

**PEPC Project ID: 41383, DocumentID: 46753**  
**Correspondence: 1**

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**Correspondence Information**

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**Correspondence Text**

No way a permit. Then you must issue permits for Taxicabs too. Also if this is going to apply to pedicabs then it must apply to Segaways too!

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 2

### Author Information

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### Correspondence Information

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### Correspondence Text

This comment is specifically relating to Pedicab Operating Provisions Section F-14, which reads:

"14. CUA Holders are prohibited from loading or unloading passengers on Lincoln Memorial Circle between the Memorial Bridge and Henry Bacon Drive."

The far end of Lincoln Memorial Circle, where it meets Henry Bacon Drive, is probably the number one destination that pedicab passengers in Washington, DC ask to be dropped off. Furthermore, a majority of our passengers are mobility-impaired or have difficulty walking. I might mention that taxicabs continuously use this location to pick up and drop off their passengers, and no specific wording in any law or regulations prohibits them from doing so. Under what rationalization can NPS legally discriminate against non-motorized green transportation? What would motivate them to do so?

To put things in perspective, the entire west side of the block on Henry Bacon Drive for more than 300 feet is dedicated to bus parking, and the very area in question is an informal taxi stand in continuous use by these motor vehicles, which are never interfered with by the US Park Police. Segways, operating a motor vehicle on the sidewalk in herds of 20 vehicles or more can park anywhere they please on the sidewalk while they wait for their passengers. How can it be that the only type of transportation that is prohibited from the area is green, non-motorized transportation that primarily serves the mobility-impaired public?

It needs to be mentioned that the pedicab community has offered several alternatives for a pedicab stand in this spot -- all of which were summarily rejected by NPS. Specifically, we suggested that there is plenty of room on the sidewalk between the metal bollards and the street so that pedicabs would not be in traffic

in any way. There is no pedestrian traffic on this narrow section of sidewalk, which is 63 inches wide (a pedicab is 48 inches wide).

This provision will create a severe impediment for the disabled and otherwise mobility-impaired public in need of our services.

We are a customer service oriented industry. In the real world, we will continue to drop off our customers where they ask to be dropped off, particularly those customers that have trouble walking. Government fiat will not change that reality, it will only create the legal obligation for conflict with the US Park Police, whose resources are better utilized for more important services than cracking down on green transportation serving the mobility-impaired public.

Section F, provision 14 needs to be erased from the Pedicab Operating Provisions. It has no chance of attaining successful compliance, nor should it seek to do so.

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## Correspondence: 3

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### Correspondence Text

The pedicab regulations seem too onerous, costly, and generally unnecessary. Most importantly they are generally redundant with the already existing DC Pedicab Regulations but since there are also some differences, pedicab operators will be caught in a mess of red tape. Why not simply synchronize the NPS regulations with the existing DC regulations, or work with DC government to come up with one uniform set of regulations?

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## Correspondence: 4

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### Correspondence Text

The NPS pedicab regulations overlap with DC pedicab regulations and are largely unnecessary. This violates the spirit of Executive Order 13563 -- Improving Regulation and Regulatory Review. Specifically, this executive order calls for the elimination of redundant and overlapping regulation and greater coordination among regulatory agencies. It also calls for regulations to promote (or at least not discourage) innovation and pedicabs are truly an innovative transportation system that helps our country reduce our dependency on oil.

Sec. 3. Integration and Innovation. Some sectors and industries face a significant number of regulatory requirements, some of which may be redundant, inconsistent, or overlapping. Greater coordination across agencies could reduce these requirements, thus reducing costs and simplifying and harmonizing rules. In developing regulatory actions and identifying appropriate approaches, each agency shall attempt to promote such coordination, simplification, and harmonization. Each agency shall also seek to identify, as appropriate, means to achieve regulatory goals that are designed to promote innovation.

It also violates the spirit of Section 4 Flexible Approaches which calls for "regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public." If the regulatory burden on pedicabs is significantly increased, it will result in fewer pedicabs and possibly the elimination of pedicabs which would decrease choice.

<http://www.whitehouse.gov/the-press-office/2011/01/18/improving-regulation-and-regulatory-review-executive-order>

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 5

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### Correspondence Text

As a resident of Washington DC, and a full-time US History teacher who also works PT as a pedicabber (Summers and weekends), I read this with great interest.

While this is a good start, there are some serious flaws/omissions.

Foremost among them is the absence of a pick-up/drop-off point at the Lincoln Memorial. Why? The visitors to the National Mall, whom you are entrusted to serve, demand this location as much as any. And how can you possibly justify allowing taxis to drop off, with their large vehicles zooming in, and not bicycles? Doesn't make sense and it would cause much angst and frustration if you don't correct this obvious mistake.

Relatedly, why can't an egress point around that small, wide western section of Lincoln Memorial Drive be employed? Many people daily request rides around it to get back to Jefferson because they are mobility impaired in some way. It's a wide sidewalk, we travel very slowly and it's rarely used by pedestrians; nearly all walk around the front side of the Lincoln.

Another clear oversight is not allowing a cut-through from Natural History/American History to Agriculture. That gravel walkway is 40 feet wide! We travel very slowly, and have never run into a pedestrian.

What's especially seemingly arbitrary, is that you allow Segways -which often ride 3-4 abreast, far wider than a pedicab- on this same two sections. I can understand -and agree with- not allowing pedicabs on most other sections, but no valid reason can be given for those two sections.

And frankly, we're contacting disability groups, who often give us effusive praise for our service, yet your agency, as of yet anyway, has not.

Finally, the notion of "active process" of picking up/dropping off customers should also be expanded to incorporate when passengers are right next to our bike discussing the ride. I've had Park Police officers on a number of occasions take great delight in breaking up the transaction, just because they could.

If the above changes are incorporated, we can continue to serve mobility impaired individuals -be they children or adults- as we have done successfully in the first 5 years of our existence on the National Mall. We look forward to working with you.

Sincerely and respectfully,  
Donald M. Clark  
202.841.0797

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 6

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### Correspondence Information

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### Correspondence Text

I am writing with concern regarding your recent proposed/draft regulations relating to Pedicabs. While I encourage establishing rules by which the NPS and Pedicabs can live by, it appears the NPS has failed to consider reality in developing its standards. I encourage you to involve the Pedicab industry in this regulation to allow for lasting regulation. For example, the currently proposed regulation is unfair as it fails to allow Pedicabs to park in legal parking spaces along the national mall, when not in service. I understand not allowing a Pedicab to stop in taxi spaces, but legal spaces are legal spaces. Failing to treat pedi-cabs equally is only giving you a bad name.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 7

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### Correspondence Text

Hello,

As the owner of DC Walkabout, a District-based tour company, and a licensed tour guide, I spend virtually 5-7 days per week throughout the majority of the year conducting walking tours on or around or at some point passing through the National Mall area(s).

While it is no secret that the climate of Washington can be debilitating, especially in the throes of humidity during the summer months, I regularly encounter people who have become energy depleted, exhausted, and to some degree dehydrated as well. Also as an EMT, I recognize the nature to which large numbers of people visiting our great city begin to neglect the early signs of dehydration.

Every warm day, I point people to water fountains, shaded areas, and particularly at the end of some of our tours (around the Lincoln Memorial, Tidal Basin, etc.) I attempt to help people find the easiest methods off of the mall and back to their hotels or to downtown, etc.

Given this regular interaction with the visitors, and my personal experience as walking around the Mall with and around these visitors, I truly believe that at times the area is severely lacking in accessible and effective modes of transportation, be they public or private.

The recent additions of some bikeshare stations is a plus, and for the generally fit visitor this is a good option. But to say bikeshare alone solves the congestion on a hot day would be incorrect.

It is my experience to frequently recommend the use of a pedicab ride to many of our customers at the end of our tours.

For example, we have one tour that ends at the Lincoln Memorial, and at this time we have already walked about 1.5 miles approximately. To the average American citizen, that is a long way, and given the data on fitness in our country, this is not an epiphany.

Pedicabs, given the proper framework and opportunity, I believe are a great benefit to the Mall area as

such. When I come to the end of my tours, I want the customers to be happy and not to find themselves lost or exhausted. I want their positive experience of our city to continue, even once the tour is done. This means, at times, that yes I will recommend them towards another business nearby, be it a restaurant, another tour, or in this case a pedicab ride. A pedicab ride fits that experiential footing perfectly. Taxicabs are another option, but as they are run-of-the-mill and in no shape or form a unique experience, and it is my opinion that riding in a car takes away from the incredible surroundings.

I frequently tell people of this service, and I see from the map that there is limited area around the Lincoln. I am curious to see if the presence given pedicabs will be of such a nature as to be able to assist my tired guests to the appropriate station locations. It looks as if the Daniel French side may be slated for a pedicab station, although it is notable to recognize constitution avenue gives off a much more safe feeling given the higher frequency of stoplights.

On another note,

I have personally purchased water bottles and pedicab rides for several elderly visitors around the Lincoln Memorial Circle area, and find these pedicabs to be very beneficial at those times. Also, as an EMT, I find it extremely important to attend to the needs of the tired and dehydrated paying homage and reflecting at our memorials. Whether that is a long conversion to more water availability, public transportation, pedicab rides, etc., remains to be seen, but the obvious long standing effects of the automobile mindset in modern society are a fixture, even given the current trends of the world economy, I commend you on your efforts to adapt to the ever changing needs of today.

As for my interpretation of the rules stated, there appears to be some ambiguity on whether pedicab drivers can utilize what amount to public meter parking spaces. My first thought would be, as long as the meter is paid, I have seen on numerous occasion all manner of vehicles legally use metered parking spaces, from cars to vans to taxis to motorcycles to bicycles. I am wondering how a pedicab could possibly be a different species, given the fact they are just another human being utilizing a simple mechanical advantage. Two things here, if they cant park in a parking space, what is the reason? Clearly solicitation from this point is not to be allowed, but given the great labor it is to haul people on a bicycle, it would be a considerable oversight to solely see them as commercial entities on such days, and to discriminate via regulation against them as such, when the clear reality is that on a hot day a human being gets tired and needs to keep hydrated and at times, to rest. I am of the thinking that wording could be put in to describe that perhaps obtaining of rides from the parking space would be restricted, but if they just use the space like everyone else - I dont see any real justification other than cultural bias to prevent someone from using a public space on a public road in a legal manner other than the fact that they are on a bicycle with three wheels instead of two. Are tricycles to be outlawed from parking in public spaces as well? This is where my mind goes on this subject. Sometimes people get tired, and as such it is my opinion that those in civil service should be able to recognize the difference.

Overall,

It is pleasing to see the current efforts coming down the pipeline, I just hope, as a tour guide and an EMT and just as a person, that both the commercial and the human aspects are taken into account before finalizing the situation proposed.

Respectfully,

Sean Williams

Owner

DC Walkabout



# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 9

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### Correspondence Text

This rule would do much good. Pedicabs are notorious for clogging up the streets and sidewalks in and around the National Mall and Memorial Parks. They take up much more space than is needed, and there are lots of them.

If this was implemented, it would relieve a lot of congestion around the sidewalks and walkways. They would be in one central location for visitors who wanted one.

I believe putting a marker on a map where the main depot would be located would be helpful, as this would relieve the workload of NPS officials who have to stop working to answer questions.

As I understand it, this rule would allow for the regulation of pedicab operation on the Mall. They are already regulated by the DC Official Code, so I believe putting into place those standards passed by the Council of the District at the federal level (NPS Regulation) would be a great start.

My one reservation about the proposed rule is application fee amount. \$100 seems a bit much to charge. The people who operate these pedicabs are trying to make a living, and with a high application fee this would cut down on how much they bring home. A lesser amount, say \$70 or \$75, would be much more feasible. This would allow the operators to keep more of their money in their pockets while at the same time providing revenue for NPS.

Besides this one stipulation I believe this rule is a great one.

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**Correspondence: 10**

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I am looking forward to hearing all the details about this draft CUA, and I want to thank the National Park Service for their attention to this issue.

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## Correspondence: 11

### Author Information

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### Correspondence Text

Pedicabs are defined as bicycles, and bicycles have access to all sidewalks and paths on the National Mall. Yet pedicabs are specifically prohibited from utilizing Mall paths and sidewalks because NPS considers them to be too wide and a danger to pedestrian safety. Although pedicabs are permitted to be 55 inches wide, in fact they are uniformly 48 inches wide. A pedicab occupies less width than 2 bicycles riding abreast. A pedicab is only slightly wider than a bicycle pulling a child carrier and only 16 inches wider than a wheelchair. Furthermore, pedicabs travel at a slow rate of speed compared with bicycles. In addition, personal motor vehicles known as Segways are permitted wide access to these same Mall sidewalks, even though they travel in huge groups of 20 or more occupying 100s of square feet of sidewalk space and are driven by amateurs riding for the first time riding at speeds that far exceed any possible speed a pedicab could attain.

It is clear that pedicabs are therefore not threatening to occupy too much sidewalk space. Nor is there any evidence in Washington, DC that pedicabs suppose a safety risk to pedestrians or anybody else. After 6 years of operation around Washington, and taking more than 400,000 happy customers for rides, pedicabs have racked up a grand total of zero (0) pedicab accidents and (0) injuries as a result. On what basis, therefore, does NPS justify their concern that pedicabs would pose a risk to pedestrian safety where Segways and other bicycles do not?

I propose a limited selection of sidewalk and path routes on the Mall which should be opened up to pedicab usage. The use of all these routes would give pedicabs an alternative to traffic on busy streets, thus providing for increased safety as well as reduced traffic congestion.

An online map of these routes is available at:

<http://maps.google.com/maps/ms?msid=200161391077028060198.0004b9e0376586062f0d9&msa=0&ll=38.890703,-77.039738&spn=0.002939,0.005681&iwloc=0004bad52e477a848de57>

## Proposed Pedicab Sidewalk and Path Routes on the National Mall

### American History Museum to Department of Agriculture Pedicab Route

American History Museum to Department of Agriculture Pedicab Route

From Museum of American History entrance to Department of Agriculture entrance (where 13th Street would be).

Total distance: 624.69 ft Width of Mall Path ? 40 feet

There is very little pedestrian traffic here.

This gravel path would give pedicabs an alternative way to cross the Mall without need to travel through busy traffic on 14th and 15th Streets.

### Constitution Avenue Sidewalk Pedicab Route

Total distance: 2402.03 ft. Width of Sidewalk ? 145 inches, narrowing to 113 inches briefly near the tour bus stand at Constitution Gardens.

The route would follow the sidewalk path along the south side of Constitution Avenue from Daniel French Drive to 17th Street.

This route would allow pedicabs an alternative to busy Constitution Avenue.

### Lincoln Memorial Circle Sidewalk Pedicab Route

Total distance: 1180.49 ft Width of sidewalk ? 180 inches

This route would follow the sidewalk all along Lincoln Memorial Circle behind the Lincoln Memorial. There is virtually no pedestrian traffic here.

Allows quick and safe access between the north side of the Lincoln Memorial and the Korean, the Martin Luther King Jr., the FDR and the Jefferson Memorials, as well as a much safer access route to Arlington National Cemetery. The on street alternative to pedicab travel between the north and south sides of the Lincoln Memorial, a distance of 0.2 miles is approximately 2 miles.

### Ohio Drive Bridge to Jefferson Memorial Pedicab Sidewalk Route

Total distance: 713.82 ft Width of sidewalk ? 125 inches

This route borders the south side of East Basin Drive from the Ohio Drive bridge to the Jefferson Memorial.

This route will allow us to legally transport passengers coming from the Lincoln the FDR Memorial, and the MLK Memorials safely to the Jefferson Memorial. There is almost no pedestrian traffic here.

### 12th Street to Natural History Museum Pedicab Sidewalk and/or Path Route

Total distance: 651.24 ft Width of Sidewalk ? 136 inches; Width of adjacent gravel path ? 224 inches

This route would follow the sidewalk and/or gravel path adjacent to the south side of Madison Drive from 12th Street to the entrance of the Museum of Natural History.

This route would give pedicabs a safe alternative to several blocks of busy Constitution Avenue and 7th Street.

### Jefferson Memorial and Tidal Basin Sidewalk Access Route

Total distance: 3129.68 ft Width of Sidewalk ? varies from 114-125 inches, narrowing to 102 inches briefly and widening to 144 inches on the bridge.

From the Jefferson Memorial, this route would follow the sidewalk along the north side of East Basin Drive until it meets 15th Street. A spur would continue to the Tidal Basin Parking and the paddleboats.

This route gives safe access back and forth from the Mall to the Jefferson Memorial. It also provides access to the paddle boats and tidal basin parking.

#### Independence Avenue Pedicab Sidewalk Route

Total distance: 3288.05 ft Width of sidewalk ? varies from 96 inches to 125 inches

This route would run along the north side of Independence Avenue starting at 23rd Street and continuing down to 17th Street.

This safe route would give pedicabs an alternative to busy Independence Avenue.

#### National Gallery to Air and Space Museum Sidewalk and/or Gravel Path Route

Total distance: 631.89 ft Width of Sidewalk ? 163 inches; Width of gravel paths to either side of sidewalk ? 161 inches each side -- Total is more than 40 feet wide

The route runs between Jefferson and Madison Drives from the entrance of the Air and Space Museum to the entrance of the National Gallery of Art.

This route would give pedicabs coming from the east an alternative to busy 7th Street.

#### Natural History to the Arts and Industries Building Pedicab Sidewalk/Gravel Path Route

Total distance: 1109.65 ft Width of sidewalk along Madison Drive ? 136 inches; width of gravel path ? 224 inches; width of gravel path from 9th Street to Arts and Industries Building ? 180 inches This sidewalk is currently under reconstruction, so measurements may change.

From the entrance to the Natural History Museum, this route would follow the south sidewalk of Madison Drive as far as 9th Street. It would then turn south and emerge onto Jefferson Drive in front of the Arts and Industries Building.

This route would give pedicabs an alternative to several blocks of busy traffic on Constitution Avenue and 7th Street.

#### Lock House to WWII Memorial Pedicab Sidewalk/Path Route

Total distance: 635.59 ft Width of path ? 16 feet This sidewalk/path is currently under construction, so measurements may change.

This is the access to the WWII Memorial that Segways use. It would give pedicabs an alternative to busy 17th Street along a path with very light pedestrian usage.

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## Correspondence: 12

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### Correspondence Text

I really think pedicabs help keep people off the roads and reduce congestion, and are a very green and fun way to get tourists around easily and help them feel welcomed. id like to see them supported as a good alternative to cars and metro for our beautiful capital area.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 13

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### Correspondence Text

One glaring omission on the map of pedicab stands is that there is no stand at all at the World War II Memorial. This is one of the most important memorials on the National Mall, and Mall visitors using our services very frequently wish to get out of the pedicab in order to spend some minutes exploring the memorial. Under the NPS proposal, there is no location that we can legally wait for our passengers there.

This memorial particularly attracts WWII veterans, all of whom are at least 83 years old by now and usually have limited mobility. Special provision needs to be provided to encourage access to this memorial by WWII veterans and other elderly people who find special meaning from the WWII Memorial. Any experienced pedicab driver can attest to the many times he/she has taken WWII veterans to this memorial, and to the usual request by these veterans and other elderly people to have us wait for them rather than risk getting stranded there.

Pedicabs are particularly suited to take the elderly as we are able to move the edge of the pedicab right up to the curbside to make entrance and exit much easier than to a motor vehicle. Our drivers are uncommonly helpful in giving them a hand up and being patient with their limited mobility. The opportunity of these elderly people to take other outdoor transportation is very limited at this particular memorial.

The purpose of these rules should be to provide Mall visitors with access to all of the major memorials, particularly those who find it difficult or impossible to walk long distances. A pedicab driver would find it extremely difficult to refuse the request of an elderly passenger, especially a WWII veteran, who requests us to wait for them at this memorial. Yet waiting here would inevitably lead to conflicts with the US Park Police -- a situation that these rules were intended to alleviate.

Furthermore, a pedicab stand prominently situated at the World War II Memorial would be a perfect spot for pedicab drivers to wait for prospective passengers who find themselves stranded there and are in need of our services. This memorial is far from every other destination on the National Mall. Traffic on 17th Street and Independence Avenues is set up in such a way as to make it difficult for Mall visitors to hail a pedicab or even a taxi, thus leaving few options to those who are mobility impaired.

Our passengers deserve access to this important memorial.

Some possible locations for a WWII pedicab stand that would give particular access to elderly war veterans would be:

- 1) Home Front Drive -- Immediately to the east of the central curvature where benches are located and before the first handicapped parking spot, there is an irregular shaped parking spot that is not assigned or labeled for any use at all. Curb space is 160 inches. I believe that 3 pedicabs can fit in this narrow, irregularly shaped area.
- 2) Home Front Drive -- Immediately to the west of the central curvature on Home Front Drive. Here begins the bus loading zone (which is illegally interpreted to mean bus parking). There is room for 3.5 to 4 buses here, which is at least 180 feet of curb space. A pedicab stand would require just 20-30 feet of this space where buses are currently given preference to non-motorized transportation. The area immediately west of the curvature could be used as a pedicab stand -- this is slightly less visible than option 1.

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## Correspondence: 14

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### Correspondence Text

I have listened to numerous people from all over the world express their gratitude for the pedicab operators who offer them the chance to see the District of Columbia in a unique way. If the cabs were allowed to be parked in an area visible to foot traffic it is my belief the all patrons of the National Mall will have a more enjoyable experience

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 15

### Author Information

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### Correspondence Text

Dear Sir or Madam,

First of all, I want to thank you for taking the time to meet with us on April 17 and for opening the proposed regulations up for input from pedicab operators. We truly want to have a good working relationship with both the National Park Service and the U.S. Park Police and we regret that our relations with the latter have deteriorated over the course of the past year. We don't want to continue to burden the time, energy, and resources of the Park Police over our misunderstandings when we all know that they have "bigger fish to fry."

In regards to the proposed pedicab routes, standing, and parking areas, I think that there is room for improvement, particularly around the Lincoln Memorial, one of the most visited monuments on the National Mall and one of the best "spots" for pedicabs. Your proposed standing area around the Lincoln Memorial puts us near taxis and in an area where we are not readily visible to potential customers whatsoever. The vast majority of people entering and exiting the Lincoln Memorial grounds use either Henry Bacon Drive NW or Daniel French Drive SW. Pedicabs normally utilize both roads for transport and for solicitation of customers. Both roads are ideal spots for pedicab stands or parking areas. Henry Bacon Drive NW, in particular, has very little traffic and congestion and is utilized by taxis as well. Although more congested, there also seems to be plenty of space on the Daniel French Drive SW side for pedicab stands or parking areas.

I also believe that pedicab stands or parking areas would be better placed directly in front of the Air and Space Museum and the National Gallery of Art, where there is a vast amount of space on either side of the crosswalks. Your proposed pedicab stands and parking areas also put us near taxis in areas of low

visibility for potential customers.

Finally, it seems that a better pedicab standing or parking near the Jefferson Memorial would be on Ohio Drive near the concession stand where there are cones that block off an access road. This is also an area that experiences little traffic and congestion and pedicab stands here would also put us in an ideal area with much greater visibility for customers.

Thank you again for your time, energy, and for all your reassurances. We hope that the new regulations will work to the benefit of pedicab operators, owners, the National Park Service, and the thousands of tourists that we provide friendly, green transportation services for on a daily basis.

Very respectfully,  
FM

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 16

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/18/2012 Date Received: 04/18/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Hello National Park Police,

I am glad we are working together to sort out pedicabbing on the National Mall. I am a new pedicabber, and I want to have good relationships with the police.

It is important there is space for pedicabs on both the north and south side of the Lincoln Memorial. Having spent a few months out pedicabbing I already know how important the north side of the Lincoln Memorial is as a pick up and drop off point. Please make room for pedicabs on the north side.

Thank you  
Liz Paxton

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 17

### Author Information

Keep Private: No  
Name: Donald Clark  
Organization:  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/18/2012 Date Received: 04/18/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

I'm very concerned still about the provision in Section 13 that does not allow us to stop, other than at pedicab stands. What happens when we're tired, and the stands are filled, a common occurrence?

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 18

### Author Information

Keep Private: No  
Name: Donald Clark  
Organization:  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/18/2012 Date Received: 04/18/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Another key addition would be to put in a workable stand by the Washington Monument. A PERFECT one -often used successfully now- is right at the junction of the "turnout" and 17th Street, adjacent to the sidewalk, "hugging" it, if you will.

The turnout is made for the size of a large bus, which never go in there (not in the 4 years I've been riding, anyway). It's 1.5 car widths wide. So cars can -and do- easily go around us.

Check it out! The people would be happy/served by this.

Thanks.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 19

### Author Information

Keep Private: No  
Name: Donald Clark  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address: 1530 16th St NW  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/18/2012 Date Received: 04/18/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

We need one at WWII. The sidewalk there is just too busy, on the North side of the 17th sidewalk.

However, running on the South side of the walk, within the bus turnout, it's wide enough to accommodate a short line of pedicabs AND allow the bus to swing by.

Please contact me if you wish to know the exact location I'm referring to.

Again, lacking this, and if there's a need for it, bikes will go in the area anyway -or in worse areas there- so it's much preferable to get it right now.

