travel beyond driving the supervising employee.

(4) “Compact vehicle” means a vehicle with an interior volume index greater than or equal to 100 cubic feet but less than 110 cubic feet as set forth in the description of a

New
Subchapter II
Chapter 2
Title 50

New
§ 50-211.01

compact car as defined by the vehicle class size set forth in 40 C.F.R. § 600.315-08 (a)(1)(iv)), approved December 27, 2006.

(5) "Director" means the Director of the Department of Public Works or the Director's designee.

(6) "DPW" means the Department of Public Works.

(7) "Emergency vehicle" means a vehicle authorized by the District to exceed the speed limit to transport people or equipment to and from situations in which speed is required to save lives or property and that is equipped with audible and visual signals capable of being seen and heard from a distance of not less than 500 feet.

(8) "Fleetshare" means the District's centrally managed motor pool of passenger vehicles that are available for District employee use for official purposes through advance reservation and billed to the agency according to use.

(9) "Fuel economy" means the average number of miles traveled by an automobile for each gallon of gasoline (or equivalent amount of other fuel) used, as determined by the Administrator of the Environmental Protection Agency.

(10) "Heavy equipment" means vehicles or vehicle attachments that cannot be classified as either passenger or non-passenger vehicles and that are used to perform road maintenance, construction, earth-moving, or another specialized function.

(11) "Large vehicle" means a vehicle with an interior volume index greater than or equal to 120 cubic feet as set forth in the description of a large car as defined by the vehicle class size set forth in 40 C.F.R § 600.315-08(a)(1)(vi)), approved December 27, 2006.

(12) "Passenger vehicle" means any automobile, other than an automobile designed for off-highway operation, manufactured primarily for the transportation of no more than 15 individuals.

(13) "Specialized vehicle" means a vehicle uniquely outfitted for service based on an agency's mission.

(14) "Vehicle" means an automobile or motorcycle classified for on-highway operation, excluding a sub-class generally considered to be a specialized vehicle or heavy equipment. The term "vehicle" shall not mean bicycles, pedicycles, personal mobility devices such as Segways or motorized wheelchairs, or other non-motorized conveyances.

Sec. 102. Application; exemptions.

**New
§ 50-211.02**

(a) Except as provided in subsection (b) of this section, this act shall apply to all subordinate agencies.

(b) The following subordinate agencies are exempt from sections 103, 104, 105, 106, and 107 and shall designate their own fleet managers to perform fleet management functions:

(1) The Metropolitan Police Department for all vehicles;

(2) The Department of Corrections for specialized vehicles;

(3) The Fire and Emergency Medical Services Department for emergency and specialized vehicles;

(4) The Office of the State Superintendent of Education for student transportation vehicles;

(5) The Office of the Chief Medical Examiner for specialized vehicles;

(6) The Homeland Security and Emergency Management Agency for specialized vehicles;

(7) The Department of Youth Rehabilitation Services for specialized vehicles;

(8) The District Department of Transportation for specialized vehicles;

(9) The Department of Parks and Recreation for specialized vehicles;

(10) The Department of General Services for specialized vehicles; and

(11) The District of Columbia Taxicab Commission for specialized vehicles.

(c)(1) The Council is exempt from section 105(a) and may procure its own vehicles; provided, that the procurement complies with sections 105(b) and 105(c).

(2) The Council shall designate its own fleet manager to perform fleet procurement and management functions set forth in sections 103, 104, and 105.

(3) The Mayor or the Director shall not have the authority to monitor, review, or establish standards, procedures, regulations, or rules for the procurement or management of vehicles by the Council or Council employees, unless the Council enters into a memorandum of understanding with DPW for procurement and management of its vehicles under the Fleetshare program.

(d)(1) An independent agency or instrumentality that owns or leases 10 or fewer vehicles may:

(A) Designate its own fleet manager to perform fleet procurement and management functions set forth in sections 103, 104, and 105; or

(B) Establish a memorandum of understanding with DPW for procurement and management of its vehicles.

(2) An independent agency or instrumentality that owns or leases more than 10 vehicles:

(A) Shall comply with section 105 and procure vehicles through the Director; and

(B)(i) May designate its own fleet manager to perform the Director's fleet management functions set forth in sections 103 and 104; or

(ii) May establish a memorandum of understanding with DPW for management of its vehicles.

(e) This act shall not be construed to affect or limit the powers or duties of the Chief Procurement Officer as set forth in the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*).

Sec. 103. Program establishment.

(a) There is established within DPW a Fleet Management Administration, which shall be administered by the Director.

(b) For vehicles under his or her authority, the Director shall have the sole authority to establish specifications for and procure, acquire, maintain, repair, and dispose of government vehicles, watercraft, and motor equipment used by subordinate agencies or entities as specified in section 105.

(c) For vehicles under the Director's authority, the Director shall develop, implement, and maintain:

(1) The District's Fleetshare program for the purpose of efficiently managing the District's passenger vehicle fleet;

(2) Options for District agency use of general car-sharing services to augment employee transportation;

(3) Uniform policies and standards for vehicle lifecycle management from procurement specifications through vehicle disposal;

(4) A comprehensive fleet management program that ensures centralized control, accountability, uniform procedures, and consistent fleet data for all vehicles under its authority; and

(5) Guidance and regulations for each agency, department, or other District entity to adhere to in the daily use and management of passenger vehicles that address:

(A) The safe operation of government passenger vehicles;

(B) Compliance with laws and regulations governing the operation of a vehicle while on official business;

(C) Accountability of operators for notices of infraction received and violations of the District's policies for use of government vehicles as a result of operating a vehicle while on District government business or having assigned custody of a District government vehicle;

(D) Cost-effective use of government resources;

(E) Knowledge of the nature of vehicle assignments and custody;

(F) Fitness requirements for employees authorized to operate District government vehicles;

(G) Appropriate vehicle operator qualification and training; and

(H) Consent of employees authorized to drive government vehicles to abide by policies and requirements established by the Director.

(d) The Director shall provide regularly scheduled preventative maintenance and unscheduled repair work.

(e) The Director may assess a fee to an agency participating in Fleetshare for the costs incurred in operating this program on its behalf.

(f) The Director shall establish a vehicle allocation methodology that determines how many vehicles in the Fleetshare program may be assigned to a location. The vehicle allocation methodology shall consider the program needs of agencies based at each location, and any other factors that the Director determines relevant.

(g) No work location or agency, aside from the agencies and vehicles listed in section 102(b), (c), and (d)(1), may be allocated a passenger vehicle outside of the Fleetshare program.

(h) The Director may issue a waiver of the requirements of subsection (g) of this section if the Director provides a written explanation to the Council of why a particular work location, vehicle, or agency should not be a part of the general Fleetshare pool of vehicles.

Sec. 104. Program goals.

New
§ 50-211.04

(a) The Director, in coordination with the District Department of Transportation ("DDOT") and other agencies, shall balance the following goals in performing the Director's responsibilities:

- (1) Providing vehicles that meet the mission of the client agency;
- (2) Enhancing the overall cost and energy efficiency of the District government's vehicle fleet;
- (3) Reducing the total number of passenger vehicles in the standing fleet and reduce their use;
- (4) Encouraging transit use and multimodal transportation;
- (5) Promoting the use of Bikeshare for work-related travel;
- (6) Promoting the use of taxicabs for trips where the cost of a taxi would be less than the cost of using a government vehicle;
- (7) Ensuring timely reimbursement for work-related transportation expenses incurred by employees;
- (8) Reducing total fuel use, improving fleet fuel economy, and promoting the use of alternative fuels;
- (9) Diversifying the range of fuels used for transportation within the District;
- (10) Using the District's purchasing power to facilitate the availability of alternative fuels for use in private fleets and personal vehicles;
- (11) Meeting or exceeding the requirements of section 507 of the Energy Policy Act of 1992, approved October 24, 1992 (106 Stat. 2891; 42 U.S.C. § 13257), and associated regulations; and
- (12) When vehicle acquisition is necessary, acquiring a vehicle with the lowest real cost of ownership.