Thanks.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 20

### Author Information

Keep Private: No  
Name: Donald Clark  
Organization:  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/18/2012 Date Received: 04/18/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

We desperately need one at N. Lincoln! It's one of the THE top 5 destinations for tourists, and then you've ridden all the way out there, and don't want to just leave, and "waste" 10 minutes driving back. Plus, people -our mobility impaired passengers, especially- really want them out there, or they get this awful look on their face when we have to turn them down.

The location can be right adjacent to the bollards, on the road side; it's just wide enough for our pedicabs. No impact on the traffic. We wait for the light to take off. Works great. We're out of the way of the people and the cars.

Ideally, that turnout should be re-engineered into 1 lane, so we AND the taxis can park at this natural spot without the threat of feeling like criminals.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 21

### Author Information

Keep Private: No  
Name: Donald Clark  
Organization:  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/18/2012 Date Received: 04/18/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

ONLY 2 sidewalk access points are really needed; the rest would be nice, but aren't essential.

Those two are the West side of the Lincoln Memorial Circle and the cut-through on the Mall from 12 Street to Agriculture building.

Both of these serve the public well on two fronts: quicker, less expensive rides AND it prevents traffic congestion in two busy areas.



# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 23

### Author Information

Keep Private: No  
Name: Donald Clark  
Organization:  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New                                      Park Correspondence Log:  
Date Sent: 04/18/2012                      Date Received: 04/18/2012  
Number of Signatures: 1                      Form Letter: No  
Contains Request(s): No                      Type: Web Form  
Notes:

### Correspondence Text

OH...one other big omission: The FDR. We often drop off the older crowd out there, on tours, and it takes 20 minutes -conservatively- for them to walk through it. In the meantime, we're anxiously sitting out on our bikes, hoping to not be ticketed. A location there, even a small one for a few bikes, would solve that. There's tons of room in the taxi or "waiting area" that no one ever uses anyway.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 24

### Author Information

Keep Private: No  
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Organization:  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/18/2012 Date Received: 04/18/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

And finally, the spot on the South side of the Lincoln will never be used. Too far away for our types AND it would cause friction with the taxis, where none exist today. Most tourists walk straight down Daniel Chester French drive sidewalk, on the Korean War Memorial side, and then are heartened to see us there; the ones with the small kids or the older folks who can't walk another step. Those taxis are wayyy too far away, actually.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 25

### Author Information

Keep Private: No  
Name: Robert Hart  
Organization: Washington DC Pedicab Operators Association  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/18/2012 Date Received: 04/18/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

A pedicab stand at the FDR Memorial is necessary for the Mall public, particularly those with limited mobility.

Pedicabs frequently allow their customers to explore the monuments and memorials as part of a longer ride. Although it is personally one of my favorite memorials, the FDR Memorial unfortunately gets less visitation from the Mall public than some of the more well-known locations. It is also in a far-flung location making access difficult. A pedicab that drops off here may well be asked to wait for his passenger to return in a few minutes. Passengers have little hope of flagging a taxi here -- the taxi stand is almost always empty.

There is plenty of room here for a pedicab stand, and the exact location is not crucial since we mostly station ourselves at the FDR when we are waiting for our passengers to return from a short visit rather than hope to solicit a fare here. Nevertheless, the access should be as close as possible to allow those with limited mobility easier access.

I suggest that a location at the FDR Memorial replace one of the several useless pedicab stands and parking areas that were suggested. These entirely useless stands include the location at the Sylvan Theater toilets, the Constitution Gardens stand, the West Potomac Park Pedicab Parking area, the East Potomac Park Pedicab Parking Area and the Tidal Basin parking area.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 26

### Author Information

Keep Private: No  
Name: N/A N/A  
Organization: Washington DC Pedicab Operators Association  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/19/2012 Date Received: 04/19/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

I would like to see the pedicab stands be no-smoking areas at least as applied to the pedicab drivers themselves. These stands are actually our work areas, and it is possible that some kind of federal workplace non-smoking rules might apply. Although I am happy to present to potential smoking customers that pedicabs are smoker friendly, nevertheless non-smoking pedicab drivers would prefer that within the pedicab stand itself other pedicab drivers should not impose their dangerous, cancerous smoke upon the rest of us. This has been a source of friction in the past, both because the smoke annoys the rest of us and also because it presents a very poor image of our business.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 27

### Author Information

Keep Private: No  
Name: N/A N/A  
Organization: Washington DC Pedicab Operators Association  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/19/2012 Date Received: 04/19/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

There are several proposed pedicab stands and "pedicab parking areas" that are of zero use to the pedicab industry whatsoever. The two stands are the Constitution Gardens and the current location for the Washington Monument stand at the Sylvan Theater bathroom. These sites seem to have been chosen because they correspond to analogous taxi stands. Although taxis and pedicabs serve different customer bases and needs, nevertheless both taxis and pedicabs can agree that these stands are completely useless. In 4 years of operating a pedicab in Washington, DC, I have never yet found a taxi to be stationed in either of these 2 taxi stands -- I did not even realize that there were taxi stands in these locations until the pedicab regulations were proposed.

I suggest that the Washington Monument stand be moved to a location that would be more useful to the many Mall visitors that may desire our services, particularly those who are mobility impaired. Such a location would be at the end of Madison Drive where it terminates at the west side of 15th Street, either on the sidewalk between the 2 crosswalks or else utilizing the curb area of the turn-in just to the north, which is easily wide enough for pedicabs to park flush against the curb and a wide vehicle to easily pass. As for Constitution Gardens, a much more useful location for the mobility-impaired would be a stand at the exit of the Lincoln Memorial where Henry Bacon Drive and Lincoln Memorial Circle meet. This is the number one location in Washington, DC, where our services are eagerly sought after -- it is also a location with very few options for the mobility-impaired.

The 3 parking areas are worse than useless to us. They are indeed harmful. The implication of specifying parking areas for pedicabs is that all other legal parking is not permitted. This seems to directly conflict with the DDOT interpretation that all non-metered legal parking spaces are available for pedicab parking and that no discrimination against pedicabs can be valid if it is simply based on our not having a motor.

Legal parking on the Mall is available for all types of motor vehicles, including some motor vehicles that are smaller than ours such as motorcycles. I might add that any taxi can park in a legal parking spot. He can leave his vehicle and go into a museum or monument, or he may stay in his vehicle and lay back and rest.

Therefore, can you please clarify explicitly that pedicabs may park in legal parking as per DDOT rules? This is extremely important for us as we may need to rest in the shade on a hot day or after a particular exhausting ride. We do not want the United States Park Police to be the ones who determine whether or not the new regulations prohibit us from legal parking because NPS has not addressed this issue clearly.

As such, the 3 parking areas are not of use to us. The West Potomac Park one should be moved to the FDR Memorial and become a pedicab stand. Tidal Basin Pedicab Parking should be moved to the World War II Memorial on Home Front Drive and turned into a pedicab stand. The East Potomac Park Parking area can simply be removed as a useless waste of taxpayer money.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 28

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/21/2012 Date Received: 04/21/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Please make the requirement apply to the cab, not the driver. The companies have insurance. Drivers should be required to carry a proof of insurance provided by the company.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 29

### Author Information

Keep Private: No  
Name: Donald Clark  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/22/2012 Date Received: 04/22/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Why a site at the Lincoln Memorial (NORTH) is imperative:

Yesterday late morning, I dropped a ride off there (again, probably THE #1 spot on the Mall, or the White House). After sitting about 3 minutes -one does not want to simply ride away, after all the time to get there, and with dozens of families etc. walking by- a middle-aged woman on Henry Bacon Drive waved at me and approached. She described that her parents really wanted/needed a tour around the Mall, because they could not walk anymore, but did not want to ride in a taxi.

Sounds perfect, right? An open-air tour around the Mall for the grandparents, and a nice opportunity for the pedicabber. Well, a Park Police officer, on a motorcycle, had been eyeing me the whole time from a vantage point near Memorial Bridge. So concurrent to her parents arriving, on the sidewalk from the Vietnam Memorial, the excited Park Police officer pounced. Just when the middle-aged daughter said, "Wonderful, here they are!" the Park Police motorcycle zoomed up and he yelled out -as they were standing next to my cab, "Move it!" I replied, politely, "Sir, they had flagged me down, and I was just leaving." He tersely replied, "I'd been watching you for the last few minutes, now MOVE IT!"

Well, at that point, facing a ticket/s, arrest? I "moved it", much to the chagrin of the two tired grandparents, who looked confused and deeply disappointed. For my part, I too was disappointed and drove away with a deep sense of frustration and anger. Frustration that I could not serve this needy elderly couple, and anger that all those who witnessed this encounter likely had the impression that I must have committed a criminal or unsafe act to be driven away like that.

Now, if you do not include the most sensible solution of making a "stand" adjacent to the bollards, which

fits about 3 bikes, you too are complicit in this egregious conduct to the visitors of the Lincoln Memorial.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 30

### Author Information

Keep Private: No  
Name: Robert Hart  
Organization: Washington DC Pedicab Operators Association  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/23/2012 Date Received: 04/23/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

In general, many of the Pedicab Operating Provisions simply adopt the DC Municipal Regulations as written by the District Department of Transportation -- regulations that are often nonsensical and that were enacted with almost no input from the pedicab industry. NPS is under no requirement to simply copy the DC Municipal Regulations as national park policy.

Of those provisions that have been copied from the DC Municipal Regulations, we take serious issue with Pedicab Operating Provision F-4, which reads:

4. All passengers shall have a seatbelt securely fastened while the pedicab is in motion. This requirement shall be clearly displayed to pedicab passengers [18 DCMR 1213.4(c)]

Applying motor vehicle seat belt codes to a bicycle in the name of "safety" would have the opposite effect of the one intended. On a pedicab, having a seat belt attached at the time of any potential accident would mean a much more severe injury to the passenger. Imagine being strapped onto a bicycle. If the bicycle is knocked over, your injuries would be much more severe for not having the freedom of movement to fall correctly. In a pedicab accident, the passengers would suffer more severe injuries from the weight of the pedicab being thrown down on top of them. In such an accident, no insurance clause that protects NPS as additionally insured will be valid because the injured party will claim that he/she was obligated by NPS regulations to do something inherently dangerous.

Furthermore, pedicabs are already equipped with seat belts. Pedicab customers rarely if ever use them. It is really beyond the scope of our power to insist on this with our passengers, particularly when we feel that it makes the ride less safe for them. Provision 4 of the Pedicab Operating Provisions should be

removed entirely.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 31

### Author Information

Keep Private: No  
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### Correspondence Information

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Notes:

### Correspondence Text

Pedicab drivers take serious issue is provision F-2 of the Pedicab Operating Provisions, which reads:

2. The maximum number of passengers a pedicab may transport shall not exceed the number of available seats [18 DCMR 1213.4(a)]

NPS is not obligated to simply mirror the DC Municipal Regulations.

Unfortunately, the wording in this provision is vague enough to give enough leeway to a hostile US Park Police officer to keep families with children from taking a pedicab ride. Our most common ride is a family of two adults with two children, where the children sit on their parent's laps. Washington is ultimately a family-oriented tourist destination. In six years of operation and 400,000 happy passengers, we have had exactly zero accidents and zero injuries. NPS cannot point to any reason that restricting our current operating procedure is somehow in the interest of public safety. A much better wording that would address the potential safety issue of passengers trying to sit on the fiberglass frame or on the floorboard of a pedicab or else wishing to stand during the ride would be "Passengers shall be required to sit within the carriage seating area of the pedicab."

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 32

### Author Information

Keep Private: No  
Name: Robert Hart  
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### Correspondence Information

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Notes:

### Correspondence Text

The most serious issue that the pedicab community has with the entire CUA proposal is Provision 13 of the Pedicab Operating Provisions, which reads:

13. Pedicabs are only allowed to stage/wait for passengers in those locations that are signed as "Pedicab Standing Areas" or "Pedicab Parking Areas." . . . At all other times and locations, pedicabs must be in the active process of transporting passengers, loading or unloading passengers or otherwise traveling with traffic.

A pedicab driver is not a machine or a draft animal. We are worried the US Park Police will interpret these stands as a mandate to restrict all pedicab operations solely to these limited areas and prohibit drivers from stopping anywhere else. To not allow pedicab drivers to rest in the shade during the extreme heat of a Washington summer may risk the health and safety of the driver. In fact, pedicabs frequently must stop for any number of other reasons, too: we may stop to get water, use a restroom, or because our passengers wish for us to stop to take a photo. At the end of a difficult ride, we may be tired and need a rest. If a pedicab stand is not located nearby, or if it is full, then we may have few options. The wording of provision 13 not only gives overzealous USPP officers all the ammunition they need to continue harassing us, it actually REQUIRES them to keep us moving at all times.

Furthermore, a pick up in a pedicab is not quite like a taxi pick up. It requires a short period of questions on the part of the prospective customer. Provision 13 gives too much leeway for a hostile USPP officer to interrupt this discourse and scare away a Mall visitor who is inquiring about our services.

We might add that this regulation also discriminates against pedicabs vis a vis taxis and other motor

vehicles. A taxi or other motor vehicle may park or stand in any public parking space on the National Mall. He can leave his taxi and go into a museum or he may just sit inside his vehicle and rest. Why should pedicabs not have the same right as motor vehicles to park in a public parking space?

One of the main purposes of drafting these regulations is to minimize conflicts between the US Park Police and the pedicab community. Unfortunately, by requiring USPP officers to make us do what it is impossible for us to do -- keep moving at all times regardless of our bodies and the Washington heat -- the stage is set for lasting conflict.

If our own proposal for non-specific pedicab stands is not accepted, then we request a rewording of provision 13 to say "Locations that are signed as 'Pedicab Standing Areas' are for the sole use of pedicabs and not available for other types of vehicles."

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 33

### Author Information

Keep Private: No  
Name: Robert Hart  
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### Correspondence Information

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### Correspondence Text

NPS has one-upped the DC Municipal Regulations in their conditions for the issuance of the Commercial Use Authorization, such as in Pedicab Safety Requirement E-5, which reads:

5. A triangle shaped Slow Moving Vehicle (SMV) emblem which conforms to the American National Standard S276.7, shall be affixed to the rear of the pedicab as follows:
- i. As close to the center as possible; and
  - ii. No less than two feet (2 feet) and no more than six feet (6 feet) above the roadway surface as measured from the lower edge of the emblem.

Pedicabs have a perfect safety record in Washington DC. Having transported 400,000 passengers over the last 6 years, we have had a grand total of zero accidents and zero injuries. This safety record is not a statistical anomaly -- with this kind of sample, it is really scientific evidence of the safety of our form of transportation. No other form of transportation, including walking, can show such a safety record. Pedicabs are already required to have working tail lights as well as reflective tape. Can NPS show that burdening the industry with the additional requirement of using an SMV emblem will in any way improve upon our safety record? Can NPS show a proven need for this extra burdensome requirement?

These large triangles would occupy all the available advertising space on the rear panel of the pedicab. In fact, it seems to be the intent of NPS to use this provision as a way of prohibiting advertising on pedicabs. Our current advertisers are mostly Washington area institutions such as the Smithsonian Institution, the Cherry Blossom Festival, the Washington Nationals, etc. The revenue from these advertisements are important to the economic viability of the industry although incidental to our main function of transporting passengers. Taxis have advertisements. Tour buses have huge advertisements that wrap

around the entire body of the bus -- currently advertising on interpretive tour buses feature a non-DC tourist destination (Puerto Rico) over hundreds of square feet of advertising space on one bus, and fast food (Potbelly restaurants) on another bus. Why should pedicabs be treated differently? Pedicab Safety Requirement E-5 should be removed entirely from the Commercial Use Authorization since it really has nothing to do whatsoever with safety.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 34

### Author Information

Keep Private: No  
Name: Robert Hart  
Organization: Washington DC Pedicab Operators Association  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/23/2012 Date Received: 04/23/2012  
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Notes:

### Correspondence Text

One very serious concern we have is with Condition 9 of the Commercial Use Authorization, which reads:

9. The CUA may be suspended or revoked upon breach of any of the conditions and/or stipulations or at the discretion of the park area superintendent.

While I am sure that the current superintendent is a fine human being, it goes against every principle of fairness to give one man arbitrary discretion over another's livelihood-- according to condition 9, the park superintendent is not required to give any kind of impartial or independent hearing to a pedicab driver whose commercial use authorization is called into question. Nor is there any requirement for any kind of due process to happen before a revocation of the CUA, which is a man's livelihood. Furthermore, no provision is made for an appeals process if an authorization is revoked.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 35

### Author Information

Keep Private: No  
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Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/17/2012 Date Received: 04/17/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Park Form  
Notes:

### Correspondence Text

As a veteran pedicab operator in the District of Columbia, I appreciate the opening of dialogue between our industry and NPS and USPP. As such, I am happy that we are being included in the revised transportation plan. My main concern is the lack of a pedicab stand or waiting zone on or near Henry Bacon Dr on the north side of the Lincoln Memorial. Pedicabs are extremely mobile and would be able to extricate ourselves from the flow of traffic or to move from hindering the abilities of buses and other vehicles. A stand or waiting zone at this location would be highly beneficial to the industry.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 36

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: Date Received: 04/17/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Park Form  
Notes:

### Correspondence Text

Your new map is an improvement, however it needs some adjusting still if pedicab service to the mobility-impaired-and other- is maintained, while avoiding regulatory conflict with the Park Police, which will inevitably result if the adjustment's are not made.

Adjustments Needed:

? Access to N. Lincoln.

? Sidewalk access at West Side of Lincoln Memorial Drive and one cut-through from approx.. 11th across the National Mall to Agriculture.

? Better site at Washington Monument

Thank You.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 37

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New                      Park Correspondence Log:  
Date Sent:                      Date Received: 04/17/2012  
Number of Signatures: 1      Form Letter: No  
Contains Request(s): No      Type: Park Form  
Notes:

### Correspondence Text

F:14 Loading unloading is prohibited on that road, but we should be allowed access to H. Bacon from south Lincoln Monum. Going East on Independence up the hill from T. Basin is Dangerous & difficult. Standing area by Jefferson Memorial ? we have been using the patch of grassy knol on south side of entrance. Can we continue?





# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 40

### Author Information

Keep Private: No  
Name: Robert Hart  
Organization: Washington DC Pedicab Operators Association  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/24/2012 Date Received: 04/24/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Pedicab Stand at the South Side of the Lincoln Memorial

The location that has been proposed by NPS for a pedicab stand on the south side of the Lincoln at Daniel French Drive is a location that is invisible to passengers that require our services. Furthermore, this location is directly in front of the taxi stand, which will surely lead to strife.

Pedicabs are primarily for the mobility impaired -- those who are disabled, injured, elderly, physically unfit, families with children, or the just plain exhausted.

As the only green, open air transportation option for the mobility-impaired, pedicabs should have a prominent position at this site. There is a great deal of space that is not designated for any kind of transportation directly near the metal bollards. This is an ideal spot for a pedicab stand. If the concern is that this space needs to be accessible to emergency vehicles, please remember that pedicabs are extremely mobile and can move out of the way at a moment's notice. Nobody is contemplating using these stands for parking and leaving the pedicab unattended.

One might add that the taxi stand at this location is 121 feet long. The amount of space for bus loading and unloading (illegally in use as bus parking) is much greater still, measuring in the hundreds of feet and using up almost the entire length of Daniel French Drive. Pedicabs are asking for about 25 feet in a location not currently in use by any kind of vehicle plus a separate stand at the north side of the Lincoln Memorial where Lincoln Memorial Circle meets Henry Bacon Drive.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 41

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/27/2012 Date Received: 04/27/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Washington, D.C., and especially the downtown Mall, should be a model of green transportation for the country. Trying to read these regulations gave me a headache. They seem overly burdensome. Pedicabs should be able to stop anywhere that they are not impeding traffic. Who thought of this crazy idea of having pedicab passengers wear seat belts? Sounds dangerous to me. When I come to Washington with my family, our children sit on our laps. The regulations seem to prohibit this and would force us to take 2 different pedicabs, which is unnecessary and expensive, and would restrict my ability to enjoy a pedicab ride. Get rid of this regulation.

Why should pedicabs not be allowed to pick up and drop off at the Lincoln Memorial Circle, I see taxi cabs there all the time. As a resident of the area that has used pedicabs from time to time, I have seen park police drive past a block of illegally parked and idling buses to harass an innocent pedicab driver not in anyone's way. I don't understand why NPS is discouraging green transportation while ignoring all the issues of the carbon spewing buses on the Mall. Finally, I like the idea of allowing pedicabs to be able to use Mall sidewalks as long as they yield to pedestrians.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 42

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/28/2012 Date Received: 04/28/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Washington Monument post: I may have misstated an earlier comment regarding an ideal location. It's on 15th, not 17th, as I posted. But the little "flange" where the turnout empties onto 15th, heading South, is perfect for 2-3 pedicabs, with plenty of room for cars to go by.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 43

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/28/2012 Date Received: 04/28/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Seat-belts and Helmets: PLEASE do not list this under the requirements. We travel so slowly -especially with customers aboard- and in the exceedingly rare (it hasn't happened yet) event of one of our pedicabs being hit, would you want to be strapped in if that overturned? It would snap your neck -there's no reinforced roof, like an automobile.

Also, I had an officer stop me the other day say that we all should be arrested because kids until 14 don't wear helmets. (See how bicycle reg's are applied to us, but only in unfavorable circumstances?) First and most importantly, the driver is not 14 years old! Second, the speed is about a 1/3 of a conventional bicycle. Third, it's an extremely stable platform that won't tip.

It would help if you listed somehow that helmet requirements do not apply.

And the seat-belt requirement is the same way.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 44

### Author Information

Keep Private: No  
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Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/29/2012 Date Received: 04/29/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

I am a licensed tour guide running independently guided tours of Washington DC.

I offer anything from walking tours to step-on guide service, to running tours, to even pedicab tours.

These are all prescheduled and preorganized as to routes, length, number of people, etc.

My concern here is that all of the regulations only take into account pedicab drivers attempting to procure rides, and completely neglect licensed, insured guides of DC who have gone the extra mile to prepare, research, organize, and market the business as well as work with customers on rates either online or via phone.

How will a prepurchased or organized tour be able to be completed with a licensed guide, such as myself, with prepaid customers, around the national mall, if for some highly questionable and very legally debatable reason, that pedicabs are not allowed to use regular parking spots? If we pay to stay in the spot and/or lock up the bike at the end of a public rack, then it is no different than a bike tour company or a segway tour or a bike rental or just a regular citizen using the parking spot with a car or bike on a rack spot.

If the day arrives where a citizen decided to ride a pedicab with a coworker to work everyday, and for recreation on weekends, they will not be a commercial venture, but will be a pedicab driver, and will be certain to use public racks - are they to unknowingly be harassed and ticketed for what amounts, to the casual observer, a very strange reason? Other than the fact it has 3 wheels, how can a nonmotorized human powered pedicab not be allowed to use a bicycle rack, while current law allows a motorized scooter of 50cc or less to park at the same bike rack and/or basically anywhere they want to on the sidewalk?

I seriously question any longstanding legitimacy of a regulation that would fail to address this disparity, and one that also fails to consider the referred to preorganized prepaid/fees-agreed-upon licensed guided tours should be considered in this process as well, as there is more than one type of pedicab driver.

Thank you.

**PEPC Project ID: 41383, DocumentID: 46753**  
**Correspondence: 45**

**Author Information**

Keep Private: No  
Name: Donald Clark  
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**Correspondence Information**

Status: New Park Correspondence Log:  
Date Sent: 04/29/2012 Date Received: 04/29/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

**Correspondence Text**

Lincoln South: Needs better location.

I was ticketed today -made to feel like a criminal in front of dozens of passerby's- a few minutes after I dropped off a ride. I was parked at the top of Daniel French street, right below/adjacent to the "No Parking" sign, in an area that SHOULD BE our standing zone.

Please, for the sake of so many people, move the tentative location you have for the pedicabs on the South side (and put in a stand on the North side).

Thank you.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 46

### Author Information

Keep Private: No  
Name: Gregory J. Broderick  
Organization: Washington DC Pedicab Operators Association  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/29/2012 Date Received: 04/29/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Please bear with me as I am typing my comments courtesy of my iPhone! After having attended the hearing and seeing the proposed CUA permits and proposed pedicab stands, all in all I am definitely in favor of 90% of what's being offered. What I would like to see addressed is the following:

At the Henry Bacon Drive side of the Lincoln Memorial, I would like to see the pedicab stand closer to the sidewalk so that not only can my customers see me within eyeshot, but my customers (the average age of my customers is 55) who have physical difficulties can get on my bike without having to struggle.

Due to most pedicabs having reflective tape on the sides of their bikes and working lights and turn signals, I am of the opinion that the proposed sign on the back of pedicabs is unnecessary!

And lastly, I would like to see USPP (US Park Police) offer a truce insofar as ticketing and confiscation of pedicabs is concerned until the final regulations are in play (I am going on the word of the NPS Superintendent that regulations are to be in place no later than this summer) and allow us to be of maximum service to the people who not only want our services, but allow us to contribute to the National Mall landscape and be another reason why tourists should come to the National Mall.