(b) Factors to consider in determining the real cost of ownership for the purpose of subsection (a)(12) of this section shall include:

- (1) The sales price of vehicle;
- (2) The projected vehicle life;
- (3) The projected fuel costs;
- (4) The projected operation costs;
- (5) The projected maintenance costs; and
- (6) The vehicle emissions.

Sec. 105. Acquisition authority.

New
§ 50-211.05

(a) Other than the Director and the entities exempt under section 102(b), (c), and (d)(1), no District entity, subdivision, or agency shall execute an agreement to purchase, lease, or

otherwise acquire a vehicle for District government use; provided, that the Director may delegate the authority to acquire a specialized vehicle, emergency vehicle, heavy equipment, or non-passenger vehicle to another subordinate agency.

(b) Passenger vehicles acquired by the District shall be compact vehicles or smaller, except where the Director provides a written finding that these vehicles cannot meet the specific mission needs.

(c) A purchase or lease of additional vehicles that increases the total size of an agency, department, or other District entity's vehicle allocation shall be acquired only when:

(1)(A) A new or additional program responsibility requiring a vehicle has been assigned to an agency, department, or other District entity; or

(B) An existing program responsibility requiring a vehicle has grown in scale;

(2) No vehicle is available in the agency, department, or other District entity's current fleet to meet the new or additional responsibility;

(3) The travel need cannot be reasonably accommodated through increased allocation of Fleetshare accounts or a redistribution of existing fleet;

(4) A more cost-effective travel option is not feasible;

(5) Trips cannot be accommodated by increased use of transit or Bikeshare;

(6) Written justification is provided to the Director explaining the need for this additional vehicle; and

(7) The Director authorizes procurement of this additional vehicle, consistent with all other applicable procurement regulations.

Sec. 106. Alternative fuel.

New
§ 50-211.06

(a) On or before April 15, 2013, the Mayor shall transmit to the Council a plan to expand the use of alternative fuels in District government vehicles, whether through the use of government-owned fueling stations or privately operated fueling stations.

(b) In developing this plan, consideration should be given to requiring fueling stations that sell fuel to the District to:

(1) Provide at least one alternative fuel;

(2) Use industry standard fueling equipment that is compatible with existing government vehicles; and

(3) Sell alternative fuels to the general public.

Sec. 107. Employee transportation.

New
§ 50-211.07

(a) On or before December 31, 2012, the Mayor shall transmit a report to the Council discussing:

(1) How District government employees travel within the Washington, D.C. metropolitan region for work-related business;

(2) How the cost of work-related travel could be decreased;

(3) Whether the use of alternative transportation, such as Washington

Metropolitan Area Transit Authority ("WMATA") services, Circulator, Bikeshare, and taxicabs by District government employees for work-related business could be increased and, if so, how; and

(4) Which District agencies offer transit benefits to employees, and to which employees.

(b) On or before March 15, 2013, the Members of the Council shall submit and the Secretary to the Council shall compile a report to the Council discussing:

(1) How Council employees travel within the District for work-related business;

(2) How the cost of work-related travel could be decreased;

(3) Whether the use of alternative transportation, such as WMATA services, Circulator, Bikeshare, and taxicabs by Council employees for work-related business could be increased and, if so, how; and

(4) Whether the Council offers transit benefits to employees.

TITLE II.

Sec. 201. Section 3602 of the Restrictions on the Use of Official Vehicles Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 50-204), is amended as follows:

**Amend
§ 50-204**

(a) Subsection (a) is amended by striking the phrase "and (4) the Chairman of the Council." and inserting the phrase "(4) the Chairman of the Council; (5) at the discretion of the Chief Medical Examiner, an employee of the Office of the Chief Medical Examiner who resides in the District and is on call 24 hours a day; (6) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District and is on call 24 hours a day; and (7) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District and is on call 24 hours a day." in its place.

(b) Subsection (b) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase ", shall be reported to the Council on a quarterly basis." and inserting the phrase "shall be reported to the Council on a quarterly basis and made available on the Department of Public Works' website." in its place.

(2) Paragraph (2) is amended by striking the phrase "to the Council on a quarterly basis and made available to the public upon request." and inserting the phrase "to the Council on a quarterly basis and made available to the public on the Department of Public Works' website." in its place.