Sincerely,

Gregory J. Broderick

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 47

### Author Information

Keep Private: No  
Name: Robert Hart  
Organization: Washington DC Pedicab Operators Association  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/30/2012 Date Received: 04/30/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

This comment is specifically addressed to some electronic problems on the NPS PEPC website. I have submitted several comments into this site. On each occasion I have filled in my name, Robert Hart, and that I am an official representative of the Washington DC Pedicab Operators Association. However, I see that several times my comments were either not attributed to my name or to my status as official representative of this organization. In all cases, however, my email address seems to have been correctly identified. So, in any case where my name has not been added to the appropriate comment, please add the name Robert Hart to any comment with the email address roberthart66@hotmail.com as well as marking me as an official representative of that organization.

Furthermore, in relation to correspondence 11 in which I have asked for pedicab access to certain sidewalks, I see that due to some technical glitch in the NPS PEPC website, the way you have received the comment has some slight imperfections in the way that I input the information. Where I have marked a specific measurement of sidewalk width in inches, the website seems to have translated that into the symbol of a question mark (?). This symbol might imply that the measurements are uncertain. In fact, I made careful on site measure of all sidewalk widths and I want the comments to take that into account. I do have a correction to make, however. This is on the request we have made for sidewalk access to the sidewalk bordering Lincoln Memorial Circle. The measurements for the width of that sidewalk are correct, but the measurement of the total length of the sidewalk, 1180 feet, is obviously incorrect. This measurement has come off of a google maps function -- the curved nature of Lincoln Memorial Circle meant that I had to input many overlapping points on the map, with the result that google maps interpreted it to be 1180 feet -- almost 4 football fields. That measurement is at least double the actual distance, but I do not have a precise measurement.

Thank you.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 48

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/30/2012 Date Received: 04/30/2012  
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Notes:

### Correspondence Text

I am handicapped and use a wheelchair to get around.

When we visited Washington, DC recently, we took a long ride on a pedicab -- truly the highlight of our trip to Washington. Our driver was able to pull in close to the curb, which made it easy for me to get in and out of the pedicab. My wheelchair folded up and was easily carried on the floorboard. The long distances between monuments and museums would have made it impossible for me to enjoy the National Mall in the way it is intended to be enjoyed -- out of doors and at a slow pace.

We had taken an unremarkable taxi ride to the Lincoln Memorial at first, but when we came down from the memorial we discovered a pedicab driver waiting for rides at Lincoln Memorial Circle. How lucky we were to find him there! I read in your new regulations that you will prohibit pedicab drivers from waiting for passengers at this location or even dropping off and picking up there. I ask you, is any exception to be made for disabled passengers such as myself? It is extremely difficult for disabled people to visit the various memorials. Having a pedicab available at Lincoln Memorial Circle was extremely convenient and it turned out to be the start of a wonderful tour of the memorials. At two other memorials, there is no pedicab stand planned whatsoever -- the World War II Memorial and the Franklin Roosevelt Memorial and a ridiculously distant one at the Washington Monument. Once again, as a disabled visitor I was very thankful that our pedicab was able to wait for us at convenient locations while we visited these memorials. Our driver told us that the United States Park Police frequently chases him away from these memorials even if the driver makes it clear that he is waiting for a disabled passenger. I find it astounding, abusive, illogical and discriminatory that a federal police officer could find no better use of his time than to chase away transport for the disabled. Please situate pedicab stands conveniently at all these locations so that disabled passengers will have easy access to pedicabs.

We asked our driver to take us across the Mall on the sidewalk in order to get better views. Unfortunately, he had to decline, telling me that pedicabs are currently prohibited from all Mall sidewalks. I watched as dozens of motorized Segways zoomed past on the sidewalks. I felt that it was unfortunate that as a disabled person, I was unable to enjoy some of the best views from the sidewalks and paths of the National Mall from the convenience of my pedicab ride while non-disabled people using motor vehicle Segways were permitted to do so. Please include sidewalk access for pedicabs on the National Mall.

I asked my pedicab driver to stop and wait for us in many locations for various reasons. Many of these locations were not where a pedicab stand would be placed. I read in your regulations that it would be prohibited for our driver to stop and wait for us in any location that is not a pedicab stand. This is absurd and is also discriminatory to disabled visitors who might want to see certain things on the Mall that can be more easily accessed from locations that might not be standard pedicab stands. Our disabilities mean that we have to get up close to those locations before we disembark and visit them. We were pleased that our pedicab driver was allowed to wait for us at these locations without being harassed by US Park Police officers -- an occurrence that he told us is fairly frequent. Please remove the language that would prohibit pedicab drivers from waiting for their customers at any location away from pedicab stands -- this rule is discriminatory against their disabled passengers.

Finally, my young granddaughter sat on our laps during the course of this ride. We felt entirely safe. I read in your regulations that this would be prohibited from now on. Please remove the language from your regulations that might prohibit children from sitting on the laps of adults. I really do not need the government to tell me what is a safe way to carry my grandchildren -- that is condescending and paternalistic. Finally, we chose not to use the seat belts provided. Once again, it seems to me that to use a seat belt is dangerous on an open-topped vehicle. Who came up with the illogical rule to require them? Whether or not the government requires me to use a seat belt on my pedicab ride, I will continue to refuse to use one because it is dangerous. Seat belts are a great idea when you are enclosed in the metal cabin of a motor vehicle. They are positively dangerous when applied to open-air vehicles. Seat belts are not required on other bicycles, they are not required on Segways and they are not required on motorcycles -- all for the obvious reason that they would increase danger rather than minimize it. For the same reason, seat belts should not be required on pedicabs.

I want my National Park Service to encourage and promote green transportation -- particular that transportation that is available to disabled people such as myself. I really feel that pedicabs are the only green transportation alternative for the disabled. Please do not institute regulations that will be burdensome on this fantastic method of transportation. In reality, those burdensome regulations are not only placed on the pedicab driver who frequently has to deal with police harassment, but also placed on the backs of pedicab customers who are looking for a green and outdoor alternative to walking -- particularly on the backs of disabled passengers who have very few options to get around the National Mall.

Respectfully submitted for your thoughtful non-political consideration

Bob Brundage  
989-560-6402  
bobbrundage@casair.net

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 49

### Author Information

Keep Private: No  
Name: Robert Hart  
Organization: Washington DC Pedicab Operators Association  
Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/30/2012 Date Received: 04/30/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
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### Correspondence Text

This comment is to more formally bring to the attention of NPS the outright harassment on the part of the United States Park Police that the pedicab community has been subjected to for years. Some of the most egregious treatment on the part of USPP have been numerous incidents where pedicab passengers have been illegally ordered to get out of a pedicab in the middle of a ride or else illegally (and immorally) ordered not to pay a pedicab driver for a completed ride. I mention that these acts by USPP are illegal because we carry an official letter from former NAMA Superintendent Vicki Keyes that specifically says that NAMA considers us to operate as taxis in NAMA. This official letter has never been rescinded, and is therefore still in effect. A USPP officer would never dream of stopping a taxi and ordering the passengers to get out. Nor would any USPP officer ever approach a taxi at the end of a ride and forbid the passengers from paying the fare.

There have been other very frequent illegal acts by USPP officers against pedicab drivers. For one, they have threatened to arrest any pedicab driver who is not carrying on their person a DMV drivers license, even when that driver is carrying official government ID such as a US Passport, a Military Identification Card, etc. A pedicab is defined by both the District Department of Transportation and NPS as a bicycle. We are 100% human powered. Any police officer at any level is trained to know that bicyclists do not require a Department of Motor Vehicles license in order to operate. To insist on this is illegal on the part of a USPP officer -- his only possible excuse for this could be ignorance of the law.

Other illegal acts by USPP officers have included ordering pedicabs off the Mall for not having a reflective safety vest. This is not federal or DC law. USPP officers are not permitted to invent laws, but only enforce them.

Another illegal act on the part of USPP officers has been to insist that pedicabs are illegal on the Mall one half hour before sunset and after dark. In fact, the DDOT law and various DC and federal bicycle codes ask for bicycles (and pedicabs) to have appropriate battery operated lighting. Bicycles and pedicabs are not prohibited by any law to operate after dark. USPP officers are expected to know this. Nevertheless, some USPP officers have insisted that pedicabs with fully functioning lighting are illegal to operate on the National Mall after dark.

Another frequent example of illegal harassment of pedicab drivers by USPP officers has been to threaten to arrest such drivers for "solicitation". Now, one might argue that the official letter provided in 2006 by former Superintendent Vicki Keyes would at least give us the same rights as taxis in this regard. However, that is a more complicated argument. What is not complicated are those instances where a pedicab driver has picked up a fare off of the National Mall, negotiated the fare off the National Mall and has taken the passengers through the National Mall to be dropped off at a location off the National Mall. All solicitation has taken place off federal property as well as all payment. This is clearly permitted under current NPS rules. Yet, there have been numerous, numerous occasions where pedicab drivers have been threatened with arrest for solicitation by USPP officers even though the passengers have clearly stated to the officer that the ride originated and was to end off the National Mall. USPP officers have used the threat of arrest to prematurely end many pedicab rides by claiming that this solicitation has occurred on NAMA property when it demonstrably has not.

One would think that the National Park Service would welcome green transportation for the mobility impaired on the National Mall. And, the official NPS letter from former Superintendent Vicki Keyes in fact does cautiously extend that welcome. Nevertheless, a group of USPP officers has been acting in an attempt to ban us from the National Mall through an illegal policy of harassment. One would think that this group of USPP officers has nothing better to do with their time, and one might be led to the conclusion that federal money might be better spent on other objectives than to illegally eradicate unsubsidized green transportation within view of the windows of the White House, the Capitol and the Department of the Interior.

Why is all this relevant to the current pedicab regulations proposed by NPS? It is relevant because it is clear that certain USPP officers that have shown an unrelenting hostility to pedicabs in the past to the extent that they have been willing to act illegally against us will continue to do their utmost to interpret any rules that NPS issues in a hostile manner. NPS should therefore take this hostility into account and use careful wording that does not leave room for abusive USPP officers to attempt to crush pedicabs in the future. Overly burdensome rules may appear harmless, but may have the effect that USPP officers over-interpret them and harm the livelihoods of all pedicab drivers on the street living real life encounters with hostile and overzealous USPP officers. A good example of this wording is in Pedicab Operating Provision 13 where a pedicab driver is not permitted to stop pedaling unless he is within the confines of a pedicab stand. There are so many situations in the real world where a pedicab driver must stop pedaling for a short while that they are impossible to enumerate. A good example is to spend a few moments in the shade during a particularly hot day. Nonetheless, any hostile or overzealous USPP officer will now have the legal ammunition to immorally (but no longer illegally) harass such a pedicab driver. Other examples where USPP officers will be given too much leeway to interpret the new regulations are in Pedicab Operating Provision 14 -- a pedicab driver is simply not in the moral position to refuse to drop off a passenger where he/she requests to be dropped off. Or in Provision 4 which requires the mandatory usage of seat belts by passengers -- how can a pedicab driver insist that their passengers do something inherently unsafe? Or in Provision 2, where the language might be interpreted to mean that children cannot sit on their parents laps? Or in E-5, where we must turn down all advertising revenue. Or in the lack of a pedicab stand at the Lincoln Memorial or the WWII Memorials. A law-abiding pedicab driver might turn down

rides and other revenue in all these cases -- but continually turning down honest prospective revenue is a rather poor business model. For government regulations to insist on this business model from behind their desks seems to imply that there is not much chance for the success of those regulations in the real world. And, for pedicab operators to hope that actual enforcement by USPP officers will be lax (as it is lax on the enforcement of bus loading and unloading zones as well as taxi standing) is also a model for failure since there is a group of USPP officers that has historically made it their priority to single out pedicabs for enforcement even to the extent of acting illegally. Please try to moderate some of the restrictions above that are destined for failure and may be seen as an opportunity for continued harassment by certain USPP officers.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 50

### Author Information

Keep Private: No  
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Organization Type: I - Unaffiliated Individual  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/30/2012 Date Received: 04/30/2012  
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Notes:

### Correspondence Text

Comments on Pedicab Operating Provision 13 ? Pedicabs Not Permitted to Stop Outside of Pedicab Stands:

The most serious issue that the pedicab community has with the entire CUA proposal is Provision 13 of the Pedicab Operating Provisions, which reads:??

13. Pedicabs are only allowed to stage/wait for passengers in those locations that are signed as "Pedicab Standing Areas" or "Pedicab Parking Areas." . . . At all other times and locations, pedicabs must be in the active process of transporting passengers, loading or unloading passengers or otherwise traveling with traffic."?

A pedicab driver is not a machine or a draft animal. We are worried the US Park Police will interpret these stands as a mandate to restrict all pedicab operations solely to these limited areas and prohibit drivers from stopping anywhere else.

To not allow pedicab drivers to rest in the shade during the extreme heat of a Washington summer may risk the health and safety of the driver. In fact, pedicabs frequently must stop for any number of other reasons, too: we may stop to get water, use a restroom, or because our passengers wish for us to stop to take a photo. At the end of a difficult ride, we may be tired and need a rest. If a pedicab stand is not located nearby, or if it is full, then we may have few options. The wording of provision 13 not only gives overzealous USPP officers all the ammunition they need to continue harassing us, it actually REQUIRES them to keep us moving at all times.??

Furthermore, a pick up in a pedicab is not quite like a taxi pick up. It requires a short period of questions on the part of the prospective customer. Provision 13 gives too much leeway for a hostile USPP officer to interrupt this discourse and scare away a Mall visitor who is inquiring about our services.??

We might add that this regulation also discriminates against pedicabs vis a vis taxis and other motor vehicles. A taxi or other motor vehicle may park or stand in any public parking space on the National Mall. He can leave his taxi and go into a museum or he may just sit inside his vehicle and rest. Why should pedicabs not have the same right as motor vehicles to park in a public parking space???

One of the main purposes of drafting these regulations is to minimize conflicts between the US Park Police and the pedicab community. Unfortunately, by requiring USPP officers to make us do what it is impossible for us to do -- keep moving at all times regardless of our bodies and the Washington heat -- the stage is set for lasting conflict.??

If our own proposal for non-specific pedicab stands is not accepted, then we request a rewording of provision 13 to say "Locations that are signed as 'Pedicab Standing Areas' are for the sole use of pedicabs and not available for other types of vehicles."

Comment on Pedicab Operating Provision 14 ? No Drop Offs and Pick Ups at Lincoln Memorial Circle:  
This comment is specifically relating to Pedicab Operating Provisions Section F-14, which reads: ??

"14. CUA Holders are prohibited from loading or unloading passengers on Lincoln Memorial Circle between the Memorial Bridge and Henry Bacon Drive." ??

The far end of Lincoln Memorial Circle, where it meets Henry Bacon Drive, is probably the number one destination that pedicab passengers in Washington, DC ask to be dropped off. Furthermore, a majority of our passengers are mobility-impaired or have difficulty walking.

I might mention that taxicabs continuously use this location to pick up and drop off their passengers, and no specific wording in any law or regulations prohibits them from doing so. Under what rationalization can NPS legally discriminate against non-motorized green transportation? What would motivate them to do so? ??

To put things in perspective, the entire west side of the block on Henry Bacon Drive for more than 300 feet is dedicated to bus parking, and the very area in question is an informal taxi stand in continuous use by these motor vehicles, which are never interfered with by the US Park Police. Segways, operating a motor vehicle on the sidewalk in herds of 20 vehicles or more can park anywhere they please on the sidewalk while they wait for their passengers. How can it be that the only type of transportation that is prohibited from the area is green, non-motorized transportation that primarily serves the mobility-impaired public???

It needs to be mentioned that the pedicab community has offered several alternatives for a pedicab stand in this spot -- all of which were summarily rejected by NPS. Specifically, we suggested that there is plenty of room on the sidewalk between the metal bollards and the street so that pedicabs would not be in traffic in any way. There is no pedestrian traffic on this narrow section of sidewalk, which is 63 inches wide (a pedicab is 48 inches wide). ??

This provision will create a severe impediment for the disabled and otherwise mobility-impaired public in need of our services. ??

We are a customer service oriented industry. In the real world, we will continue to drop off our customers where they ask to be dropped off, particularly those customers that have trouble walking. Government fiat will not change that reality, it will only create the legal obligation for conflict with the US Park Police, whose resources are better utilized for more important services than cracking down on green transportation serving the mobility-impaired public.??Section F, provision 14 needs to be erased from the Pedicab Operating Provisions. It has no chance of attaining successful compliance, nor should it seek to do so.

## Comment Asking for a Pedicab Stand at the WWII Memorial:

One glaring omission on the map of pedicab stands is that there is no stand at all at the World War II Memorial. This is one of the most important memorials on the National Mall, and Mall visitors using our services very frequently wish to get out of the pedicab in order to spend some minutes exploring the memorial. Under the NPS proposal, there is no location that we can legally wait for our passengers there.??

This memorial particularly attracts WWII veterans, all of whom are at least 83 years old by now and usually have limited mobility. Special provision needs to be provided to encourage access to this memorial by WWII veterans and other elderly people who find special meaning from the WWII Memorial. Any experienced pedicab driver can attest to the many times he/she has taken WWII veterans to this memorial, and to the usual request by these veterans and other elderly people to have us wait for them rather than risk getting stranded there.??

Pedicabs are particularly suited to take the elderly as we are able to move the edge of the pedicab right up to the curbside to make entrance and exit much easier than to a motor vehicle. Our drivers are uncommonly helpful in giving them a hand up and being patient with their limited mobility. The opportunity of these elderly people to take other outdoor transportation is very limited at this particular memorial.??

The purpose of these rules should be to provide Mall visitors with access to all of the major memorials, particularly those who find it difficult or impossible to walk long distances. A pedicab driver would find it extremely difficult to refuse the request of an elderly passenger, especially a WWII veteran, who requests us to wait for them at this memorial. Yet waiting here would inevitably lead to conflicts with the US Park Police -- a situation that these rules were intended to alleviate.??

Furthermore, a pedicab stand prominently situated at the World War II Memorial would be a perfect spot for pedicab drivers to wait for prospective passengers who find themselves stranded there and are in need of our services. This memorial is far from every other destination on the National Mall. Traffic on 17th Street and Independence Avenues is set up in such a way as to make it difficult for Mall visitors to hail a pedicab or even a taxi, thus leaving few options to those who are mobility impaired.??Our passengers deserve access to this important memorial.??

Some possible locations for a WWII pedicab stand that would give particular access to elderly war veterans would be:??

1) Home Front Drive -- Immediately to the east of the central curvature where benches are located and before the first handicapped parking spot, there is an irregular shaped parking spot that is not assigned or labeled for any use at all. Curb space is 160 inches. I believe that 3 pedicabs can fit in this narrow, irregularly shaped area.

2) Home Front Drive -- Immediately to the west of the central curvature on Home Front Drive. Here begins the bus loading zone (which is illegally interpreted to mean bus parking). There is room for 3.5 to 4 buses here, which is at least 180 feet of curb space. A pedicab stand would require just 20-30 feet of this space where buses are currently given preference to non-motorized transportation. The area immediately west of the curvature could be used as a pedicab stand -- this is slightly less visible than option 1.

## Comment on Some of the Useless Stands Being Moved to More Suitable Locations and Asking for Clarification on Legal Parking:

There are several proposed pedicab stands and "pedicab parking areas" that are of zero use to the pedicab industry whatsoever. The two stands are the Constitution Gardens and the current location for the Washington Monument stand at the Sylvan Theater bathroom.

These sites seem to have been chosen because they correspond to analogous taxi stands. Although taxis and pedicabs serve different customer bases and needs, nevertheless both taxis and pedicabs can agree that these stands are completely useless. In 4 years of operating a pedicab in Washington, DC, I have never yet found a taxi to be stationed in either of these 2 taxi stands -- I did not even realize that there were taxi stands in these locations until the pedicab regulations were proposed.??

I suggest that the Washington Monument stand be moved to a location that would be more useful to the many Mall visitors that may desire our services, particularly those who are mobility impaired. Such a location would be at the end of Madison Drive where it terminates at the west side of 15th Street, either on the sidewalk between the 2 crosswalks or else utilizing the curb area of the turn-in just to the north, which is easily wide enough for pedicabs to park flush against the curb and a wide vehicle to easily pass.

As for Constitution Gardens, a much more useful location for the mobility-impaired would be a stand at the exit of the Lincoln Memorial where Henry Bacon Drive and Lincoln Memorial Circle meet. This is the number one location in Washington, DC, where our services are eagerly sought after -- it is also a location with very few options for the mobility-impaired.??

The 3 parking areas are worse than useless to us. They are indeed harmful. The implication of specifying parking areas for pedicabs is that all other legal parking is not permitted. This seems to directly conflict with the DDOT interpretation that all non-metered legal parking spaces are available for pedicab parking and that no discrimination against pedicabs can be valid if it is simply based on our not having a motor. Legal parking on the Mall is available for all types of motor vehicles, including some motor vehicles that are smaller than ours such as motorcycles. I might add that any taxi can park in a legal parking spot. He can leave his vehicle and go into a museum or monument, or he may stay in his vehicle and lay back and rest.??Therefore, can you please clarify explicitly that pedicabs may park in legal parking as per DDOT rules? This is extremely important for us as we may need to rest in the shade on a hot day or after a particular exhausting ride. We do not want the United States Park Police to be the ones who determine whether or not the new regulations prohibit us from legal parking because NPS has not addressed this issue clearly.??

As such, the 3 parking areas are not of use to us. The West Potomac Park one should be moved to the FDR Memorial and become a pedicab stand. Tidal Basin Pedicab Parking should be moved to the World War II Memorial on Home Front Drive and turned into a pedicab stand. The East Potomac Park Parking area can simply be removed as a useless waste of taxpayer money.

Comment on Mandatory Seat Belt Usage (F-4):

In general, many of the Pedicab Operating Provisions simply adopt the DC Municipal Regulations as written by the District Department of Transportation -- regulations that are often nonsensical and that were enacted with almost no input from the pedicab industry. NPS is under no requirement to simply copy the DC Municipal Regulations as national park policy.?

Of those provisions that have been copied from the DC Municipal Regulations, we take serious issue with Pedicab Operating Provision F-4, which reads:??

4. All passengers shall have a seatbelt securely fastened while the pedicab is in motion. This requirement shall be clearly displayed to pedicab passengers [18 DCMR 1213.4(c)]??

Applying motor vehicle seat belt codes to a bicycle in the name of "safety" would have the opposite effect of the one intended. On a pedicab, having a seat belt attached at the time of any potential accident would mean a much more severe

injury to the passenger. Imagine being strapped onto a bicycle. If the bicycle is knocked over, your injuries would be much more severe for not having the freedom of movement to fall correctly. In a pedicab accident, the passengers would suffer more severe injuries from the weight of the pedicab being thrown down on top of them. In such an accident, no insurance clause that protects NPS as additionally insured will be valid because the injured party will claim that he/she was obligated by NPS regulations to do something inherently dangerous.??

Furthermore, pedicabs are already equipped with seat belts. Pedicab customers rarely if ever use them. It is really beyond the scope of our power to insist on this with our passengers, particularly when we feel that it makes the ride less safe for them.

Provision 4 of the Pedicab Operating Provisions should be removed entirely.

Comments on Passenger Seating Issue (F-2):

Pedicab drivers take serious issue is provision F-2 of the Pedicab Operating Provisions, which reads:?

2. The maximum number of passengers a pedicab may transport shall not exceed the number of available seats [18 DCMR 1213.4(a)]??

NPS is not obligated to simply mirror the DC Municipal Regulations.??

Unfortunately, the wording in this provision is vague enough to give enough leeway to a hostile US Park Police officer to keep families with children from taking a pedicab ride. Our most common ride is a family of two adults with two children, where the children sit on their parent's laps. Washington is ultimately a family-oriented tourist destination. In six years of operation and 400,000 happy passengers, we have had exactly zero accidents and zero injuries. NPS cannot point to any reason that restricting our current operating procedure is somehow in the interest of public safety.

A much better wording that would address the potential safety issue of passengers trying to sit on the fiberglass frame or on the floorboard of a pedicab or else wishing to stand during the ride would be "Passengers shall be required to sit within the carriage seating area of the pedicab."

Comments on the SMV Triangle (E-5):

NPS has one-upped the DC Municipal Regulations in their conditions for the issuance of the Commercial Use Authorization, such as in Pedicab Safety Requirement E-5, which reads:??

5. A triangle shaped Slow Moving Vehicle (SMV) emblem which conforms to the American National Standard S276.7, shall be affixed to the rear of the pedicab as follows:

- i. As close to the center as possible; and
- ii. No less than two feet (2 feet) and no more than six feet (6 feet) above the roadway surface as measured from the lower edge of the emblem.??

Pedicabs have a perfect safety record in Washington DC. Having transported 400,000 passengers over the last 6 years, we have had a grand total of zero accidents and zero injuries. This safety record is not a statistical anomaly -- with this kind of sample, it is really scientific evidence of the safety of our form of transportation. No other form of transportation, including walking, can show such a safety record. Pedicabs are already required to have working tail lights as well as reflective tape. Can NPS show that burdening the industry with the additional requirement of using an SMV emblem will in any way improve upon our safety record? Can NPS show a proven need for this extra burdensome requirement???

These large triangles would occupy all the available advertising space on the rear panel of the pedicab. In fact, it seems to be the intent of NPS to use this provision as a way of prohibiting advertising on pedicabs. Our current advertisers are mostly Washington area institutions such as the Smithsonian Institution, the Cherry Blossom Festival, the Washington Nationals, etc. The revenue from these advertisements are important to the economic viability of the industry although incidental to our main function of transporting passengers. Taxis have advertisements. Tour buses have huge advertisements that wrap around the entire body of the bus -- current advertising on interpretive tour buses feature a non-DC tourist destination (Puerto Rico) over hundreds of square feet of advertising space on one bus, and fast food (Potbelly restaurants) on another bus. Why should pedicabs be treated differently?

Pedicab Safety Requirement E-5 should be removed entirely from the Commercial Use Authorization since it really has nothing to do whatsoever with safety.

Comments on Condition 9 ? Revocation of CUAs with No Appeal Process:

One very serious concern we have is with Condition 9 of the Commercial Use Authorization, which reads:??

9. The CUA may be suspended or revoked upon breach of any of the conditions and/or stipulations or at the discretion of the park area superintendent.??

While I am sure that the current superintendent is a fine human being, it goes against every principle of fairness to give one man arbitrary discretion over another's livelihood-- according to condition 9, the park superintendent is not required to give any kind of impartial or independent hearing to a pedicab driver whose commercial use authorization is called into question. Nor is there any requirement for any kind of due process to happen before a revocation of the CUA, which is a man's livelihood. Furthermore, no provision is made for an appeals process if an authorization is revoked.

Comments on Sidewalk Access:

Pedicabs are defined as bicycles, and bicycles have access to all sidewalks and paths on the National Mall. Yet pedicabs are specifically prohibited from utilizing Mall paths and sidewalks because NPS considers them to be too wide and a danger to pedestrian safety. Although pedicabs are permitted to be 55 inches wide, in fact they are uniformly 48 inches wide. A pedicab occupies less width than 2 bicycles riding abreast. A pedicab is only slightly wider than a bicycle pulling a child carrier and only 16 inches wider than a wheelchair.

Furthermore, pedicabs travel at a slow rate of speed compared with bicycles. In addition, personal motor vehicles known as Segways are permitted wide access to these same Mall sidewalks, even though they travel in huge groups of 20 or more occupying 100s of square feet of sidewalk space and are driven by amateurs riding for the first time riding at speeds that far exceed any possible speed a pedicab could attain.??

It is clear that pedicabs are therefore not threatening to occupy too much sidewalk space. Nor is there any evidence in Washington, DC that pedicabs suppose a safety risk to pedestrians or anybody else. After 6 years of operation around Washington, and taking more than 400,000 happy customers for rides, pedicabs have racked up a grand total of zero (0) pedicab accidents and zero (0) injuries as a result. On what basis, therefore, does NPS justify their concern that pedicabs would pose a risk to pedestrian safety where Segways and other bicycles do not???

I propose a limited selection of sidewalk and path routes on the Mall which should be opened up to pedicab usage. The use of all these routes would give pedicabs an alternative to traffic on busy streets, thus providing for increased safety as well as reduced traffic congestion.??

An online map of these routes is available at:

<http://maps.google.com/maps/ms?msid=200161391077028060198.0004b9e0376586062f0d9&msa=0&ll=38.890703%2C->

77.039738&spn=0.002939%2C0.005681&iwloc=0004bad52e477a848de57??

Proposed Pedicab Sidewalk and Path Routes on the National Mall??

American History Museum to Department of Agriculture Pedicab Route  
American History Museum to Department of Agriculture Pedicab Route

From Museum of American History entrance to Department of Agriculture entrance (where 13th Street would be). Total distance: 624.69 ft Width of Mall Path ? 40 feet There is very little pedestrian traffic here. This gravel path would give pedicabs an alternative way to cross the Mall without need to travel through busy traffic on 14th and 15th Streets.??

Constitution Avenue Sidewalk Pedicab Route

Total distance: 2402.03 ft. Width of Sidewalk ? 145 inches, narrowing to 113 inches briefly near the tour bus stand at Constitution Gardens. The route would follow the sidewalk path along the south side of Constitution Avenue from Daniel French Drive to 17th Street. This route would allow pedicabs an alternative to busy Constitution Avenue.??

Lincoln Memorial Circle Sidewalk Pedicab Route

Total distance: 1180.49 ft Width of sidewalk ? 180 inches This route would follow the sidewalk all along Lincoln Memorial Circle behind the Lincoln Memorial. There is virtually no pedestrian traffic here. Allows quick and safe access between the north side of the Lincoln Memorial and the Korean, the Martin Luther King Jr., the FDR and the Jefferson Memorials, as well as a much safer access route to Arlington National Cemetery. The on street alternative to pedicab travel between the north and south sides of the Lincoln Memorial, a distance of 0.2 miles is approximately 2 miles.??

Ohio Drive Bridge to Jefferson Memorial Pedicab Sidewalk Route

Total distance: 713.82 ft Width of sidewalk ? 125 inches This route borders the south side of East Basin Drive from the Ohio Drive bridge to the Jefferson Memorial. This route will allow us to legally transport passengers coming from the Lincoln the FDR Memorial, and the MLK Memorials safely to the Jefferson Memorial. There is almost no pedestrian traffic here.??

12th Street to Natural History Museum Pedicab Sidewalk and/or Path Route

Total distance: 651.24 ft Width of Sidewalk ? 136 inches; Width of adjacent gravel path ? 224 inches This route would follow the sidewalk and/or gravel path adjacent to the south side of Madison Drive from 12th Street to the entrance of the Museum of Natural History. This route would give pedicabs a safe alternative to several blocks of busy Constitution Avenue and 7th Street.??

Jefferson Memorial and Tidal Basin Sidewalk Access Route

Total distance: 3129.68 ft Width of Sidewalk ? varies from 114-125 inches, narrowing to 102 inches briefly and widening to 144 inches on the bridge. From the Jefferson Memorial, this route would follow the sidewalk along the north side of East Basin Drive until it meets 15th Street. A spur would continue to the Tidal Basin Parking and the paddleboats. This route gives safe access back and forth from the Mall to the Jefferson Memorial. It also provides access to the paddle boats and tidal basin parking.??

Independence Avenue Pedicab Sidewalk Route

Total distance: 3288.05 ft Width of sidewalk ? varies from 96 inches to 125 inches This route would run along the north side of Independence Avenue starting at 23rd Street and continuing down to 17th Street. This safe route would give pedicabs an alternative to busy Independence Avenue.??

National Gallery to Air and Space Museum Sidewalk and/or Gravel Path Route

Total distance: 631.89 ft Width of Sidewalk ? 163 inches; Width of gravel paths to either side of sidewalk ? 161 inches each side -- Total is more than 40 feet wide The route runs between Jefferson and Madison Drives from the entrance of the Air and Space Museum to the entrance of the National Gallery of Art. This route would give pedicabs coming from the east an alternative to busy 7th Street.??

Natural History to the Arts and Industries Building Pedicab Sidewalk/Gravel Path Route

Total distance: 1109.65 ft Width of sidewalk along Madison Drive ? 136 inches; width of gravel path ? 224 inches; width of gravel path from 9th Street to Arts and Industries Building ? 180 inches This sidewalk is currently under reconstruction, so measurements may change. From the entrance to the Natural History Museum, this route would follow the south sidewalk of Madison Drive as far as 9th Street. It would then turn south and emerge onto Jefferson Drive in front of the Arts and Industries Building. This route would give pedicabs an alternative to several blocks of busy traffic on Constitution Avenue and 7th Street.??

#### Lock House to WWII Memorial Pedicab Sidewalk/Path Route

Total distance: 635.59 ft Width of path ? 16 feet This sidewalk/path is currently under construction, so measurements may change. This is the access to the WWII Memorial that Segways use. It would give pedicabs an alternative to busy 17th Street along a path with very light pedestrian usage.

#### Comment on Pedicab Stand at the FDR

A pedicab stand at the FDR Memorial is necessary for the Mall public, particularly those with limited mobility. Pedicabs frequently allow their customers to explore the monuments and memorials as part of a longer ride. Although it is personally one of my favorite memorials, the FDR Memorial unfortunately gets less visitation from the Mall public than some of the more well-known locations. It is also in a far-flung location making access difficult. A pedicab that drops off here may well be asked to wait for his passenger to return in a few minutes. Passengers have little hope of flagging a taxi here -- the taxi stand is almost always empty.

There is plenty of room here for a pedicab stand, and the exact location is not crucial since we mostly station ourselves at the FDR when we are waiting for our passengers to return from a short visit rather than hope to solicit a fare here. Nevertheless, the access should be as close as possible to allow those with limited mobility easier access.

I suggest that a location at the FDR Memorial replace one of the several useless pedicab stands and parking areas that were suggested. These entirely useless stands include the location at the Sylvan Theater toilets, the Constitution Gardens stand, the West Potomac Park Pedicab Parking area, the East Potomac Park Pedicab Parking Area and the Tidal Basin parking area.

#### Comment on Making Pedicab Stands No-Smoking Areas

I would like to see the pedicab stands be no-smoking areas at least as applied to the pedicab drivers themselves. These stands are actually our work areas, and it is possible that some kind of federal workplace non-smoking rules might apply. Although I am happy to present to potential smoking customers that pedicabs are smoker friendly, nevertheless non-smoking pedicab drivers would prefer that within the pedicab stand itself other pedicab drivers should not impose their dangerous, cancerous smoke upon the rest of us. This has been a source of friction in the past, both because the smoke annoys the rest of us and also because it presents a very poor image of our business.

#### Comment on a Pedicab Stand at the South Side of the Lincoln Memorial

The location that has been proposed by NPS for a pedicab stand on the south side of the Lincoln at Daniel French Drive is a location that is invisible to passengers that require our services. Furthermore, this location is directly in front of the taxi stand, which will surely lead to strife.

Pedicabs are primarily for the mobility impaired -- those who are disabled, injured, elderly, physically unfit, families with children, or the just plain exhausted.

As the only green, open air transportation option for the mobility-impaired, pedicabs should have a prominent position at this site. There is a great deal of space that is not designated for any kind of transportation directly near the metal bollards. This is an ideal spot for a pedicab stand. If the concern is that this space needs to be accessible to emergency vehicles, please remember that pedicabs are extremely mobile and can move out of the way at a moment's notice.

Nobody is contemplating using these stands for parking and leaving the pedicab unattended.

One might add that the taxi stand at this location is 121 feet long. The amount of space for bus loading and unloading (illegally in use as bus parking) is much greater still, measuring in the hundreds of feet and using up almost the entire length of Daniel French Drive. Pedicabs are asking for about 25 feet in a location not currently in use by any kind of vehicle plus a separate stand at the north side of the Lincoln Memorial where Lincoln Memorial Circle meets Henry Bacon Drive.

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## Correspondence: 51

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### Correspondence Information

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### Correspondence Text

Comments on Pedicab Operating Provision 13 ? Pedicabs Not Permitted to Stop Outside of Pedicab Stands:

The most serious issue that the pedicab community has with the entire CUA proposal is Provision 13 of the Pedicab Operating Provisions, which reads:??

13. Pedicabs are only allowed to stage/wait for passengers in those locations that are signed as "Pedicab Standing Areas" or "Pedicab Parking Areas." . . . At all other times and locations, pedicabs must be in the active process of transporting passengers, loading or unloading passengers or otherwise traveling with traffic."?

A pedicab driver is not a machine or a draft animal. We are worried the US Park Police will interpret these stands as a mandate to restrict all pedicab operations solely to these limited areas and prohibit drivers from stopping anywhere else.

To not allow pedicab drivers to rest in the shade during the extreme heat of a Washington summer may risk the health and safety of the driver. In fact, pedicabs frequently must stop for any number of other reasons, too: we may stop to get water, use a restroom, or because our passengers wish for us to stop to take a photo. At the end of a difficult ride, we may be tired and need a rest. If a pedicab stand is not located nearby, or if it is full, then we may have few options. The wording of provision 13 not only gives overzealous USPP officers all the ammunition they need to continue harassing us, it actually REQUIRES them to keep us moving at all times.??

Furthermore, a pick up in a pedicab is not quite like a taxi pick up. It requires a short period of questions on the part of the prospective customer. Provision 13 gives too much leeway for a hostile USPP officer to interrupt this discourse and scare away a Mall visitor who is inquiring about our services.??

We might add that this regulation also discriminates against pedicabs vis a vis taxis and other motor vehicles. A taxi or other motor vehicle may park or stand in any public parking space on the National Mall. He can leave his taxi and go into a museum or he may just sit inside his vehicle and rest. Why should pedicabs not have the same right as motor vehicles to park in a public parking space???

One of the main purposes of drafting these regulations is to minimize conflicts between the US Park Police and the pedicab community. Unfortunately, by requiring USPP officers to make us do what it is impossible for us to do -- keep moving at all times regardless of our bodies and the Washington heat -- the stage is set for lasting conflict.??

If our own proposal for non-specific pedicab stands is not accepted, then we request a rewording of provision 13 to say "Locations that are signed as 'Pedicab Standing Areas' are for the sole use of pedicabs and not available for other types of vehicles."

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"14. CUA Holders are prohibited from loading or unloading passengers on Lincoln Memorial Circle between the Memorial Bridge and Henry Bacon Drive." ??

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To put things in perspective, the entire west side of the block on Henry Bacon Drive for more than 300 feet is dedicated to bus parking, and the very area in question is an informal taxi stand in continuous use by these motor vehicles, which are never interfered with by the US Park Police. Segways, operating a motor vehicle on the sidewalk in herds of 20 vehicles or more can park anywhere they please on the sidewalk while they wait for their passengers. How can it be that the only type of transportation that is prohibited from the area is green, non-motorized transportation that primarily serves the mobility-impaired public???

It needs to be mentioned that the pedicab community has offered several alternatives for a pedicab stand in this spot -- all of which were summarily rejected by NPS. Specifically, we suggested that there is plenty of room on the sidewalk between the metal bollards and the street so that pedicabs would not be in traffic in any way. There is no pedestrian traffic on this narrow section of sidewalk, which is 63 inches wide (a pedicab is 48 inches wide). ??

This provision will create a severe impediment for the disabled and otherwise mobility-impaired public in need of our services. ??

We are a customer service oriented industry. In the real world, we will continue to drop off our customers where they ask to be dropped off, particularly those customers that have trouble walking. Government fiat will not change that reality, it will only create the legal obligation for conflict with the US Park Police, whose resources are better utilized for more important services than cracking down on green transportation serving the mobility-impaired public.??Section F, provision 14 needs to be erased from the Pedicab Operating Provisions. It has no chance of attaining successful compliance, nor should it seek to do so.

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This memorial particularly attracts WWII veterans, all of whom are at least 83 years old by now and usually have limited mobility. Special provision needs to be provided to encourage access to this memorial by WWII veterans and other elderly people who find special meaning from the WWII Memorial. Any experienced pedicab driver can attest to the many times he/she has taken WWII veterans to this memorial, and to the usual request by these veterans and other elderly people to have us wait for them rather than risk getting stranded there.??

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These sites seem to have been chosen because they correspond to analogous taxi stands. Although taxis and pedicabs serve different customer bases and needs, nevertheless both taxis and pedicabs can agree that these stands are completely useless. In 4 years of operating a pedicab in Washington, DC, I have never yet found a taxi to be stationed in either of these 2 taxi stands -- I did not even realize that there were taxi stands in these locations until the pedicab regulations were proposed.??

I suggest that the Washington Monument stand be moved to a location that would be more useful to the many Mall visitors that may desire our services, particularly those who are mobility impaired. Such a location would be at the end of Madison Drive where it terminates at the west side of 15th Street, either on the sidewalk between the 2 crosswalks or else utilizing the curb area of the turn-in just to the north, which is easily wide enough for pedicabs to park flush against the curb and a wide vehicle to easily pass.

As for Constitution Gardens, a much more useful location for the mobility-impaired would be a stand at the exit of the Lincoln Memorial where Henry Bacon Drive and Lincoln Memorial Circle meet. This is the number one location in Washington, DC, where our services are eagerly sought after -- it is also a location with very few options for the mobility-impaired.??

The 3 parking areas are worse than useless to us. They are indeed harmful. The implication of specifying parking areas for pedicabs is that all other legal parking is not permitted. This seems to directly conflict with the DDOT interpretation that all non-metered legal parking spaces are available for pedicab parking and that no discrimination against pedicabs can be valid if it is simply based on our not having a motor. Legal parking on the Mall is available for all types of motor vehicles, including some motor vehicles that are smaller than ours such as motorcycles. I might add that any taxi can park in a legal parking spot. He can leave his vehicle and go into a museum or monument, or he may stay in his vehicle and lay back and rest.??Therefore, can you please clarify explicitly that pedicabs may park in legal parking as per DDOT rules? This is extremely important for us as we may need to rest in the shade on a hot day or after a particular exhausting ride. We do not want the United States Park Police to be the ones who determine whether or not the new regulations prohibit us from legal parking because NPS has not addressed this issue clearly.??

As such, the 3 parking areas are not of use to us. The West Potomac Park one should be moved to the FDR Memorial and become a pedicab stand. Tidal Basin Pedicab Parking should be moved to the World War II Memorial on Home Front Drive and turned into a pedicab stand. The East Potomac Park Parking area can simply be removed as a useless waste of taxpayer money.

Comment on Mandatory Seat Belt Usage (F-4):

In general, many of the Pedicab Operating Provisions simply adopt the DC Municipal Regulations as written by the District Department of Transportation -- regulations that are often nonsensical and that were enacted with almost no input from the pedicab industry. NPS is under no requirement to simply copy the DC Municipal Regulations as national park policy.?

Of those provisions that have been copied from the DC Municipal Regulations, we take serious issue with Pedicab Operating Provision F-4, which reads:??

4. All passengers shall have a seatbelt securely fastened while the pedicab is in motion. This requirement shall be clearly displayed to pedicab passengers [18 DCMR 1213.4(c)]??

Applying motor vehicle seat belt codes to a bicycle in the name of "safety" would have the opposite effect of the one intended. On a pedicab, having a seat belt attached at the time of any potential accident would mean a much more severe

injury to the passenger. Imagine being strapped onto a bicycle. If the bicycle is knocked over, your injuries would be much more severe for not having the freedom of movement to fall correctly. In a pedicab accident, the passengers would suffer more severe injuries from the weight of the pedicab being thrown down on top of them. In such an accident, no insurance clause that protects NPS as additionally insured will be valid because the injured party will claim that he/she was obligated by NPS regulations to do something inherently dangerous.??

Furthermore, pedicabs are already equipped with seat belts. Pedicab customers rarely if ever use them. It is really beyond the scope of our power to insist on this with our passengers, particularly when we feel that it makes the ride less safe for them.

Provision 4 of the Pedicab Operating Provisions should be removed entirely.

Comments on Passenger Seating Issue (F-2):

Pedicab drivers take serious issue is provision F-2 of the Pedicab Operating Provisions, which reads:?

2. The maximum number of passengers a pedicab may transport shall not exceed the number of available seats [18 DCMR 1213.4(a)]??

NPS is not obligated to simply mirror the DC Municipal Regulations.??

Unfortunately, the wording in this provision is vague enough to give enough leeway to a hostile US Park Police officer to keep families with children from taking a pedicab ride. Our most common ride is a family of two adults with two children, where the children sit on their parent's laps. Washington is ultimately a family-oriented tourist destination. In six years of operation and 400,000 happy passengers, we have had exactly zero accidents and zero injuries. NPS cannot point to any reason that restricting our current operating procedure is somehow in the interest of public safety.

A much better wording that would address the potential safety issue of passengers trying to sit on the fiberglass frame or on the floorboard of a pedicab or else wishing to stand during the ride would be "Passengers shall be required to sit within the carriage seating area of the pedicab."

Comments on the SMV Triangle (E-5):

NPS has one-upped the DC Municipal Regulations in their conditions for the issuance of the Commercial Use Authorization, such as in Pedicab Safety Requirement E-5, which reads:??

5. A triangle shaped Slow Moving Vehicle (SMV) emblem which conforms to the American National Standard S276.7, shall be affixed to the rear of the pedicab as follows:

- i. As close to the center as possible; and
- ii. No less than two feet (2 feet) and no more than six feet (6 feet) above the roadway surface as measured from the lower edge of the emblem.??

Pedicabs have a perfect safety record in Washington DC. Having transported 400,000 passengers over the last 6 years, we have had a grand total of zero accidents and zero injuries. This safety record is not a statistical anomaly -- with this kind of sample, it is really scientific evidence of the safety of our form of transportation. No other form of transportation, including walking, can show such a safety record. Pedicabs are already required to have working tail lights as well as reflective tape. Can NPS show that burdening the industry with the additional requirement of using an SMV emblem will in any way improve upon our safety record? Can NPS show a proven need for this extra burdensome requirement???

These large triangles would occupy all the available advertising space on the rear panel of the pedicab. In fact, it seems to be the intent of NPS to use this provision as a way of prohibiting advertising on pedicabs. Our current advertisers are mostly Washington area institutions such as the Smithsonian Institution, the Cherry Blossom Festival, the Washington Nationals, etc. The revenue from these advertisements are important to the economic viability of the industry although incidental to our main function of transporting passengers. Taxis have advertisements. Tour buses have huge advertisements that wrap around the entire body of the bus -- current advertising on interpretive tour buses feature a non-DC tourist destination (Puerto Rico) over hundreds of square feet of advertising space on one bus, and fast food (Potbelly restaurants) on another bus. Why should pedicabs be treated differently?

Pedicab Safety Requirement E-5 should be removed entirely from the Commercial Use Authorization since it really has nothing to do whatsoever with safety.

Comments on Condition 9 ? Revocation of CUAs with No Appeal Process:

One very serious concern we have is with Condition 9 of the Commercial Use Authorization, which reads:??

9. The CUA may be suspended or revoked upon breach of any of the conditions and/or stipulations or at the discretion of the park area superintendent.??

While I am sure that the current superintendent is a fine human being, it goes against every principle of fairness to give one man arbitrary discretion over another's livelihood-- according to condition 9, the park superintendent is not required to give any kind of impartial or independent hearing to a pedicab driver whose commercial use authorization is called into question. Nor is there any requirement for any kind of due process to happen before a revocation of the CUA, which is a man's livelihood. Furthermore, no provision is made for an appeals process if an authorization is revoked.

Comments on Sidewalk Access:

Pedicabs are defined as bicycles, and bicycles have access to all sidewalks and paths on the National Mall. Yet pedicabs are specifically prohibited from utilizing Mall paths and sidewalks because NPS considers them to be too wide and a danger to pedestrian safety. Although pedicabs are permitted to be 55 inches wide, in fact they are uniformly 48 inches wide. A pedicab occupies less width than 2 bicycles riding abreast. A pedicab is only slightly wider than a bicycle pulling a child carrier and only 16 inches wider than a wheelchair.

Furthermore, pedicabs travel at a slow rate of speed compared with bicycles. In addition, personal motor vehicles known as Segways are permitted wide access to these same Mall sidewalks, even though they travel in huge groups of 20 or more occupying 100s of square feet of sidewalk space and are driven by amateurs riding for the first time riding at speeds that far exceed any possible speed a pedicab could attain.??

It is clear that pedicabs are therefore not threatening to occupy too much sidewalk space. Nor is there any evidence in Washington, DC that pedicabs suppose a safety risk to pedestrians or anybody else. After 6 years of operation around Washington, and taking more than 400,000 happy customers for rides, pedicabs have racked up a grand total of zero (0) pedicab accidents and zero (0) injuries as a result. On what basis, therefore, does NPS justify their concern that pedicabs would pose a risk to pedestrian safety where Segways and other bicycles do not???

I propose a limited selection of sidewalk and path routes on the Mall which should be opened up to pedicab usage. The use of all these routes would give pedicabs an alternative to traffic on busy streets, thus providing for increased safety as well as reduced traffic congestion.??

An online map of these routes is available at:

<http://maps.google.com/maps/ms?msid=200161391077028060198.0004b9e0376586062f0d9&msa=0&ll=38.890703%2C->

77.039738&spn=0.002939%2C0.005681&iwloc=0004bad52e477a848de57??

Proposed Pedicab Sidewalk and Path Routes on the National Mall??

American History Museum to Department of Agriculture Pedicab Route  
American History Museum to Department of Agriculture Pedicab Route

From Museum of American History entrance to Department of Agriculture entrance (where 13th Street would be). Total distance: 624.69 ft Width of Mall Path ? 40 feet There is very little pedestrian traffic here. This gravel path would give pedicabs an alternative way to cross the Mall without need to travel through busy traffic on 14th and 15th Streets.??

Constitution Avenue Sidewalk Pedicab Route

Total distance: 2402.03 ft. Width of Sidewalk ? 145 inches, narrowing to 113 inches briefly near the tour bus stand at Constitution Gardens. The route would follow the sidewalk path along the south side of Constitution Avenue from Daniel French Drive to 17th Street. This route would allow pedicabs an alternative to busy Constitution Avenue.??

Lincoln Memorial Circle Sidewalk Pedicab Route

Total distance: 1180.49 ft Width of sidewalk ? 180 inches This route would follow the sidewalk all along Lincoln Memorial Circle behind the Lincoln Memorial. There is virtually no pedestrian traffic here. Allows quick and safe access between the north side of the Lincoln Memorial and the Korean, the Martin Luther King Jr., the FDR and the Jefferson Memorials, as well as a much safer access route to Arlington National Cemetery. The on street alternative to pedicab travel between the north and south sides of the Lincoln Memorial, a distance of 0.2 miles is approximately 2 miles.??