(3) A new paragraph (3) is added to read as follows:

"(3) No District employee shall offer or accept, as a perquisite of employment in hiring or contract negotiation, an assigned chauffeur."

(c) Subsection (c) is amended to read as follows:

"(c)(1) The Director shall make available on the Department of Public Works' website an inventory of vehicles owned, leased, or otherwise controlled by the District government, or any

of its entities, excluding vehicles falling under the guidelines of paragraph (4) of this subsection, as of the end of the fiscal year. The inventory shall be distributed to the Council and made available to the public on the Department of Public Works' website by December 15 of each year. The inventory shall be completed annually for each fiscal year ending on September 30 and shall be distributed to the Council and made available to the public on the Department of Public Works' website by December 15 of the next fiscal year.

"(2) The inventory shall include the following for each vehicle:

"(A) The agency to which it is assigned;

"(B) Its year, make, and vehicle tag number;

"(C) Its acquisition date and cost;

"(D) Its general condition;

"(E) Its annual operating and maintenance costs;

"(F) Its approximate current mileage; and

"(G) Whether it is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and state of residence, and a written justification explaining the public interest served by allowing the employee to take a vehicle to the employee's residence.

"(3) The Director shall update the inventory on a quarterly basis to reflect any changes in fleet composition resulting from vehicle acquisition through purchase, lease, or transfer or disposed of through sale, demolition, disposal, or transfer.

"(4) The Metropolitan Police Department may submit, under separate seal, the total number and acquisition cost of vehicles used for undercover operations directly to the Chairman of the Council, the chair of the Council committee with oversight of the Metropolitan Police Department, and the chair of the Council committee with oversight of the Department of Public Works."

(d) A new subsection (d) is added to read as follows:

"(d) The Mayor annually shall issue to the Council, on the 15th of December, a comprehensive plan termed the Fleet Management Report. The purpose of the plan shall be to:

"(1) Identify opportunities to reduce the size of the District's standing fleet of passenger vehicles;

"(2) Identify strategies that will allow the District to increase the percentage of the fleet that is composed of compact or smaller vehicles while decreasing the percentage of inefficient and large vehicles;

"(3) Declare that the publically available online vehicle report required under subsection (c) of this section is accurate; and

"(4) Certify compliance with the vehicle fleet requirements of this act and section 2 of An Act To authorize certain activities of the District of Columbia, and for other purposes, approved October 26, 1973 (87 Stat. 504; D.C. Official Code § 50-202), section 3402 of the EPA Miles Per Gallon Requirement for Passenger Automobiles Purchased by the District Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 50-203), and section 2 of the

Bicycle Safety Enhancement Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-352; D.C. Official Code § 50-205).".

Sec. 202. An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes, approved March 3, 1917 (39 Stat. 1010; D.C. Official Code § 50-201), is amended by striking the phrase “truck: Provided further, That hereafter all motor vehicles and all horse-drawn carriages and buggies owned by the District of Columbia shall be of uniform color and have painted conspicuously thereon, in letters not less than three inches high and markedly contrasting in color with the body color of the vehicle, the words, “District of Columbia.” and inserting the phrase “truck.” in its place.

**Amend
§ 50-201**

Sec. 203. Section 2 of An Act To authorize certain programs and activities of the government of the District of Columbia, and for other purposes, approved October 26, 1973 (87 Stat. 504; D.C. Official Code § 50-202), is amended by striking the last sentence.

**Amend
§ 50-202**

TITLE III.

Sec. 301. Rules.

(a)(1) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act within 120 days of its effective date.

(2) The proposed rules, and any subsequent amendments, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

(b) The existing rules regarding fleet management in the District, to the degree that they are consistent with this act, shall remain in effect until they are superseded by rules issued in accordance with subsection (a) of this section.

**Note,
§ § 50-211.01
50-211.03
50-211.05
50-204
50-201
50-202**

TITLE IV.

Sec. 401. Applicability.

Sections 103, 105(c), and 201(d) shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. Sections 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 shall apply as of the effective date of this act.

**Delayed
Applicability**

Sec. 402. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 403. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.