Ohio Drive Bridge to Jefferson Memorial Pedicab Sidewalk Route

Total distance: 713.82 ft Width of sidewalk ? 125 inches This route borders the south side of East Basin Drive from the Ohio Drive bridge to the Jefferson Memorial. This route will allow us to legally transport passengers coming from the Lincoln the FDR Memorial, and the MLK Memorials safely to the Jefferson Memorial. There is almost no pedestrian traffic here.??

12th Street to Natural History Museum Pedicab Sidewalk and/or Path Route

Total distance: 651.24 ft Width of Sidewalk ? 136 inches; Width of adjacent gravel path ? 224 inches This route would follow the sidewalk and/or gravel path adjacent to the south side of Madison Drive from 12th Street to the entrance of the Museum of Natural History. This route would give pedicabs a safe alternative to several blocks of busy Constitution Avenue and 7th Street.??

Jefferson Memorial and Tidal Basin Sidewalk Access Route

Total distance: 3129.68 ft Width of Sidewalk ? varies from 114-125 inches, narrowing to 102 inches briefly and widening to 144 inches on the bridge. From the Jefferson Memorial, this route would follow the sidewalk along the north side of East Basin Drive until it meets 15th Street. A spur would continue to the Tidal Basin Parking and the paddleboats. This route gives safe access back and forth from the Mall to the Jefferson Memorial. It also provides access to the paddle boats and tidal basin parking.??

Independence Avenue Pedicab Sidewalk Route

Total distance: 3288.05 ft Width of sidewalk ? varies from 96 inches to 125 inches This route would run along the north side of Independence Avenue starting at 23rd Street and continuing down to 17th Street. This safe route would give pedicabs an alternative to busy Independence Avenue.??

National Gallery to Air and Space Museum Sidewalk and/or Gravel Path Route

Total distance: 631.89 ft Width of Sidewalk ? 163 inches; Width of gravel paths to either side of sidewalk ? 161 inches each side -- Total is more than 40 feet wide The route runs between Jefferson and Madison Drives from the entrance of the Air and Space Museum to the entrance of the National Gallery of Art. This route would give pedicabs coming from the east an alternative to busy 7th Street.??

Natural History to the Arts and Industries Building Pedicab Sidewalk/Gravel Path Route

Total distance: 1109.65 ft Width of sidewalk along Madison Drive ? 136 inches; width of gravel path ? 224 inches; width of gravel path from 9th Street to Arts and Industries Building ? 180 inches This sidewalk is currently under reconstruction, so measurements may change. From the entrance to the Natural History Museum, this route would follow the south sidewalk of Madison Drive as far as 9th Street. It would then turn south and emerge onto Jefferson Drive in front of the Arts and Industries Building. This route would give pedicabs an alternative to several blocks of busy traffic on Constitution Avenue and 7th Street.??

### Lock House to WWII Memorial Pedicab Sidewalk/Path Route

Total distance: 635.59 ft Width of path ? 16 feet This sidewalk/path is currently under construction, so measurements may change. This is the access to the WWII Memorial that Segways use. It would give pedicabs an alternative to busy 17th Street along a path with very light pedestrian usage.

### Comment on Pedicab Stand at the FDR

A pedicab stand at the FDR Memorial is necessary for the Mall public, particularly those with limited mobility. Pedicabs frequently allow their customers to explore the monuments and memorials as part of a longer ride. Although it is personally one of my favorite memorials, the FDR Memorial unfortunately gets less visitation from the Mall public than some of the more well-known locations. It is also in a far-flung location making access difficult. A pedicab that drops off here may well be asked to wait for his passenger to return in a few minutes. Passengers have little hope of flagging a taxi here -- the taxi stand is almost always empty.

There is plenty of room here for a pedicab stand, and the exact location is not crucial since we mostly station ourselves at the FDR when we are waiting for our passengers to return from a short visit rather than hope to solicit a fare here. Nevertheless, the access should be as close as possible to allow those with limited mobility easier access.

I suggest that a location at the FDR Memorial replace one of the several useless pedicab stands and parking areas that were suggested. These entirely useless stands include the location at the Sylvan Theater toilets, the Constitution Gardens stand, the West Potomac Park Pedicab Parking area, the East Potomac Park Pedicab Parking Area and the Tidal Basin parking area.

### Comment on Making Pedicab Stands No-Smoking Areas

I would like to see the pedicab stands be no-smoking areas at least as applied to the pedicab drivers themselves. These stands are actually our work areas, and it is possible that some kind of federal workplace non-smoking rules might apply. Although I am happy to present to potential smoking customers that pedicabs are smoker friendly, nevertheless non-smoking pedicab drivers would prefer that within the pedicab stand itself other pedicab drivers should not impose their dangerous, cancerous smoke upon the rest of us. This has been a source of friction in the past, both because the smoke annoys the rest of us and also because it presents a very poor image of our business.

### Comment on a Pedicab Stand at the South Side of the Lincoln Memorial

The location that has been proposed by NPS for a pedicab stand on the south side of the Lincoln at Daniel French Drive is a location that is invisible to passengers that require our services. Furthermore, this location is directly in front of the taxi stand, which will surely lead to strife.

Pedicabs are primarily for the mobility impaired -- those who are disabled, injured, elderly, physically unfit, families with children, or the just plain exhausted.

As the only green, open air transportation option for the mobility-impaired, pedicabs should have a prominent position at this site. There is a great deal of space that is not designated for any kind of transportation directly near the metal bollards. This is an ideal spot for a pedicab stand. If the concern is that this space needs to be accessible to emergency vehicles, please remember that pedicabs are extremely mobile and can move out of the way at a moment's notice.

Nobody is contemplating using these stands for parking and leaving the pedicab unattended.

One might add that the taxi stand at this location is 121 feet long. The amount of space for bus loading and unloading (illegally in use as bus parking) is much greater still, measuring in the hundreds of feet and using up almost the entire length of Daniel French Drive. Pedicabs are asking for about 25 feet in a location not currently in use by any kind of vehicle plus a separate stand at the north side of the Lincoln Memorial where Lincoln Memorial Circle meets Henry Bacon Drive.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 52

### Author Information

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### Correspondence Information

Status: New Park Correspondence Log:  
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### Correspondence Text

Overall the proposal looks promising , but there is one major issue that needs to be included in the Pedi-Cab route proposal and that is Pedi-Cabs should be able to discharge passengers at any entry points of "ALL" the major Memorials on the National Mall (which was spelled out in the original operations letter which was crafted by NPS and John Zelkie of DC Pedi-Cab in 2006 ) the letter clearly allows Pedi-cab operators to discharge and respond to definite fare's (or calls for Hack service) at any "entry point" at any of the Memorials!! This is a very important aspect in regard to operating on the Mall and also this will eliminate the countless misunderstandings and sometime over aggressive enforcement behavior of the U.S. Parks Police toward Pedicab professionals operating on the Mall and around the City . I would strongly urge the Department of Interior and the NPS to remind the U.S. Park Police that there Job is to Protect and Serve and considering that they ( U.S. Park police )have been entrusted by The U.S Government with this awesome responsibility ,that they ( U.S. Parks Police) must be ever mindful of the fact that they are also Embassadors to this National Treasure that We The People refer to as The Monuments and Memorials . From Jefferson to Washington and Dr. King there (U.S.Parks Police) behavior and professionalism are on display on a daily basis for all to see , we have Visitors that come here not only from every part of this Great Nation but from All The World..Let's keep Washington The Shinning City on a Hill

President Regan spoke of on his last day in Office!!

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 53

### Author Information

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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/30/2012 Date Received: 04/30/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

I TOTALLLY agree with the comments submitted by fellow pedicab driver Robert Hart. He summed up all the issues PERFECTLY. Here's what he said:

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Comments on Pedicab Operating Provision 13 ? Pedicabs Not Permitted to Stop Outside of Pedicab Stands:

The most serious issue that the pedicab community has with the entire CUA proposal is Provision 13 of the Pedicab Operating Provisions, which reads:??

13. Pedicabs are only allowed to stage/wait for passengers in those locations that are signed as "Pedicab Standing Areas" or "Pedicab Parking Areas." . . . At all other times and locations, pedicabs must be in the active process of transporting passengers, loading or unloading passengers or otherwise traveling with traffic."?

A pedicab driver is not a machine or a draft animal. We are worried the US Park Police will interpret these stands as a mandate to restrict all pedicab operations solely to these limited areas and prohibit drivers from stopping anywhere else.

To not allow pedicab drivers to rest in the shade during the extreme heat of a Washington summer may risk the health and safety of the driver. In fact, pedicabs frequently must stop for any number of other reasons, too: we may stop to get water, use a restroom, or because our passengers wish for us to stop to take a photo. At the end of a difficult ride, we may be tired and need a rest. If a pedicab stand is not located nearby, or if it is full, then we may have few options. The wording of provision 13 not only gives overzealous USPP officers all the ammunition they need to continue harassing us, it actually REQUIRES them to keep us moving at all times.??

Furthermore, a pick up in a pedicab is not quite like a taxi pick up. It requires a short period of questions on the part of

the prospective customer. Provision 13 gives too much leeway for a hostile USPP officer to interrupt this discourse and scare away a Mall visitor who is inquiring about our services.??

We might add that this regulation also discriminates against pedicabs vis a vis taxis and other motor vehicles. A taxi or other motor vehicle may park or stand in any public parking space on the National Mall. He can leave his taxi and go into a museum or he may just sit inside his vehicle and rest. Why should pedicabs not have the same right as motor vehicles to park in a public parking space???

One of the main purposes of drafting these regulations is to minimize conflicts between the US Park Police and the pedicab community. Unfortunately, by requiring USPP officers to make us do what it is impossible for us to do -- keep moving at all times regardless of our bodies and the Washington heat -- the stage is set for lasting conflict.??

If our own proposal for non-specific pedicab stands is not accepted, then we request a rewording of provision 13 to say "Locations that are signed as 'Pedicab Standing Areas' are for the sole use of pedicabs and not available for other types of vehicles."

Comment on Pedicab Operating Provision 14 ? No Drop Offs and Pick Ups at Lincoln Memorial Circle:  
This comment is specifically relating to Pedicab Operating Provisions Section F-14, which reads: ??

"14. CUA Holders are prohibited from loading or unloading passengers on Lincoln Memorial Circle between the Memorial Bridge and Henry Bacon Drive." ??

The far end of Lincoln Memorial Circle, where it meets Henry Bacon Drive, is probably the number one destination that pedicab passengers in Washington, DC ask to be dropped off. Furthermore, a majority of our passengers are mobility-impaired or have difficulty walking.

I might mention that taxicabs continuously use this location to pick up and drop off their passengers, and no specific wording in any law or regulations prohibits them from doing so. Under what rationalization can NPS legally discriminate against non-motorized green transportation? What would motivate them to do so? ??

To put things in perspective, the entire west side of the block on Henry Bacon Drive for more than 300 feet is dedicated to bus parking, and the very area in question is an informal taxi stand in continuous use by these motor vehicles, which are never interfered with by the US Park Police. Segways, operating a motor vehicle on the sidewalk in herds of 20 vehicles or more can park anywhere they please on the sidewalk while they wait for their passengers. How can it be that the only type of transportation that is prohibited from the area is green, non-motorized transportation that primarily serves the mobility-impaired public???

It needs to be mentioned that the pedicab community has offered several alternatives for a pedicab stand in this spot -- all of which were summarily rejected by NPS. Specifically, we suggested that there is plenty of room on the sidewalk between the metal bollards and the street so that pedicabs would not be in traffic in any way. There is no pedestrian traffic on this narrow section of sidewalk, which is 63 inches wide (a pedicab is 48 inches wide). ??

This provision will create a severe impediment for the disabled and otherwise mobility-impaired public in need of our services. ??

We are a customer service oriented industry. In the real world, we will continue to drop off our customers where they ask to be dropped off, particularly those customers that have trouble walking. Government fiat will not change that reality, it will only create the legal obligation for conflict with the US Park Police, whose resources are better utilized for more important services than cracking down on green transportation serving the mobility-impaired public.??Section F,

provision 14 needs to be erased from the Pedicab Operating Provisions. It has no chance of attaining successful compliance, nor should it seek to do so.

#### Comment Asking for a Pedicab Stand at the WWII Memorial:

One glaring omission on the map of pedicab stands is that there is no stand at all at the World War II Memorial. This is one of the most important memorials on the National Mall, and Mall visitors using our services very frequently wish to get out of the pedicab in order to spend some minutes exploring the memorial. Under the NPS proposal, there is no location that we can legally wait for our passengers there.??

This memorial particularly attracts WWII veterans, all of whom are at least 83 years old by now and usually have limited mobility. Special provision needs to be provided to encourage access to this memorial by WWII veterans and other elderly people who find special meaning from the WWII Memorial. Any experienced pedicab driver can attest to the many times he/she has taken WWII veterans to this memorial, and to the usual request by these veterans and other elderly people to have us wait for them rather than risk getting stranded there.??

Pedicabs are particularly suited to take the elderly as we are able to move the edge of the pedicab right up to the curbside to make entrance and exit much easier than to a motor vehicle. Our drivers are uncommonly helpful in giving them a hand up and being patient with their limited mobility. The opportunity of these elderly people to take other outdoor transportation is very limited at this particular memorial.??

The purpose of these rules should be to provide Mall visitors with access to all of the major memorials, particularly those who find it difficult or impossible to walk long distances. A pedicab driver would find it extremely difficult to refuse the request of an elderly passenger, especially a WWII veteran, who requests us to wait for them at this memorial. Yet waiting here would inevitably lead to conflicts with the US Park Police -- a situation that these rules were intended to alleviate.??

Furthermore, a pedicab stand prominently situated at the World War II Memorial would be a perfect spot for pedicab drivers to wait for prospective passengers who find themselves stranded there and are in need of our services. This memorial is far from every other destination on the National Mall. Traffic on 17th Street and Independence Avenues is set up in such a way as to make it difficult for Mall visitors to hail a pedicab or even a taxi, thus leaving few options to those who are mobility impaired.??Our passengers deserve access to this important memorial.??

Some possible locations for a WWII pedicab stand that would give particular access to elderly war veterans would be:??

- 1) Home Front Drive -- Immediately to the east of the central curvature where benches are located and before the first handicapped parking spot, there is an irregular shaped parking spot that is not assigned or labeled for any use at all. Curb space is 160 inches. I believe that 3 pedicabs can fit in this narrow, irregularly shaped area.
- 2) Home Front Drive -- Immediately to the west of the central curvature on Home Front Drive. Here begins the bus loading zone (which is illegally interpreted to mean bus parking). There is room for 3.5 to 4 buses here, which is at least 180 feet of curb space. A pedicab stand would require just 20-30 feet of this space where buses are currently given preference to non-motorized transportation. The area immediately west of the curvature could be used as a pedicab stand -- this is slightly less visible than option 1.

Comment on Some of the Useless Stands Being Moved to More Suitable Locations and Asking for Clarification on Legal Parking:

There are several proposed pedicab stands and "pedicab parking areas" that are of zero use to the pedicab industry whatsoever. The two stands are the Constitution Gardens and the current location for the Washington Monument stand at the Sylvan Theater bathroom.

These sites seem to have been chosen because they correspond to analogous taxi stands. Although taxis and pedicabs serve different customer bases and needs, nevertheless both taxis and pedicabs can agree that these stands are completely useless. In 4 years of operating a pedicab in Washington, DC, I have never yet found a taxi to be stationed in either of these 2 taxi stands -- I did not even realize that there were taxi stands in these locations until the pedicab regulations were proposed.??

I suggest that the Washington Monument stand be moved to a location that would be more useful to the many Mall visitors that may desire our services, particularly those who are mobility impaired. Such a location would be at the end of Madison Drive where it terminates at the west side of 15th Street, either on the sidewalk between the 2 crosswalks or else utilizing the curb area of the turn-in just to the north, which is easily wide enough for pedicabs to park flush against the curb and a wide vehicle to easily pass.

As for Constitution Gardens, a much more useful location for the mobility-impaired would be a stand at the exit of the Lincoln Memorial where Henry Bacon Drive and Lincoln Memorial Circle meet. This is the number one location in Washington, DC, where our services are eagerly sought after -- it is also a location with very few options for the mobility-impaired.??

The 3 parking areas are worse than useless to us. They are indeed harmful. The implication of specifying parking areas for pedicabs is that all other legal parking is not permitted. This seems to directly conflict with the DDOT interpretation that all non-metered legal parking spaces are available for pedicab parking and that no discrimination against pedicabs can be valid if it is simply based on our not having a motor. Legal parking on the Mall is available for all types of motor vehicles, including some motor vehicles that are smaller than ours such as motorcycles. I might add that any taxi can park in a legal parking spot. He can leave his vehicle and go into a museum or monument, or he may stay in his vehicle and lay back and rest.??Therefore, can you please clarify explicitly that pedicabs may park in legal parking as per DDOT rules? This is extremely important for us as we may need to rest in the shade on a hot day or after a particular exhausting ride. We do not want the United States Park Police to be the ones who determine whether or not the new regulations prohibit us from legal parking because NPS has not addressed this issue clearly.??

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4. All passengers shall have a seatbelt securely fastened while the pedicab is in motion. This requirement shall be clearly displayed to pedicab passengers [18 DCMR 1213.4(c)]??

Applying motor vehicle seat belt codes to a bicycle in the name of "safety" would have the opposite effect of the one intended. On a pedicab, having a seat belt attached at the time of any potential accident would mean a much more severe injury to the passenger. Imagine being strapped onto a bicycle. If the bicycle is knocked over, your injuries would be much more severe for not having the freedom of movement to fall correctly. In a pedicab accident, the passengers would suffer more severe injuries from the weight of the pedicab being thrown down on top of them. In such an accident, no insurance clause that protects NPS as additionally insured will be valid because the injured party will claim that he/she was obligated by NPS regulations to do something inherently dangerous.??

Furthermore, pedicabs are already equipped with seat belts. Pedicab customers rarely if ever use them. It is really beyond the scope of our power to insist on this with our passengers, particularly when we feel that it makes the ride less safe for them.

Provision 4 of the Pedicab Operating Provisions should be removed entirely.

Comments on Passenger Seating Issue (F-2):

Pedicab drivers take serious issue is provision F-2 of the Pedicab Operating Provisions, which reads:?

2. The maximum number of passengers a pedicab may transport shall not exceed the number of available seats [18 DCMR 1213.4(a)]??

NPS is not obligated to simply mirror the DC Municipal Regulations.??

Unfortunately, the wording in this provision is vague enough to give enough leeway to a hostile US Park Police officer to keep families with children from taking a pedicab ride. Our most common ride is a family of two adults with two children, where the children sit on their parent's laps. Washington is ultimately a family-oriented tourist destination. In six years of operation and 400,000 happy passengers, we have had exactly zero accidents and zero injuries. NPS cannot point to any reason that restricting our current operating procedure is somehow in the interest of public safety.

A much better wording that would address the potential safety issue of passengers trying to sit on the fiberglass frame or on the floorboard of a pedicab or else wishing to stand during the ride would be "Passengers shall be required to sit within the carriage seating area of the pedicab."

Comments on the SMV Triangle (E-5):

NPS has one-upped the DC Municipal Regulations in their conditions for the issuance of the Commercial Use Authorization, such as in Pedicab Safety Requirement E-5, which reads:??

5. A triangle shaped Slow Moving Vehicle (SMV) emblem which conforms to the American National Standard S276.7, shall be affixed to the rear of the pedicab as follows:

- i. As close to the center as possible; and
- ii. No less than two feet (2 feet) and no more than six feet (6 feet) above the roadway surface as measured from the lower edge of the emblem.??

Pedicabs have a perfect safety record in Washington DC. Having transported 400,000 passengers over the last 6 years, we have had a grand total of zero accidents and zero injuries. This safety record is not a statistical anomaly -- with this kind of sample, it is really scientific evidence of the safety of our form of transportation. No other form of transportation,

including walking, can show such a safety record. Pedicabs are already required to have working tail lights as well as reflective tape. Can NPS show that burdening the industry with the additional requirement of using an SMV emblem will in any way improve upon our safety record? Can NPS show a proven need for this extra burdensome requirement???

These large triangles would occupy all the available advertising space on the rear panel of the pedicab. In fact, it seems to be the intent of NPS to use this provision as a way of prohibiting advertising on pedicabs. Our current advertisers are mostly Washington area institutions such as the Smithsonian Institution, the Cherry Blossom Festival, the Washington Nationals, etc. The revenue from these advertisements are important to the economic viability of the industry although incidental to our main function of transporting passengers. Taxis have advertisements. Tour buses have huge advertisements that wrap around the entire body of the bus -- current advertising on interpretive tour buses feature a non-DC tourist destination (Puerto Rico) over hundreds of square feet of advertising space on one bus, and fast food (Potbelly restaurants) on another bus. Why should pedicabs be treated differently?

Pedicab Safety Requirement E-5 should be removed entirely from the Commercial Use Authorization since it really has nothing to do whatsoever with safety.

Comments on Condition 9 ? Revocation of CUAs with No Appeal Process:

One very serious concern we have is with Condition 9 of the Commercial Use Authorization, which reads:??

9. The CUA may be suspended or revoked upon breach of any of the conditions and/or stipulations or at the discretion of the park area superintendent.??

While I am sure that the current superintendent is a fine human being, it goes against every principle of fairness to give one man arbitrary discretion over another's livelihood-- according to condition 9, the park superintendent is not required to give any kind of impartial or independent hearing to a pedicab driver whose commercial use authorization is called into question. Nor is there any requirement for any kind of due process to happen before a revocation of the CUA, which is a man's livelihood. Furthermore, no provision is made for an appeals process if an authorization is revoked.

Comments on Sidewalk Access:

Pedicabs are defined as bicycles, and bicycles have access to all sidewalks and paths on the National Mall. Yet pedicabs are specifically prohibited from utilizing Mall paths and sidewalks because NPS considers them to be too wide and a danger to pedestrian safety. Although pedicabs are permitted to be 55 inches wide, in fact they are uniformly 48 inches wide. A pedicab occupies less width than 2 bicycles riding abreast. A pedicab is only slightly wider than a bicycle pulling a child carrier and only 16 inches wider than a wheelchair.

Furthermore, pedicabs travel at a slow rate of speed compared with bicycles. In addition, personal motor vehicles known as Segways are permitted wide access to these same Mall sidewalks, even though they travel in huge groups of 20 or more occupying 100s of square feet of sidewalk space and are driven by amateurs riding for the first time riding at speeds that far exceed any possible speed a pedicab could attain.??

It is clear that pedicabs are therefore not threatening to occupy too much sidewalk space. Nor is there any evidence in Washington, DC that pedicabs suppose a safety risk to pedestrians or anybody else. After 6 years of operation around Washington, and taking more than 400,000 happy customers for rides, pedicabs have racked up a grand total of zero (0) pedicab accidents and zero (0) injuries as a result. On what basis, therefore, does NPS justify their concern that pedicabs would pose a risk to pedestrian safety where Segways and other bicycles do not???

I propose a limited selection of sidewalk and path routes on the Mall which should be opened up to pedicab usage. The use of all these routes would give pedicabs an alternative to traffic on busy streets, thus providing for increased safety as

well as reduced traffic congestion.??

An online map of these routes is available at:

<http://maps.google.com/maps/ms?msid=200161391077028060198.0004b9e0376586062f0d9&msa=0&ll=38.890703%2C-77.039738&spn=0.002939%2C0.005681&iwloc=0004bad52e477a848de57??>

Proposed Pedicab Sidewalk and Path Routes on the National Mall??

American History Museum to Department of Agriculture Pedicab Route American History Museum to Department of Agriculture Pedicab Route

From Museum of American History entrance to Department of Agriculture entrance (where 13th Street would be). Total distance: 624.69 ft Width of Mall Path ? 40 feet There is very little pedestrian traffic here. This gravel path would give pedicabs an alternative way to cross the Mall without need to travel through busy traffic on 14th and 15th Streets.??

Constitution Avenue Sidewalk Pedicab Route

Total distance: 2402.03 ft. Width of Sidewalk ? 145 inches, narrowing to 113 inches briefly near the tour bus stand at Constitution Gardens. The route would follow the sidewalk path along the south side of Constitution Avenue from Daniel French Drive to 17th Street. This route would allow pedicabs an alternative to busy Constitution Avenue.??

Lincoln Memorial Circle Sidewalk Pedicab Route

Total distance: 1180.49 ft Width of sidewalk ? 180 inches This route would follow the sidewalk all along Lincoln Memorial Circle behind the Lincoln Memorial. There is virtually no pedestrian traffic here. Allows quick and safe access between the north side of the Lincoln Memorial and the Korean, the Martin Luther King Jr., the FDR and the Jefferson Memorials, as well as a much safer access route to Arlington National Cemetery. The on street alternative to pedicab travel between the north and south sides of the Lincoln Memorial, a distance of 0.2 miles is approximately 2 miles.??

Ohio Drive Bridge to Jefferson Memorial Pedicab Sidewalk Route

Total distance: 713.82 ft Width of sidewalk ? 125 inches This route borders the south side of East Basin Drive from the Ohio Drive bridge to the Jefferson Memorial. This route will allow us to legally transport passengers coming from the Lincoln the FDR Memorial, and the MLK Memorials safely to the Jefferson Memorial. There is almost no pedestrian traffic here.??

12th Street to Natural History Museum Pedicab Sidewalk and/or Path Route

Total distance: 651.24 ft Width of Sidewalk ? 136 inches; Width of adjacent gravel path ? 224 inches This route would follow the sidewalk and/or gravel path adjacent to the south side of Madison Drive from 12th Street to the entrance of the Museum of Natural History. This route would give pedicabs a safe alternative to several blocks of busy Constitution Avenue and 7th Street.??

Jefferson Memorial and Tidal Basin Sidewalk Access Route

Total distance: 3129.68 ft Width of Sidewalk ? varies from 114-125 inches, narrowing to 102 inches briefly and widening to 144 inches on the bridge. From the Jefferson Memorial, this route would follow the sidewalk along the north side of East Basin Drive until it meets 15th Street. A spur would continue to the Tidal Basin Parking and the paddleboats. This route gives safe access back and forth from the Mall to the Jefferson Memorial. It also provides access to the paddle boats and tidal basin parking.??

Independence Avenue Pedicab Sidewalk Route

Total distance: 3288.05 ft Width of sidewalk ? varies from 96 inches to 125 inches This route would run along the north side of Independence Avenue starting at 23rd Street and continuing down to 17th Street. This safe route would give pedicabs an alternative to busy Independence Avenue.??

National Gallery to Air and Space Museum Sidewalk and/or Gravel Path Route

Total distance: 631.89 ft Width of Sidewalk ? 163 inches; Width of gravel paths to either side of sidewalk ? 161 inches each side -- Total is more than 40 feet wide The route runs between Jefferson and Madison Drives from the entrance of the Air and Space Museum to the entrance of the National Gallery of Art. This route would give pedicabs coming from the east an alternative to busy 7th Street.??

Natural History to the Arts and Industries Building Pedicab Sidewalk/Gravel Path Route

Total distance: 1109.65 ft Width of sidewalk along Madison Drive ? 136 inches; width of gravel path ? 224 inches; width of gravel path from 9th Street to Arts and Industries Building ? 180 inches This sidewalk is currently under reconstruction, so measurements may change. From the entrance to the Natural History Museum, this route would

follow the south sidewalk of Madison Drive as far as 9th Street. It would then turn south and emerge onto Jefferson Drive in front of the Arts and Industries Building. This route would give pedicabs an alternative to several blocks of busy traffic on Constitution Avenue and 7th Street.??

Lock House to WWII Memorial Pedicab Sidewalk/Path Route

Total distance: 635.59 ft Width of path ? 16 feet This sidewalk/path is currently under construction, so measurements may change. This is the access to the WWII Memorial that Segways use. It would give pedicabs an alternative to busy 17th Street along a path with very light pedestrian usage.

Comment on Pedicab Stand at the FDR

A pedicab stand at the FDR Memorial is necessary for the Mall public, particularly those with limited mobility. Pedicabs frequently allow their customers to explore the monuments and memorials as part of a longer ride. Although it is personally one of my favorite memorials, the FDR Memorial unfortunately gets less visitation from the Mall public than some of the more well-known locations. It is also in a far-flung location making access difficult. A pedicab that drops off here may well be asked to wait for his passenger to return in a few minutes. Passengers have little hope of flagging a taxi here -- the taxi stand is almost always empty.

There is plenty of room here for a pedicab stand, and the exact location is not crucial since we mostly station ourselves at the FDR when we are waiting for our passengers to return from a short visit rather than hope to solicit a fare here.

Nevertheless, the access should be as close as possible to allow those with limited mobility easier access.

I suggest that a location at the FDR Memorial replace one of the several useless pedicab stands and parking areas that were suggested. These entirely useless stands include the location at the Sylvan Theater toilets, the Constitution Gardens stand, the West Potomac Park Pedicab Parking area, the East Potomac Park Pedicab Parking Area and the Tidal Basin parking area.

Comment on Making Pedicab Stands No-Smoking Areas

I would like to see the pedicab stands be no-smoking areas at least as applied to the pedicab drivers themselves. These stands are actually our work areas, and it is possible that some kind of federal workplace non-smoking rules might apply. Although I am happy to present to potential smoking customers that pedicabs are smoker friendly, nevertheless non-smoking pedicab drivers would prefer that within the pedicab stand itself other pedicab drivers should not impose their dangerous, cancerous smoke upon the rest of us. This has been a source of friction in the past, both because the smoke annoys the rest of us and also because it presents a very poor image of our business.

Comment on a Pedicab Stand at the South Side of the Lincoln Memorial

The location that has been proposed by NPS for a pedicab stand on the south side of the Lincoln at Daniel French Drive is a location that is invisible to passengers that require our services. Furthermore, this location is directly in front of the taxi stand, which will surely lead to strife.

Pedicabs are primarily for the mobility impaired -- those who are disabled, injured, elderly, physically unfit, families with children, or the just plain exhausted.

As the only green, open air transportation option for the mobility-impaired, pedicabs should have a prominent position at this site. There is a great deal of space that is not designated for any kind of transportation directly near the metal bollards. This is an ideal spot for a pedicab stand. If the concern is that this space needs to be accessible to emergency vehicles, please remember that pedicabs are extremely mobile and can move out of the way at a moment's notice.

Nobody is contemplating using these stands for parking and leaving the pedicab unattended.

One might add that the taxi stand at this location is 121 feet long. The amount of space for bus loading and unloading (illegally in use as bus parking) is much greater still, measuring in the hundreds of feet and using up almost the entire length of Daniel French Drive. Pedicabs are asking for about 25 feet in a location not currently in use by any kind of vehicle plus a separate stand at the north side of the Lincoln Memorial where Lincoln Memorial Circle meets Henry Bacon Drive.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 54

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### Correspondence Information

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### Correspondence Text

I want to thank the National Park Service for engaging pedicab operators in a meaningful way to help define regulations of the industry on the National Mall through accepting public comments. I hope that we can meet upon regulations that continue to maintain the safety and enjoyment of all who visit "America's Front Yard" and to facilitate the growth and sustainability of the pedicab industry as an innovative, green transportation option.

Before beginning my comments on the proposed regulations, it is important first to recognize an agreed upon lexicon around pedicabs. I therefore point to 36 CFR 1.5 and 4.3, DC 1-110, 18dcmr1201, and proposed 1213, which read, "Pedicabs are to be considered as bicycles." I would ask that all other interpretations be abandoned, and that this understanding be adopted by both the National Park Service and the pedicab industry.

#### PROPOSED 1213

##### Safety

When considering any bicycle, passenger bearing or not, safety is paramount. As such, I appreciate many proposed regulations, namely that all bikes maintain a minimum safety standard as established in DC LAW 1-110, 18.1201, 36 CFR, 18.1213, and proposed 1213. The following should be standard on any pedicab: seatbelts, reliable brakes, head and tail lamps, turn lights, reflectors and reflective tape, and a sound signal audible to pedestrians, motor vehicle operators, and other bicyclists. These safety measures are already built into pedicabs, as received from the manufacturer (notably, the majority of pedicabs on DC streets are Main Street Pedicabs), which should be responsible for evolving safety standards - rather than placing such an onus on pedicab operators. Pedicab operators should be held responsible for

maintaining the safety mechanisms. For example, when you buy a Ford Focus, the car comes with the safety measures required by law; the vehicle owner is then responsible to maintain these safety mechanisms. This should be the case with all vehicles, as it is prohibitive to require operators, drivers, riders, etc, to build or create safety mechanisms.

It is viable that pedicabs should not operate on roads with posted speed limits above 30 miles per hour. However, I take umbrage with the proposed regulation 1213.4(e), which states, "A pedicab may not be operated or parked on a sidewalk." As stated in Section 1.1 of the Superintendent's Compendium CFR36 Chapter 1, "Bicycle means every device propelled solely by human power upon which a person or persons may ride upon land having one, two, or more wheels, except a manual wheelchair." It also states, "Pursuant to 36 CFR 1.5, 2.20, 4.30, rollerblades, skates, skateboards, bicycles, and non-motorized scooters are permitted on roadways and most sidewalks in the park." Therefore, that which is deemed safe for all bicycles is safe for all pedicabs. The proposed regulations are incongruent with the lexicon surrounding bicycles and the existing regulations in the Superintendent's Compendium.

I strongly agree with Proposed 1213.5, which states no pedicab operator may operate a pedicab while under the influence of alcohol or drugs. In fact, I encourage aggressive ? though fairly ? enforced. As a responsible pedicab operator, I wish all others to maintain complete sobriety. Our passengers entrust us with their safety. We have a responsibility to tend to that safety from the moment they step upon our cabs until they step off.

#### Parking, Standing, and Staging

I am concerned with proposed 1213.4(h), which states "A pedicab shall not be parked in any restricted zones indentified for other vehicles, including, but not limited to, parking meter zones, residential permit parking zones, valet parking zones, bus zones, taxicab zones." It seems that a pedicab operator should be permitted in metered parking spaces, if needed. I hearken the phrase: "All Can Park. All Must Pay." I think it is only fair to include pedicabs, as they are larger than other bicycles and require greater space to park.

According to the proposed map (Exhibit A) that details where pedicabs can park, stand, and stage, there is great disparity between the needs of pedicab operators and their passengers and that which is being sanctioned the Park Service. Many of the tickets Park Police issue pedicabbers currently relate to the issues of standing and staging. Overall, I am opposed to being limited to 'pedicab stands.' A pedicab should be able to stand, stage, and park anywhere on a blacktop or sidewalk that is not explicitly prohibited. In addition, the proposed regulations limit mobility by banning pedicab bicycles from sidewalks. However, just as other bicycles are permitted on most sidewalks in the Mall, so should pedicabs. As proposed, a pedicabbers ability to initiate and complete rides and tours is severally hampered. However, given that the Park Service is inclined to designate pedicab stands, I implore the agency to include the following locations that I and much of the pedicab industry have already identified as the safest, most visible, and most profitable:

#### On Madison St. Westbound:

- ? East and West National Gallery of Art
- ? The Sculpture Garden
- ? The Natural History Museum
- ? The American History Museum

#### On Jefferson St. Eastbound:

- ? The Freer and Sackler Art Galleries
- ? Smithsonian Castle and Information Building

- ? American Indian Museum
- ? The Air and Space Museum
- ? The Hirshhorn Art Museum
- ? The African Art Museum
- ? All other coming Smithsonian Museums

On Constitution Ave:

- ? The Haupt Fountains (ZERO Mile) on the west crosswalk and on the opposite side of the road
- ? The Einstein Statue and The National Academy of Science and Engineering
- ? Vietnam Memorial at 21st Street at the crosswalk (on both street sides)

Lincoln Memorial:

- ? Henry Bacon Drive at the Lincoln Memorial (north side at the bollards, on the sidewalk out of traffic. This is an important pick, drop, and standing site as visitors start or end their "tours" here. This is a main ticket and source of conflict with the Park Police as it is currently unclear where pedicabs should safely park and should be clarified and defined.
- ? South side at the bollards on the blacktop behind the NPS Parking sign. This an important pick, drop, and stand site because visitors usually start their day or end it here, a long way from their hotels.

FDR: Memorial (through the blocks, on the blacktop circle closest to the memorial, not inside unless extremely handicapped.

MLK: 150 feet back from the crosswalk, which is unmarked for parking or standing. This allows "a turning lane" to the right on Independence Avenue to be a 5 car line, also making us most visible.

WWII Memorial: This memorial has a bus drop off area that could accommodate three Pedicabs beside each other behind the last bus in line. The curb here minimizes the height of the step up on to the pedicab for Veterans who happen to be visiting and want to ride. There is also a "bike rack" where we would be on the sidewalk and yet still obeying the law. This would be a ticket source as we would be on the sidewalk according to the contentious USPP.

Jefferson Memorial: This poses a lot of problems as it is a 100 yard walk one way and 150 yards from the other. Opening one or more of the Jersey wall barriers would allow us to ride on the blacktop as close to the monument as we can get without going on the Monument grounds. Also, opening the Jersey barrier would allow us a "stand" out of the way of the one way directional traffic that tends to "bottleneck" there between the Concession stand and east (blocked) entrance. Another problem is riding on the sidewalk to go back in a north/ or east direction. It is 150 yards to the crosswalk that leads to the entrance to Haines Point. Where we would cross back over to proper directional traffic. Traditional bicycles do this all the time.

Once the pedicab stands and regulations are finalized, with proper weight given to pedicab operators' comments, it stands to assume that the Park Police will also adhere to these regulations when doling out tickets, as the sanctioned areas will be definitive.

## COMMERCIAL USE AUTHORIZATION APPLICATION & CONDITIONS

### Safety

In terms of the proposed safety conditions included in the Commercial Use Authorization (CUA) form, I refer to my comments on safety included above for Proposed 1213, namely that the pedicab manufactures

build the safety mechanics and, as a pedicab operator, it is my responsibility to ensure the maintenance of such mechanics on any pedicab that I ride.

It is also proposed that pedicabs hang a triangular Slow Moving Vehicle decal on its rear, not more less than 2 feet from the ground or higher than 6 feet. I do have serious issue with this proposed requirement, as it would take away a major income generator: advertising. Pedicabs have the ability to make decent income through advertising on the back and the sides of the cab. Pedicab even serve as advertising vehicles for some of the National Mall's most precious museums and observances. In the past such advertising has include that for the Air and Space Museums and the Museum of Natural History, as well as for the Cherry Blossom's 100th anniversary. I strongly opposed the SMV tag, not as an issue of safety, but as an issue of limiting our ability to generate a much needed income. .

#### Greater Definition

Overall, I have concerns with the ambiguity of the Commercial Use Authorization (CUA) Conditions. Specifically, I draw attention to: Where are the Checks and Balances for these parts of the CUA proposal?. That is not defined and must be clear for proper enforcement, and commerce to continue. The CUA seems to be written to have oversight for pedicabbers but not the government as I wish to continue on the mall but only if it is explicitly clear.

? Authorization periods and renewals. It is unclear how long each term will last. It states that the application fee is \$100. One cannot assume this is meant to mean per year; with any greater frequency, the cost and process seems superfluous. This is a cost that will be endured by pedicab operators who are not swathed in the income afforded larger companies that seek authorization. In addition, the process for renewal needs to be defined and shared publically with pedicab operators.

? Annual Gross Receipts. Number 4 of the CUA application states, "Authorization for services originating and provided solely within a unit of the National Park are limited to those commercial operations with annual gross receipts of not more than \$25,000." I read that this limits the earning potential of pedicab operators who work primarily within or around the National Mall, providing a valuable and environmental-sound transportation option for visitors. It is unclear if this a stipulation applied to all commercial services on the National Mall or if it is to be uniquely applied to pedicab operators, which draws serious concerns regarding the equity of such a requirement. I might venture to say this is even rather anti-capitalism. If the intended goal is to ensure that all pedicab operators charge "reasonable" fees, it would be much more productive and fair to determine together what constitutes "reasonable" and enforce that requirement. Furthermore, in number 2 of the Conditions, it states, "The commercial services described above are to be provided to park area visitors at reasonable rates." It is important that the National Park Service and pedicab operators work together to define what constitutes "reasonable rates" (e.g., \$1.00 per minute, \$60 per hour). This requirement also implies that a pedicab operator would be required to keep, and provide "the authorities" upon their whim, individual driver logs and ledgers. With this proposed requirement, I take great offense. The US Park Service is not my employer and does not need access to my "books."

? Oversight. Condition Number 2 states that reasonable rates and operating conditions shall be "satisfactory to the park area superintendent." This should instead point directly to the final 1213 regulations, rather than the area superintendent. The ambiguity of this writing could further fuel what is currently viewed as disagreement and mistreatment of pedicab operators (and their passengers) by the US Park Police, and thus the Park Service, who answer to this park area superintendent. (See additional comments later on the U.S. Park Police's Enforcement). AND further speaking of Enforcement, A large question is going to come to mind in that the current 36 CFR and Superintendents Compendium ?.."

Solicitation is prohibited on the Mall?.." Would this be lifted and amended to allow us to conduct commerce on the mall? Among other rules that seem to contradict the compendium.

? Insurance.

o Condition Number 4 state, "CUA Holder agrees to carry general liability insurance against claims occasioned by the action of omissions of the CUA Holder, its agents and employees in carrying out activities and operations under this authorization." It states further that such a policy should be in the amount of \$1,000,000. It is unclear if this is something incurred by a pedicab company or one brunted by pedicab operators. Currently, pedicab companies carry insurance on their pedicabs. Directing this cost to pedicab operators, instead, could force these individuals out of business. In addition, it states that the policy would name the "Unites States of America" as additionally insured. Does this imply the USA to be our landlord of sorts, akin to how my apartment complex (aka landlord) requires that they be named in my renters insurance. Does this imply that pedicabbers are also, in part, insuring the Mall, a public land entrusted to the government to care for and oversee? Given that the District of Columbia does not require such an addition, nor does standard vehicle insurance, it seems superfluous and even a bit ominous. Given the tenuous relations between pedicab operators and the U.S. Park Police, it is legitimate that a claim could be caused by the actions of a Park Employee. Does this 'sanction' excessive use of force by the Park Police? Does such injury or claims caused by US Park Employees warrant payment by an operator's insurance? As written, this is a tall order to ask of pedicab operators.

o Further, Condition Number 5 lack understanding of how the pedicab industry works. Pedicab companies hold insurance. They should be held accountable to hold insurance. One cannot place this burden on pedicab operators. Some operators work full-time on pedicabs, some during summer break from college, some as a way to make 'extra cash' when they need it or on the weekends. This additional insurance requirement would force many pedicab operators out of a job by setting unattainable requirements.

? "Costs Incurred." Condition Number 6 is ominous, to say the least. There are no costs or specifications included. It sounds as if fees can be set at whim and pedicab operator will be required to "pay up or get out." Who will regulate what these costs may be. This leaves open the opportunity for pedicab operators to be forced out of work because of fees that were not articulated in advance. Any fees required of pedicabbers should be reasonable, not prohibit, and specified upon Authorization.

? Suspension and Revocation of CUA. Number 10 of the CUA Conditions states that "The CUA may be suspended or revoked upon breach of any of the conditions and/or stipulations or at the discretion of the park area superintendent." The latter part of this Condition must be defined! If a pedicab operator upholds all that is required of him or her, there should be no reason to suspend or revoke that person's CUA. The ambiguity of this Condition leaves room for flagrant abuse of power. Even if a tenuous relationship did not exist between pedicab operators and the US Park Police, and thus the Park Service, this would be an unfair condition. If we are authorized to conduct business on the Mall, and agree to and maintain the Conditions required, then there should be no other cases of suspension or revocation.

? NEPA Compliance. It is unclear if pedicab operators would be require to meet further requirements and pay additional fees relation to the National Environmental Protection Act.

I have cause for concerned regarding some of the specific issues contained in the CUA Conditions. Some of the Conditions, and the ambiguities that exist within them, leave pedicab operators vulnerable. It creates one-sided power that does little to assuage current tension between park authorities and pedicab operators working on the Mall and does little to protect the safety and wellbeing of these operators and

their passengers. It would be disingenuous to omit mention of the conflicts that have arisen between the U.S. Park Police and pedicab operators (and their passengers, in some instances). Pedicabbers working on the Mall are ticketed by Park Police on a daily basis for "offenses" such as soliciting, standing, hazardous 'driving,' disobeying traffic control devices, operating on the sidewalk, pedicab in a restricted zone, impeding traffic, and more. Since March 2011, I have received 25 tickets for such bogus offenses. Each has been overruled by the DMV and the DC Superior Court, with one incident including a severe reprimand from the DC Court judge to a Park Police officer. My colleagues have had the same experiences—even some being arrested. With this in mind, Conditions 2, 3, 4, 9, and 13 are cause for concern because they include ambiguous statements about the authority of the US Park Police working under the authority of the NPS within DC regulations. If ambiguities exist, so will the disharmony that currently exists on our "nation's front yard" between a valued service provider (pedicabs) and the Park itself (the Park Police). It is time to put our hands above board and create regulations that benefit all that want to be a part of this great treasure in DC.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 55

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### Correspondence Text

Details of a possible non-specific pedicab stand plan:

1. NPS regulations admit pedicabs to wait for passengers in zones labeled "no parking", "no standing" and "no stopping"

AS LONG AS

? This is not a lane of traffic  
? Any official vehicle has priority, including any vehicle used for loading and unloading at museums and concession stands  
? Pedicab driver must be with his pedicab at all times -- he/she may not park and leave the bike

2. Rather than locate specific stands for us (thereby prohibiting us from standing anywhere else), you identify those areas that are prohibited to us.

? Crosswalks  
? Handicap Parking  
? Bus Loading and Parking Zones  
? Taxi Stands  
? NPS and Smithsonian Institution Official Vehicle Zones

Benefits of this rule:

- ? No money needs to be spent for signage or to upgrade infrastructure -- some of the stands you are thinking of may be a waste of public money
- ? No need to fight over specific locations -- this rule would be acceptable to every single pedicab driver
- ? No need to remove any kind of designated parking that now exists
- ? Greatest access to our services for mobility-impaired Mall visitors
- ? Why fix something that is not broken?
- ? The pedicab stand proposal is a permanent proposal because definite infrastructure is to be installed. If it doesn't work, it will be difficult to undo. This proposal can be a provisional proposal. If it is unsuccessful, then the pedicab stand proposal can always be implemented at a later date.

Results of this rule:

- ? Removal of greatest cause of friction with USPP
- ? Rules will be fair, clear and enforceable for USPP officers -- i.e. if pedicab driver is in a handicap parking spot, ticket him/her; if pedicab driver is a crosswalk, ticket him/her
- ? Every monument and museum has convenient locations

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 56

### Author Information

Keep Private: No  
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### Correspondence Information

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### Correspondence Text

We propose pedicab stands in the locations that pedicabs have been using informally over the last 6 years. None of these locations is an active lane of traffic, except on the north side of the Lincoln Memorial, where several options are given. None of these locations are currently designated as parking zones. They are all in grey areas not of use to other types of vehicles. These locations are superior to similar locations proposed by NPS because for the most part they do not require NPS to remove parking that is currently designated to other types of vehicles. Pedicabs are small and nimble and can fit into space that is not useful for other vehicles.

#### Air and Space Museum Option 1:

The ideal spot for a pedicab stand is actually on the south side of Jefferson Drive directly in front of the entrance to the museum, immediately next to the crosswalk and occupying a small part of the former Tourmobile stop. This is not a lane of traffic because almost the entire south side of Jefferson Drive between 7th St. and 4th St. is either a formal or an informal bus loading zone. An added benefit to locating a pedicab stand in this location is that it will prevent tour buses from standing here indefinitely with their engines idling as is currently the case. There is room for at least 5 pedicabs here. In fact, the former Tourmobile spot is 926 inches (77.16 feet) long. The proposed pedicab stand would be 25 of those feet.

#### Air and Space Museum Option 2:

Although the ideal spot is on the south side of Jefferson Drive, the current spots used by pedicabs are on the north side of Jefferson Drive on either side of the crosswalk directly in front of the entrance to the Museum. On the west side of the crosswalk there is a grey area between a loading zone and the crosswalk that is neither designated parking nor a lane of traffic. There is 243 inches of room for at least 4 pedicabs here. On the east side of the crosswalk, there is 52 inches of room for one pedicab between the crosswalk

and the first handicapped parking spot.

#### Natural History Museum:

There is room for several pedicabs on the south side of Madison Drive directly in front of the entrance to the museum. Immediately next to both the east and west sides of the crosswalk are grey zones between the crosswalk and the first handicapped parking spots. These areas are neither designated parking nor a lane of traffic. On the west side of the crosswalk, there is 112 inches of room for 2 pedicabs. On the east side of the crosswalk, there is 162 inches of room for 3 pedicabs.

#### American History Museum:

On the NORTH side of Madison Drive directly in front of the entrance to the museum, immediately next to both the east side and the west side of the crosswalk, there is a grey area that is not a lane of traffic nor is it designated parking. One advantage to allowing us to have this spot rather than the corresponding spots across the street on the south side of Madison Drive is that our presence can keep out tour buses that tend to idle indefinitely in this location. There is room for 4 or 5 pedicabs here. The alternative spot is across the street immediately adjacent to both the east and west sides of the crosswalk. On the south side of the street, there is 136 inches of room to the west of the crosswalk and 258 inches of room to the east of the crosswalk.

#### National Gallery of Art:

There is room for several pedicabs on the south side of Madison Drive directly in front of the entrance to the museum. Immediately next to the crosswalk on both sides is a grey zone between the crosswalk and parking. This area is neither designated parking nor a lane of traffic.

#### Museum of the American Indian:

On the south side of Jefferson Drive, in what is now part of a block long bus parking area. We should have 25 feet in front of the waterfalls.

#### Lincoln Memorial North Side:

The pedicab stand here should be for several pedicabs flush against the curb immediately next to the metal bollards along Lincoln Memorial Circle. This zone is currently an active lane of traffic, but it should not be. In actuality, it is in continuous use as an informal pick-up/drop-off point for passenger vehicles as well as an impromptu taxi stand. We propose that the lane division (from one to two lanes) that occurs where Lincoln Memorial Circle meets Henry Bacon Drive be delayed until after the crosswalk just south of the metal bollards. This will formalize the pick up/drop off use of the curb here as well as provide for a pedicab stand and possibly a taxi stand as well.

A second possibility for a pedicab stand is on the narrow section of sidewalk between the metal bollards and Lincoln Memorial Circle. Pedicabs easily fit on that curb area (63 inches wide and there is a grade for easy access to the sidewalk there) out of the way of traffic. Furthermore, that little section of sidewalk is almost never used by pedestrians even during periods of heavy use.

Finally, on the northeast side of the crosswalk, there is a dirt area adjacent to the sidewalk which is often used by pedicabs.

#### Lincoln Memorial South Side:

There is a very long, curved, unused, no-parking area, along Daniel French Drive. The pedicab stand should be on Daniel French Drive immediately next to the metal bollards that prevent vehicle access to the Memorial. There is ample space here for several pedicabs parked flush against the curb which would

not block any kind of traffic or occupy any kind of special parking.

#### Korean War Memorial:

On Daniel French Drive, immediately at the sidewalk exit of the Korean War Memorial, there is room for one or two pedicabs where there is now official parking.

#### Vietnam War Memorial:

On the south side of Constitution Ave. at 22nd Street where the former Tourmobile stand was located. This should be a non-rush hour pedicab stand. At rush hours, this is within a busy lane of traffic. At non-rush hours, the south side of Constitution is used for parking, but the former Tourmobile stand is a grey area that could accommodate several pedicabs.

#### Martin Luther King, Jr. Memorial:

On the east side of West Basin Drive, set back approximately 15 feet from the intersection with Independence Ave. there is room for several pedicabs parked flush against the curb. This is not in a designated parking spot, nor is it an active lane of traffic. In fact, it is not labeled as anything right now.

#### FDR Memorial:

There is ample space for several pedicabs in a grey zone that is not a lane of traffic or designated parking of any kind. In fact, if the stone bollards were slightly separated a few more inches, pedicabs would have easy access to the former access loop and could have a stand immediately at the entrance to the Memorial. This would be very beneficial for disabled and elderly passengers.

#### Jefferson Memorial:

On the north side of East Basin Drive immediately adjacent to the food kiosk between the crosswalk and the restricted vehicular entrance to the Jefferson Memorial there is room for several pedicabs in a grey zone that is neither a lane of traffic nor a designated parking zone of any kind.

Even better would be to allow access to the former drop-off loop that goes right in to the monument. This could be done by moving the concrete barricades a few more inches apart to accommodate pedicabs. This solution would greatly increase access for our disabled and elderly customers.

#### WWII Memorial:

On the north side of Home Front Drive directly in front of the eagle sculpture, there is room for several pedicabs not in a lane of traffic nor in a designated parking space. There is an irregularly shaped spot directly to the west of the last handicap parking spot, which is not labeled for any kind of vehicle -- curb space is 160".

#### Washington Monument -- Spot 1:

There are two options for the Washington Monument. By far the best would be on the west side of 15th Street at the end of Madison Drive. Here, there are two crosswalks. In the area between the crosswalks ON THE SIDEWALK curbside, there is room for 3 or more pedicabs not blocking either pedestrians or any kind of traffic.

A second and inferior option would be along the west side of 15th Street just to the north of where Madison Drive connects. Here there is an inlet for cars to load and unload passengers. Pedicabs flush against the curb here, in the corner right next to the crosswalk do not block egress from that inset section of street. Several pedicabs can be accommodated here.

Washington Monument -- Spot 2:

Once again, like spot 1, a pedicab stand could be placed ON THE SIDEWALK curbside between the 2 crosswalks on the west side of 15th Street at the beginning of Jefferson Drive.

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### Author Information

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### Correspondence Information

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### Correspondence Text

I have a problem with the following regulations;

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2: The maximum number of passengers a pedicab shall transport shall not exceed the number of available seats.

This mirrors DC Municipal Regulations and gives leeway to an over zealous Park Police Officer to keep families with children from taking a pedicab ride. Our most common ride is a family with two adults with two children and this regulation would prevent that. In the six years of operation there have been no accidents. NPS can point to no reason that restricting our current operating procedure is in the interest of public safety. A better way to word the regulation so passengers won't try to sit on the fiber glass frame is "passengers are required to sit within the carriage seating area of the pedicab.

4: All passengers must wear a seatbelt securely fastened while the pedicab is in motion. This requirement shall be clearly displayed to pedicab passengers.

Wearing a seatbelt in the event of an accident would have the opposite effect in the event of an accident. Imagine being strapped to a bicycle and being knocked over, your injuries would much more severe because you would not have the freedom of movement to fall correctly. In a pedicab accident the injuries would much more severe from the weight of the pedicab being thrown on top of them.

Futhermore, pedicab customers rarely if ever use seatbelts. It is beyond the scope of our power to insist this upon our passengers particularly when we feel it makes our ride less safe. It has been explained to us that our passengers not the driver who gets the ticket. Is it the wish of NPS to give zealous Park Police the ability to punish tourists for the common sense notion of not using a seatbelt on a slow moving pedicab.

5: A pedicab may not be operated or parked on a sidewalk.

Pedicabs are almost entirely operated entirely on the street. However there are some traffic situations where it is more logical to either operate our pedicabs or wait for our passengers on the sidewalk in order not to inconvenience traffic. We are only 16 inches wider than a wheel chair. We occupy less sidewalk than two bicycles riding parallel to each other and other personal motor vehicles, (segways) which aren't supposed to be operated on sidewalks to begin with. There are only a few sidewalks where we are proposing usage which can be found at <http://maps.google.com/maps/?>

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Futhermore, pedicab customers rarely if ever use seatbelts. It is beyond the scope of our power to insist this upon our passengers particularly when we feel it makes our ride less safe. It has been explained to us that our passengers not the driver who gets the ticket. Is it the wish of NPS to give zealous Park Police the ability to punish tourists for the common sense notion of not using a seatbelt on a slow moving pedicab.

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<http://maps.google.com/maps/ms?msid=20016139107702806198.004b9e0376586062f0d9&msa=0>

5: A triangle shaped slow moving vehicle emblem which conforms to the American National Standard S276.7 shall be affixed to the rear of the pedicab as follows

i: As close to the center as possible, and

ii: No less than two feet and no more than six feet above the roadway surface as measured from the lowre edge of the emblem.

As noted, pedicabs have a perfect safety record. Pedicabs are already required to have working tail lights as well as reflectice tape and this further requirement will make no contribution to improve public safety. In fact, NPS has included this provision as a way to prohibit advertising on the back of pedicabs. Our current advertisers are mostly washington area institutions such as the Smithsonian Institution, the Cherry Blossom Festival, the Washington Nationals, ect. The revenue from these advertisements are important to the economic viability of the industry. Taxis and buses have advertisements, why can't pedicabs.

9: The CUA may be suspended or revoked upon breach of any of the conditions and/or stipulations or at the discession of the park superintendent.

Essentially the continued livelyhood of every pedicab driver would be at the mercy of the superintendent's whim. No provision is made for an appeals process if an authorization is revoked.

13: Pedicabs are only allowed to stage/wait for passengers in those locations that are signed as "pedicab standing areas" or "pedicab parking areas" At all other times and locations

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## Correspondence: 59

### Author Information

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### Correspondence Text

I would like to start by saying that I appreciate the National Park Service's interest in developing regulations that will adequately satisfy both the need for a functional pedicab presence on the mall, as well as to protect the rights of operators moving forward. I have been operating pedicabs for two years; first in Boston, and now as a Manager for National Pedicabs in Washington DC. After seeing the pedicab environment in Boston, I cannot help but feel that pedicabs play a more integral role in DC to serve as a clean transportation to assist handicapped passengers and eager visitors alike. I have listed a series of comments and suggestions below that I feel are essential to develop mutual understanding among pedicab operators, the National Park Service, US Park Police, and the National Mall community as a whole.

- 1) First, while I appreciate the idea of designated pedicab standing and parking areas, Provision F-13, which restricts stopping outside of pedicab stands, would greatly hinder our business and our ability to assist the customers that may need our services the most.
- 2) Provision F-14 restricts pedicab drop-off and pick-up at Lincoln Memorial Circle. While I understand the need for the transportation safety of that area to be protected, there is plenty of room to fit a pedicab standing area in the Circle to make pedicabs a more visible option for passengers unable to make the return trek to the Metro, their car or other destination. A pedicab presence is vital on both the North and South sides of the Lincoln Memorial.
- 3) On the topic of the Lincoln Memorial, it is important to stress that some sidewalk access may be necessary for pedicabs. This is especially true when traveling from the North side of the Memorial towards the South Side. Traffic is very heavy coming on and off Arlington Memorial Bridge. Safe passage is only possible either in the trolley car lane or on the sidewalk to remain out of reach from danger.
- 4) Furthermore, I am also in favor of prominently placed pedicab stands at the WWII Memorial and the

FDR Memorial. These two locations are highly visited by passengers and pedicab operators alike and have ample space to fit a space for pedicabs.

5.) Pedicab passage around the MLK Memorial is also very important and deserves strict attention. While a standing area in front of the site itself is important, a designated drop-off area across from the MLK on Independence is essential to ensure passenger and operator safety. Both pedicabs and taxicabs alike drop off passengers there even when traffic is still moving. As an operator, I find that the only safe option is to pull off the street and onto the sidewalk to ensure safe passage. This NEEDS to be addressed. My recommendation would be to create a drop-off circle on the shoulder of Independence to provide relief from the busy traffic there.

6) Provision F-4, which mandates the use of passenger seat belts, is both ineffectual to overall safety and an unnecessary burden to customers. The option of seat belts is important but should not be enforced. Personally, I have often pointed out use of the seat belt, but have seen no increase in usage.

7) This brings me to Provision F-2, which would seemingly prohibit children from sitting on their parents laps. One of the most common pedicab fares on the Mall is two parents and two kids. A small family of four should have the option to enjoy a "family pedicab ride" without separating into two separate cabs due to a simple provision.

9) Finally, I disagree with Condition 9 of the Commercial Use Authorization which would allow the "park area superintendent" to revoke pedicab operator privilege at any time with no process, no explication, and no appeal possible. This condition infringes upon the rights of pedicab operators across the board.

My hope is that we can have another public meeting before these regulations are ratified to continue this dialogue and prevent any "surprise factor" as a result.

Once again, I appreciate that attention is being paid to pedicabs to ensure safety on the National Mall while still allowing pedicab operators to provide a much needed service to DC visitors. Pedicab operators range in age and hours riding, but we all believe in the clean service that we provide and desire a harmonious relationship with park authorities.

I look forward to a summer season free of pedicab operator arrests and a better understanding to help all parties deliver transportation safety to local and international visitors of the National Mall.

Thank you,  
Nathan Pierce

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## Correspondence: 60

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Futhermore, pedicab customers rarely if ever use seatbelts. It is beyond the scope of our power to insist this upon our passengers particularly when we feel it makes our ride less safe. It has been explained to us that our passengers not the driver who gets the ticket. Is it the wish of NPS to give zealous Park Police the ability to punish tourists for the common sense notion of not using a seatbelt on a slow moving pedicab.

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Essentially the continued livelyhood of every pedicab driver would be at the mercy of the superintendent's whim. No provision is made for an appeals process if an authorization is revoked.

13: Pedicabs are only allowed to stage/wait for passengers in those locations that are signed as "pedicab standing areas" or "pedicab parking areas" At all other times and locations, pedicabs must be in the active process of transporting passengers, loading or unloading or otherwise traveling with traffic.

A pedicab driver is not a machine or a draft animal. We are worried that the Park Police will interpret these stands as a mandate to restrict all pedicab solely to these limited areas and prohibit drivers from stopping elsewhere. Not to allow pedicab drivers to rest in the shade when weather conditions are very extreme during the summer may risk the health and safety of the driver. In fact, pedicab drivers must stop for several reasons,i.e. get a drink of water, use the restroom, or because our riders want to stop and take a photo. At the end of a difficult ride, we may be tired and may need to take a rest. If a pedicab stand is not nearby or full the options are nil. The wording gives overzealous USPP all the ammo they need to keep harassing us, and REQUIRES them to keeps us moving at all times.

Furthermore, a pick up in a pedicab is not quite like a taxicab pick up. It requires a short period of questions on the part of the prospective customer. This provision gives too much leeway to the USPP to interrupt this discourse and scare away a mall visitor who is inquiring about our services.

This provision is discriminatory against pedicabs vs. taxicabs/ motor vehicles. a taxi or other motor vehicle may park or stand in any public parking space on the National Mall. The driver can go into the museum or rest in the vehicle. WHY can' pedicab drivers have the same right?

If this proposal for nonspecific pedicab stands isn't accepted, then we request a rewording of this provision to say " Locations that are signed as "Pedicab Standing Areas" are for the sole use of and not available for use of any other type of vehicle."

14: CUA holders are prohibited from un/loading on the Lincoln Memorial Circle between the Memorial Bridge and Henry Bacon Drive.

This provision bans us from picking up and dropping off at the number one location that customers that our passengers request of us. Furthermore, it is discriminatory against pedicabs vis a vis taxicabs because taxis have no such provision against picking up and dropping off at this location. In fact, various NPS management directives as well as executive orders and acts of congress require them to give preference to nonmotorized means of transportation. Instead we are being discriminated upon in this provision. The pedicab community has proposed various locations for a pedicab stand only to have everyone rejected.

I also wanted to comment on the location/absence of several pedicab stands.

1. The north side of the Lincoln Memorial where the Lincoln Memorial Circle meets Henry Bacon Drive.
2. The World War II Memorial.
3. The FDR Memorial

The poorly located stand at the south side of the Lincoln Memorial, the Washington Memorial, Constitution Gardens. I feel that these poorly placed stands should be replaced where I noted there are absence of stands. The Tidal Basin, East and West Potomac Park should be abolished altogether because this implies that pedicabs may not park in legal parking spaces.

I hope all of this is considered.

Sincerely,  
Nicholas Porreco



the proper channels to begin with).

Yet, by far, the most egregious and negatively impactful instances of harassment have been attributed to the almost daily threats of arrests. This is where the heart of the harassment lies. Rarely does a day go by where the owners do not hear of new threats by the USPP to the drivers about being issued a ticket, being arrested, having their pedicab impounded, being ejected from park grounds, being told that prospective passengers are not allowed to board a pedicab, being told that passengers currently enjoying a ride must exit the pedicab immediately and before reaching their intended destination, being told that passengers who have just completed a ride are not allowed to pay for services rendered, etc. The key reason why we believe these daily encounters can be attributed to a clear pattern of harassment versus a legitimate desire to enforce the law is that the officers involved almost invariably accuse the drivers of violating rules that do not even exist. Here are just a few ? and by no means comprehensive ? examples of recent encounters with the USPP that have occurred over the past several weeks, which we believe to be clear cases of harassment versus misinterpretation of the published regulations for pedicabs:

? A female pedicab driver, known to be obliging and non-confrontational, was in the process of transporting passengers to their destination. The driver was pulled over by USPP, who proceeded to tell the family that they must exit the pedicab and that they could not pay the driver for her services. From there, the officer demanded to see the pedicab driver's automobile license. Due to the fact that the pedicab driver doesn't currently drive an automobile, the license had expired. The officer then threatened to arrest the driver and impound her pedicab if she were ever to be found operating a pedicab again without a valid automobile license. Obviously, an automobile license is not a requirement to operate a non-motorized bicycle. Regardless, the pedicab driver was horrified by the encounter, and has been apprehensive to lease a pedicab ever since due to a fear of being arrested for a non-existent offense.

? A male pedicab driver was pulled over after dusk while operating on park grounds. The USPP officer incorrectly informed the driver that the DDOT regulations prohibit pedicabs from operating on park grounds after dusk. There is no such provision in existence, and when the driver politely and respectfully attempted to show the officer a copy of the actual DDOT regulations that he had been carrying with him, the officer refused to review the actual regulations and threatened a ticket if the driver did not leave the park grounds immediately. The pedicab driver in question has not operated on park grounds after dusk since the encounter out of a fear of being ticketed for a non-existent offense.

? A female pedicab driver pulled up to a curb to unload passengers after an hour-long ride. As the passengers were about to pay for services rendered, an officer approached and stated, "You know that's an arrestable offense? Put your hands behind your back." The officer then handcuffed the driver and told the passengers that they were not allowed to pay the driver the \$50 fare that they had agreed to pay before the ride had begun. He then asked for the driver's automobile license, and also asked for her social security number, as well. After ten minutes of sitting handcuffed in the back of her pedicab while a crowd of tourists gathered, the driver was finally uncuffed and issued a \$50 ticket for soliciting. The following day, the same officer recognized the driver operating her pedicab and threatened to arrest her again. Obviously, the driver has been traumatized by these two successive encounters, and is currently considering finding a less threatening profession.

? A female pedicab driver with three passengers was pulled over by USPP. The officers insisted that the passengers exit the pedicab prior to reaching their intended destination without paying the driver any fare for services rendered. The officers then threatened to issue citations to the driver for 1) failure to wear a reflective vest, and 2) having more than 2 passengers, both of which are non-existent offenses.

The bottom line is that this ongoing pattern of harassment of pedicab drivers by the USPP has resulted in a very real and detrimental impact on our businesses here in Washington DC. Encounters such as the ones described above have led to a distinct decline in the number of interested drivers since the spring of 2011.

Many long-time drivers simply moved on to new professions, citing harassment by USPP as the sole reason for doing so. It is also now increasingly difficult to recruit new drivers, as well, due to the fact that USPP harassment of pedicab drivers has become public knowledge over the last year (in the local media, etc.). And not only are our overall capacity levels down, but the harassment has had a negative impact on our pedicab leasing rates, as well. For example, when drivers become too fearful to operate within park grounds after dark, this has a direct impact on the leasing rate that we are able to charge for an evening shift. When drivers begin to believe that Sunday afternoons are a "high-threat timeframe" for USPP harassment, this has a direct impact on the leasing rate that we are able to charge for a Sunday afternoon shift. Etc., etc.

Finally, the owners would like to make it clear that we are of the opinion that the issue of ongoing harassment of pedicab drivers is not endemic of the entire USPP as a whole. Quite the contrary, actually. Our drivers report that the vast majority of the USPP officers rarely ? if ever ? have any negative interaction with the pedicab community. Rather, we believe that the harassment can be attributed a very small subset of USPP officers, who ? for whatever the reason may be ? appear to have a bias against pedicab drivers, and as a result, make a concentrated effort to focus on the pedicab community on an ongoing basis.

Our goal with this commentary on harassment by USPP is not to be incendiary, but rather to bring the issue to the attention of the leadership at both the NPS and the USPP, with the hope that by providing several recent and specific examples of ongoing harassment, and also by explaining the direct impact that it has had on our ability to do business here in Washington DC, steps may be taken to address this very real problem.

#### Current Overall Impact to Business Model:

As small eco-friendly business owners that run a cyclical business we have faced significant challenges as a result of USPP enforcement and intimidation tactics. Collectively, our fleets consist of 65 pedicabs and a group of approximately 125-150 drivers while in-season.

Each year we have seen an increase in revenue with the exception of last year. Our companies have seen a drop in business anywhere between 10-20% as a direct result of Park Police enforcement. There is now a sense of fear and trepidation from our driver base to operate in/around the Mall. Drivers often fear that they will be unlawfully harassed, ticketed, and in some cases face arrest and impoundment of their pedicab.

Some of us operate pedicab locations in other cities. This is the only location that we have seen a down tick in business, which we can make a direct correlation to the harassment tactics. There is no reason that drivers should be so intimidated to drive on the Mall that they simply don't want to pedicab anymore. In a time of challenging economic conditions and limited job opportunities, it is a shame that many drivers are afraid to drive a pedicab around the National Mall where a majority of our rides are generated.

Pedicab Ridership on an Average Summer day amongst our fleets: 2,200-2,600 passengers

#### Insurance Implication:

The newly proposed CUA insurance requirements as currently written would be detrimental to the pedicab community in Washington DC.

We have gone to great lengths to ensure that our current policies are more than adequate to protect the members of the general public as well as the NPS against bodily injury and property damage claims that may arise from the operation of our Pedicabs. Our policy forms represent the best of insurance providers with the rating of A (excellent) per AM Best rating system. The idea behind these insurance policies is that our specific serial numbers are listed on the policy(s) and certified as "insured" status therein.

Our insurance advisor with whom we discuss policy organization and process with has also verified this and believes it to be a practical tactful way of keeping track of what Pedicabs are licensed and insured for use in the appropriate territories. Given this information, we feel that seeking out additional insurance to

be purchased and maintained by each individual driver would not only be financially impossible, but extremely difficult to manage and maintain.

Our fleets collectively are all insured by the same underwriters who have had many misgivings about adding personal names of drivers / operators to have additional insured status ? as previously mentioned, this business policy is for US (our companies), the PUBLIC and any additional insured entity (in this case NPS) views as discussed herein ? this is why we actively keep an updated driver agreement on file annually with our insurance carriers.

If WE the owners of our respective entities are forced to further personally insure operators or have them insure themselves, we will surely incur prohibitive premium increases as well as an administrative nightmare (keeping track of every driver that comes on board as well as stops riding for a company). Any single pedicab operator is given the opportunity and information to purchase their own individual general liability policies from the underwriter. This is very expensive request and has yet to be purchased by a single driver in any of our organizations.

Pedicab Owners want a CUA exclusive of the Pedicab Operator CUA

The Pedicab Owner CUA should be exclusive of the Pedicab Operator CUA.

Owners should be required to demonstrate proof of insurance and proof that their bikes are operationally safe and sound and comply with NPS specifications. Because Pedicab Operators often ride for multiple companies and on several Pedicabs throughout the course of a year, tying the Operator CUA with Pedicab Insurance and Pedicab Specifications is impractical and will cause confusion amongst NPS, USPP, Operators and Owners.

The proposed regulations put the onus on operators to provide proof of insurance for their Pedicab and to make sure that their Pedicab meets NPS specifications. As outlined in the insurance section of our comments, it is an industry practice for Pedicab owners, not operators, to obtain and maintain insurance for their bikes. Also, it is an industry practice that Pedicab owners, not operators, provide Pedicabs whose specifications meet or exceed local regulations.

The owner CUA can be enforced through a once a year physical inspection of the Pedicab by NPS. The inspection should check for working front and rear brakes, seatbelts, lights and turn signals. Additionally, the once yearly inspection should include a verification of insurance. The fee for the CUA should not exceed the fee for the driver CUA. A Pedicab with a valid CUA should be identified by either an NPS issued sticker or license plate that is affixed to the body of the Pedicab in plain sight.

Slow Moving Vehicle Sign:

We believe a slow moving vehicle (SMV) sign is unnecessary based on the proposed safety guidelines mentioned. The proposed CUA provides for adequate safety precautions to ensure pedicabs are both visible to vehicular as well as pedestrian traffic. Owners have gone above and beyond basic safety guidelines by adhering to a strict visibility features which include: reflectors on wheels, brake lights, turn signals, running lights, and DOT grade reflective tape.

Safety is our number one priority and we take pride in the safety record we have thus proved in DC. Unfortunately, the SMV sign will cost companies a great deal of money in order to practically store the pedicabs at our shops without damaging the SMV each night. Reflective tape has continuously been a great solution to keep the pedicabs visible at night, as well as stay intact on the pedicabs for a full season. We believe this is overboard and the pedicabs will be plenty visible without a SMV sign.

Additional Comments from Proposed CUA

? Exhibit A ? Areas Closed to CUA Activities: The activities listed above may not be conducted outside of those areas identified in Attachment A

o Please update the sentence "The activities listed above may not be conducted outside of those areas identified in Attachment A" to read "The activities listed above may not be conducted outside of those NPS roads identified in Attachment A". Our concern is that the original sentence could be misinterpreted to mean that CUA Holders would not be able to pick up and drop off passengers outside of the designated standing/parking areas, which is not the case.

? Exhibit A ? F.2.: The maximum number of passengers a pedicab may transport shall not exceed the number of available seats [18 DCMR 1213.4(a)];

o Small children should be exempted from this provision. The vast majority of pedicab rides given on park grounds consist of two adults and their small children as passengers. With this provision as currently written, pedicab business on park grounds will be severely impacted, and would also result in a dissatisfied experience for a great number of families visiting the park.

? Exhibit A ? F. 8.: 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 [18 DCMR 1213.4(h)];

o Please remove "and sightseeing zones" from this statement, as to our knowledge, there is no such thing as a sightseeing zone.

? Exhibit A ? F. 8.: 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 [18 DCMR 1213.4(h)];

o As written, this statement doesn't appear to allow for a pedicab to park anywhere outside of a designated pedicab standing/parking area. For example, are pedicabs allowed to park in un-metered public parking spots? The statement isn't clear in this regard, and needs to be clarified. CUA Holders will need to be able to make periodic stops on roads throughout the park outside of the designated pedicab standing/parking areas (e.g., to rest, find shade from the sun, etc.). Without this additional, basic ability for pedicabs to park and/or make stops in reasonable locations outside of the designated pedicab standing/parking areas (such as un-metered public parking spots), the risk exists that this CUA program will not be successful.

? Exhibit A ? F. 13.: Pedicabs are only allowed to stage/wait for passengers in those locations that are signed as "Pedicab Standing Areas" or "Pedicab Parking Areas." (See Attachment A for locations). At all other times and locations, pedicabs must be in the active process of transporting passengers, loading or unloading passengers or otherwise traveling with traffic.

o The language in the second sentence needs to be expanded upon or otherwise strengthened to ensure that there is no ambiguity in its intent. Our concern is that as currently written, Park Police may interpret the second sentence too strictly, in that they would truly only allow for loading and unloading passengers, without additionally allowing sufficient time for the CUA Holder to negotiate rates for fares prior to loading passengers, as required in Exhibit A ? G. it is critical for the success of this program that CUA Holders be allowed to effectively pick up and drop off passengers on park roads outside of the designated standing/parking stands without fear of illegal ticketing/arrest from Park Police. The best way to mitigate this risk is to ensure that the final language is robust and clear in its intent.

? Exhibit A ? F. 14.: CUA Holders are prohibited from loading or unloading passengers on Lincoln Memorial Circle between the Memorial Bridge and Henry Bacon Drive.

o Please revise the sentence "CUA Holders are prohibited from loading or unloading passengers on Lincoln Memorial Circle between the Memorial Bridge and Henry Bacon Drive" to read "CUA Holders are prohibited from loading or unloading passengers on Lincoln Memorial Circle between the Memorial Bridge and 23rd St NW." Understand the safety concern regarding traffic volume on Lincoln Memorial Circle. However, our position is that this safety risk is greatly reduced from the span between 23rd St NW and Henry Bacon Drive. This span between 23rd St NW and Henry Bacon Drive is also a critical location

for pedicab business on the Mall. In fact, this span would present an ideal location for an additional pedicab stand, perhaps located against the curb on Lincoln Memorial Circle at the corner of Henry Bacon Drive or someplace in the immediate vicinity.

? Exhibit A ? H.: CUA Holders will provide information about National Mall and Memorial Parks and its cultural and natural resources that is correct, relevant and includes park themes, as well as information about the mission of the National Park Service. Park theme information is available at <http://www.nps.gov/nama>.

? Please remove this provision. Pedicab operators provide transportation services, and (with few exceptions) are not licensed tour guides. As a result, pedicab operators cannot be expected to provide this level of information, nor should they be held accountable if inaccurate information is provided (assuming the inaccurate information was provided by accident and without malicious intent).

#### Proposed Pedicab Parking Areas:

Although we are pleased with the locations of most of the proposed pedicab parking areas, we had the following comments:

? An additional stand at the WWII Memorial would be ideal

? An additional stand on the north end of the Lincoln Memorial would be ideal

? An additional stand at the Washington Monument (perhaps along Constitution Ave.) would be ideal

? Pedicab drivers should be consulted with to determine the most suitable final locations for pedicab stands at the Jefferson and MLK Memorials, along with the southern side of the Lincoln Memorial

? Currently, there is no efficient transportation route for pedicabs to move from the southern side of the Lincoln Memorial to the northern side. Please consider opening up a more quick and efficient route for pedicabs to move from one end of the Lincoln Memorial to the other

Respectfully Submitted,

Martin Rahmani, Capitol Pedicabs

Steven Balinsky, Capitol Pedicabs

John Zielke, DC Pedicab

Ryan Guthrie, DC Pedicab

Ben Morris, National Pedicabs

Justin Bruce, National Pedicabs

Total Pedicabs Represented: 66

Combined Years of Relevant Pedicab Experience: 17 Years

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 62

### Author Information

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### Correspondence Information

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### Correspondence Text

A good addition to the proposed regulations should be included in the definition of a pedicab. It might read:

A pedicab shall be propelled entirely by human power. It may not contain an electric pedal assistance device.

These devices, although marketed as "pedal assistance", are in fact electric motor vehicles. The device along with the battery pack can weigh up to 100 pounds, which makes the pedicab almost unusable without the motor. Furthermore, electric pedicabs can attain a startling speed, which is unsafe. Pedicabs with electric motors have been outlawed in New York and other major cities.

Currently, none of these electric pedicabs are operating in Washington, DC. But three years ago, a company composed entirely of electric pedicabs started operating on the National Mall. Fortunately, USPP was able to get rid of them at the time.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 63

### Author Information

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### Correspondence Text

Two last comments:

The seating limitations are unreasonable and have already led to conflict with the Park Police. A few points: Most of our business is 3-4 people, usually 2 adults, 2 children. The children EASILY fit on the parents' laps, and are safe there. As safe as they would be if they were in the back of the seat. The key is are they in the carriage or not.

The other comment pertains to the standing or waiting areas. PLEASE make them No Smoking zones. They're working zones and most of us do not want to have to smell the smoke of others within a few feet of us.

Thank you.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 64

### Author Information

Keep Private: No  
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More on Mandatory Seat Belt Usage:

Although pedicabs already have a seat belt option for those passengers that wish to use them, we feel that the requirement for mandatory usage is an unnecessary regulation for a vehicle that usually travels at a top speed of less than ten miles per hour. Additionally, operators of taxicabs and other public vehicles for hire are NOT responsible for ensuring that passengers comply with the requirement. Tour bus passengers on the Mall or elsewhere are not required to wear seat belts, even though these vehicle travel at much higher speed than pedicabs do. Segway riders do not require seat belts. Bicycle riders do not require them. Horse carriage passengers do not require them. Yes, there are horse carriages that come down to the National Mall on occasion and solicit passengers. The mandatory usage of seat belts for pedicab passengers is not a requirement in any other American city that has regulated pedicabs.

This regulation is not based on any controlled scientific study nor on any history of threat to public safety. Pedicabs have been operating for almost 6 years in Washington. During this time we have successfully carried hundreds of thousands of passengers with zero accidents and zero injuries of any kind. We have an extraordinary record of safety. Furthermore, this regulation has been used to harass passengers and pedicab operators by the US Park Police even when in compliance with the rule.

Finally, the fact remains that a pedicab is an open topped vehicle. In case of an accident, a passenger in a slow moving pedicab would prefer to be thrown free of the pedicab rather than risk getting trapped beneath 185 pounds of metal and fiberglass as the pedicab flipped over. Seat belts would actually cause a more serious injury in the event of a pedicab accident.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 65

### Author Information

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### Correspondence Text

One final comment is on the subject of the thousands of tour buses that take over the National Mall on a daily basis. These buses contribute three kinds of pollution to our national park:

- 1) Air pollution
- 2) Visual pollution -- the carefully planned sight lines cannot be viewed from many sidewalks since buses are parked (and often idling their engines) in almost all available curb space up and down the Mall.
- 3) Noise pollution

Although pedicabs have to deal with constant enforcement by USPP, these thousands of buses are allowed to roam free with no apparent rules whatsoever. NPS street signs say "Bus Loading and Unloading" but in fact these areas are actually "Bus Parking and Engine-Idling Zones". A great deal of curb space that is not intended for buses in any fashion is also taken up by thousands of illegally parked buses. Actual bus loading and unloading is not done in the official zones, but happens directly in front of the museums and some of the monuments -- often in crosswalks. Very frequently, bus loading and unloading takes place right in the middle of the street in a lane of traffic with no regard to causing traffic jams.

The bus parking and loading/unloading system is out of control. Visitors to the National Mall are never out of the fumes, noise, danger, and ugly presence of these ubiquitous polluting monsters. The 2010 Mall Plan actually calls for an INCREASE in bus loading and unloading on the National Mall. Is this a "national park" or is it a "national parking lot"?

NPS may feel that buses are a necessary evil because they transport visitors to the National Mall. Indeed,

buses perform a very necessary function. However, those same visitors are perfectly capable of being dropped off and picked up away from the National Mall and walking a few short blocks to attractions on the Mall. Those visitors that take the Metro or drive their own vehicles do not expect the automatic right to not walk at all. Why should bus passengers expect this? It is not child abuse to make obese schoolchildren walk a few blocks to their buses rather than being expecting to be picked up immediately in front of a museum.

How does this relate to pedicabs? Well, USPP spends far too much of its time dealing with the minor issue of a few three-wheeled bicycles taking passengers around the Mall in a non-polluting and friendly fashion while thousands of dangerous, soot-emitting vehicles are illegally parked and causing a true quality of life problem at every turn. NPS is spending so much time dealing with pedicabs while the much more important issue of ugly, dangerous, polluting, noisy buses is ignored.

Time to get your priorities straight. Yes to pedestrians, bicycles and non-motorized, non-polluting transport. No to buses. No to exhaust fumes.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 66

### Author Information

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### Correspondence Text

North Side of the Lincoln Memorial

A stand here is absolutely essential for the success of these regulations. Either rework the traffic flow to be more pedestrian and pedicab and taxi friendly, or else put the stand on the 63 inch sidewalk area between the metal bollards and the street.

Remember, pedicabs are extremely mobile and can move out of the way of any official need for that area at a moment's notice.

The stand at the south side of the Lincoln is terrible. It leaves us invisible. The stand on the south side should be right near the metal bollards there as well (although there is plenty of room on the street rather than on the sidewalk).

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 67

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### Correspondence Text

Pedicabs should be able to stop anywhere that does not impede traffic to pick up/discharge and receive payments for their services. Taxicabs can do it, pedicabs should be able to as well.

There is too much gray area in the wording about where pedicabs can stop and will ultimately lead to continuing harassment by the USPP.

If the NPS insists on using pedicab stands, please include stands on the North side of the Lincoln Memorial, the WWII memorial (as our WWII vets are getting older) and something more reasonable at the Jefferson Memorial.

Seat belts are great to have for those passengers that choose to utilize them. However, as a pedicab driver, I'd advise my passengers to not wear them because should the cab be hit and flip, they'd be crushed to death.

Thank you!

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 68

### Author Information

Keep Private: No  
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### Correspondence Text

I think we can all agree that there needs to be some regulation in place, the vast majority of pedicab operators in the DC area are just trying to make an honest living, in a green job, providing a much needed service on the national mall. However, I find the proposed CUA and associated rules to be severely over reaching. Some of the provisions do not make sense at all, not from the perspective of the operator or the passenger. It really is the passenger that both the park service and pedicab operator exist for.

I am a part time pedicab operator, so I am also seeing the proposed rules from my perspective.

CUA condition 5 - This is excessive, a lot of pedicab operators are part time workers doing this as a second job, even if we are full time operators, as the lessee we should not need to be specifically named on the lessor's insurance policy. The coverage in CUA condition 4 should suffice for all operators as long as "If CUA Holder leases a pedicab from a third party, CUA Holder must provide proof that the lessor (owner) of the pedicab has insurance that meets or exceeds the requirements stated in section 4 of these conditions."

CUA condition 9 - 9. The CUA may be suspended or revoked upon breach of any of the conditions - **\*\*AGREED\*\*** and/or stipulations **\*\*or at the discretion of the park area superintendent\*\*** - Why would the park area superintendent have the discretion to respond or revoke the CUA if we have not breached a pre-defined condition?

CUA condition 13 - why would we be required to provide "a statement of *our* gross receipts" what are "visitor use statistics" and "resource impact assessments" what records are we required to keep and why? what is deemed sufficient? and what happens if our records are not deemed sufficient or if we refuse to

provide them?

CUA condition 14 - I do not want to grant the NPS access to my "books" "at any time", my books are my business and that of the IRS. What do my books have to do with "determining compliance with the terms and conditions of this authorization."?

#### PEDICAB: OPERATING PROVISIONS

E)5 - A pedicab is a bicycle and travels at the speed of a bicycle, not a horse drawn carriage, a "triangle shaped Slow Moving Vehicle (SMV) emblem" is not necessary. If the pedicab is adhering to the other requirements of E)1 - E)4 then only a blind person would not be able to see one. The triangle on the back would interfere with the owners ability to sell advertising (which has been utilized by the Smithsonian Institution) which as a source of revenue for the owners keeps the cost of rental down and the cost for passengers down.

F)2 - The number of available seats varies, depending on the size of the passenger. children should be allowed to sit on the lap of an adult as long as it is safe (a weight limit if you have to have a "rule" perhaps, children under XX LBS can sit on a lap, there is no safer place for a small child)

F)4 - a pedicab is a bicycle, not a car, the red triangle provision states it is a slow moving vehicle, do passengers in horse drawn carriages have to wear a seat belt? I suggest that it is the passengers choice to wear a seat belt as it is a bicyclists choice to wear a helmet or not. We can be required to provide seat belts but it is the passengers choice to use it. Is there any evidence or study that has determined that a seat belt in a pedicab protects a passenger in any way?

F)5 - why not sidewalk access, or at least sidewalk access where the sidewalk is xx" wide? pedicabs are bicycles, they are not wider than 2 cyclists riding abreast, they are slow moving vehicles, they travel at the same speed or slower than segway's which appear to have no restrictions AND where is the pedicab passenger safer than on a sidewalk where there are no cars? The use of the sidewalk will also allow us to shorten our journeys, thus reduce our rates.

F)8 - Pedicabs should be allowed to park anywhere that a regular car can be parked, it has been suggested in this proposal that a pedicab can NOT be parked on a sidewalk or anywhere a regular bike can be parked (parking meter, street light pole) so if not where a regular bike can be parked and if not where a regular car can be parked, then where?. Any parking spot along jefferson and madison open to regular passenger cars should be open to pedicab parking. We are not always working, its gets hot in the summer, very hot, and we should be able to take a break in the shade without fear of being ticketed.

F)9 - see F)8

F) 13 - Where is the definition of a "Pedicab Standing Areas" or "Pedicab Parking Areas." Why would we want to "park" in west potomac park? we are not tourists. This provision is absolutely crazy. Just as a passenger can hail a car taxi, a passenger should be able to hail a pedicab. Many of our customers are already exhausted by the time they figure out they need a ride, to make an elderly/dehydrated/disabled/tired person walk to the nearest pedicab standing area in 100 degree heat (I often have customers carrying 2 walking sticks who can barely walk) is totally unnecessary and is contrary to the service we provide and is not in ANYBODYS interest. We should be able to stop/pick up/drop off passengers anywhere that it is safe to do so. In any car parking space, in front of any museum on Jefferson

or Madison, or any coach parking spot on the mall, we too should be able to stop to load or unload.

F) 14 - We absolutely need to be able to load and unload passengers on the Henry Bacon side, there is a defacto taxi cab stand there with 3-4 cars deep that seems to operate without impunity. There is bus parking all along the west side of Henry Bacon Drive. Without access on this side it means any passenger picked up on the Constitution side needs to be dropped off on the Independence side. This leads to unnecessary increased fares for the passenger due to increased distance traveled by the operator. We can absolutely drop off and pick up passengers safely on the side where the gift shop/cafe is. There is more than enough room for a pedicab to be on the sidewalk on either side and to not be in anybody's way.

H) - This entire passage should be omitted, I do not see how this is relevant to what we do, we are not employees of the NPS, our personal language should not be governed by a CUA.

Proposed pedicab stands:

The proposed pedicab stands do not include a prominently placed pedicab stands at both the north and south sides of the Lincoln, the WWII Memorial, the Sculpture Garden, the Smithsonian/Freer/Arts and Industries Building complex or the FDR Memorial, the south Lincoln stand is in an invisible location - again we are often dealing with elderly/frail/disabled passengers, who does it benefit to make them walk long distances or have to really be looking to find us?

Thanks for reading my comments.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 69

### Author Information

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-We need a stand on the north side of the Lincoln Memorial, lots of foot traffic. There's a portion on the sidewalk next to the pillars that pedestrians never use and fit perfectly for pedicabs.  
-Access to sidewalks along Constitution Ave from 15th St to 23rd St would be safer and more pleasant for all. Same for sidewalk along Independence Ave from Washington Monument to Lincoln.  
-A stand at the WWII Memorial would be very good and a bathroom is there.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 70

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### Correspondence Text

I think that there should be a petition for pedicabers who work on the National Mall to sign to give us the right to have our own designated parking spaces in front of all Smithsonian museums. I am aware and abide by all of the Park Police rules however we are harrassed by them sometimes when we are in front of the museums for fares. If there are a list of laws that will give us tickets to marked on our records, we as pedi cabbers, should have our own designated spot. With out our own place where we can be seen and work I am sure that there will be continued harrasment from Park Police to all pedicabbers, experianced ones and new inexperianced escorts who dont even know the laws. We should also be able to ride on certain sidewalks because for the safety of our custimers... to whom would I submit this petition?

Thank you,

M

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 71

### Author Information

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Notes:

### Correspondence Text

As an Aside, I would like to point out that the absolute worse thing about the mall is idling buses, the air and noise pollution, the soot and fumes that are spewed out by these hundreds of EMPTY, PARKED buses is obnoxious and really detracts for the park. I know DC has a no idling rule for trucks at delivery docks, why not the same for buses?

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 72

### Author Information

Keep Private: No  
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### Correspondence Information

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Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Thank you for the opportunity to submit comments on behalf of the Washington Area Bicyclist Association. While WABA represents the interests of bicyclists and not explicitly pedicab operators, we do have an organizational interest in ensuring that one group of park users is not discriminated against vis-"is another solely due to the choice of a non-motorized form of transportation. Our interest in is ensuring that bicyclists and those using forms of transportation other than the automobile are not disadvantaged in their enjoyment of our public resources.

#### 1. Appropriateness and even-handedness of CUA.

Prior to addressing the content of this CUA, we would like to express concern over the appropriateness and even-handedness of the CUA process to regulate pedicabs. Our inquiries to NPS and to the DC Taxicab Commission have revealed no indication that the taxicab industry has been regulated in this manner despite many years of operation in on the National Mall, performing an almost identical service. Thus, we are concerned that the entire process has been applied in a manner that targets pedicabs for enforcement not applied to taxicabs providing similar economic services. NPS should not be inequitably selecting segments of the commercial transportation to regulate through this process. Authorization to operate on park property should not disadvantage non-motorized commercial use through the application of regulations and restrictions not applied to the larger and longer-operating motorized transportation industry.

#### 2. Stopping, and the human element of pedicab operation.

While we express no opinion on the economic regulation of pedicabs, we are concerned at the proposal to limit the locations in which a human-powered vehicle may be stopped. Such restriction ignores the reality that people operating pedicabs, like bicycles, are expending physical energy in the elements, and

may at times find need to stop due to physical needs. While fairly applied restrictions on passenger pickup and drop-off are economic in nature and thus outside the scope of WABA's comments, a restriction that might disallow a pedicab operator from stopping when in need of rest is inappropriate. A pedicab operator should have the option to stop and rest where necessary, so long as such stopping creates no impediment or danger to himself or others.

### 3. Parking for vehicles should include pedicabs.

This is not to say that pedicabs should be allowed to stop wherever they please. However, pedicabs should have the same right to the use of public parking as any other vehicle. As vehicles, pedicabs should have the right to occupy a parking space on equal footing with other vehicles.

We appreciate the opportunity to comment on these regulations, and we look forward to the National Park Service's review of these proposed regulations. We are concerned that the current proposal fails to recognize and account for the physical differences between driving a car and pedaling a pedicab to the detriment of pedicab drivers, and fails to treat non-motorized vehicles evenhandedly vis-à-vis motorized vehicles to the detriment of non-motorized transportation providers and users.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 73

### Author Information

Keep Private: No  
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### Correspondence Information

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### Correspondence Text

Ladies and Gentlemen of the National Park Service and National Capital Planning Commission,

A portion of the proposed draft Commercial Use Authorization (CUA) for pedicabs on the National Mall unfairly and unconstitutionally denies pedicab bicyclists the equal protection of the laws as guaranteed by the 14th amendment to the United States Constitution.

The proposed draft CUA, "Pedicab Operating Provisions" title F, section 13 reads:

"Pedicabs are only allowed to stage/wait for passengers in those locations that are signed as 'Pedicab Standing Areas' or 'Pedicab Parking Areas.' (See Attachment A for locations). At all other times and locations, pedicabs must be in the active process of transporting passengers, loading or unloading passengers or otherwise traveling with traffic."

This provision would have the effect of prohibiting pedicab cyclists from enjoying the protection of the law that other types of road users currently enjoy to temporarily store other types of vehicles (motorcycles, cars, trucks, etc.) in non-metered parking spaces.

This prohibition against stopping, even for the briefest of moments, in parking spaces on the mall, would make it unlawful for a pedicab cyclist to stop in said non-travel lane areas within the public right-of-way even, even if they were seated upon the "driver's seat" of their pedicab bicycles or actively attending their pedicab bicycle, and even if they were briefly resting in the shade on any given summer day in DC, or rehydrating, or eating a meal, or if they pulled out of a travel lane to safely receive a mobile phone call.

Pedicab cyclists would also be legally prohibited from stopping to make a brief mechanical inspection or adjustment in the interest of safe operation of their pedicab bicycles. This prohibitory provision would apply even if they were --not-- waiting in a space with the intent to engage potential customers for a fare, and even if they were taking a rest break and refused to negotiate a fare with a potential customer, or with a police officer posing as a potential customer, that engaged them.

As currently drafted, this prohibitory "no-stopping-for-even-a-moment-where-other-road-users-can-park-for-hours" provision flies in the face of public safety, is unfair and inhumane, discriminates against an entire class of public citizens based on the type of conveyance they operate on the public streets, and invites legal challenge in the courts.

Sincerely,

Chris Kattenburg

Northeast Washington, DC

Transportation Cyclist since 1982

League of American Bicyclists (LAB), League Cycling Instructor (LCI #2508 )

Member, Washington Area Bicyclist Association (WABA)

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 74

### Author Information

Keep Private: No  
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### Correspondence Information

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### Correspondence Text

I know some pedicab operators have asked or are going to ask for a cut through between American History Museum and the Department of Agriculture. I will point out that this not only is beneficial for the operator, but it has a benefit for the passenger(s) as well, in that it makes the ride quicker. In instances where the passenger(s) is paying for the time, this would allow for a reduced fare associated with the decreased time.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 75

### Author Information

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### Correspondence Information

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Notes:

### Correspondence Text

Please make sure to protect the rights of Pedi Cab operators. I think they should be able to do their job with the ease that is needed for a job like that considering the obstacles. So they outta be able to load and unload and sometimes find themselves in the no standing zones for periods without being harassed. Please do not limit the pedi cab riders access or treat them like bikes. They are not in the way and do a great job. Say they are dropping off the elderly or somebody who cannot walk, it is important for them to be able to make a brief visit onto the sidewalk for those sorts of reasons. They are pro riders and should be able to slowly mount and dismount on the sidewalks when necessary.

**PEPC Project ID: 41383, DocumentID: 46753**  
**Correspondence: 76**

**Author Information**

Keep Private: No  
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**Correspondence Information**

Status: New Park Correspondence Log:  
Date Sent: 05/02/2012 Date Received: 05/02/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

**Correspondence Text**

Pedicabs should be able to pick up and drop off anywhere on the National Mall. Additionally, they should be able to post outside all Smithsonian Museums.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 77

### Author Information

Keep Private: No  
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### Correspondence Information

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Notes:

### Correspondence Text

Pedicabs should have unrestricted access to the entire National Mall to include all sidewalks and pedestrian pathways. After all, they are just tricycles!

(I can't help to notice all the motor vehicles that have this privilege, such as Segways, police vehicles, McDonald's carts, NPS vehicles, and more.)

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 78

### Author Information

Keep Private: No  
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### Correspondence Information

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Notes:

### Correspondence Text

Pedicabs provide an essential service on the National Mall and should not be treated the same as taxis and tour buses. They don't pollute, are easily maneuverable, and hardly take up any space.

Please do not create more fodder for the US Park Police to continue making unlawful arrests of hard working individuals.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 79

### Author Information

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### Correspondence Information

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Notes:

### Correspondence Text

Keep things realistic and allow personal cautious judgement when prescribing rules and regulations to the pedicabs that just simply provide a creative moment of enjoyment from the train and car and bus monotony. If before you pass a law you think, does this make the pedicabs job harder? Does it promote and assist an enjoyable experience to the rider then maybe you would think twice about regulations. Laws are made for the people enjoyment and safety, not just for the law to make a law. Let the Pedicabs offer their fun service and create segways for a greater non restricted experience.

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 80

### Author Information

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### Correspondence Information

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### Correspondence Text

To whom it may concern,

I would first like to say that it has been my true pleasure to have had the honor of having been engaged for several seasons as a pedicab driver in our nation's capital.

It is a service which I undertook respectful of the greatest of trust as both a personal and professional representative of not only an emerging green technology industry further popularizing the alternative transportation ambitions of this great people of ours, but also as a representative of the home I've made since 1998 in Washington, DC. I am especially proud to have tendered well the opportunity to represent this great nation of ours and its' capital to all of its' great citizens and the good people of all the nations of the world. I am truly proud to be a member in the community of pedicab drivers of Washington, DC, and it is with the empowerment of my personal and professional pride I respectfully address the National Park Service.

It perhaps should be noted that I am no longer considered a resident of Washington, DC, instead having relocated back to the city of my birth to aid my mother in a time of financial and health difficulties. I therefore defer particulars of regulation to the recommendations of active drivers in our professional community. It is that I simply request my voice added to the chorus of citizens which requests your responsible attention to the preservation of this unique and treasured experience known as the pedicab industry in Washington, DC.

I'm certain you have no shortage of correspondence extolling the virtues of the pedicab industry. It is closer to truth than hyperbole for me to declare that "pedicabs are as American as apple pie", or perhaps it

may be better said "the lemonade stand" in its' bare-bones capitalism and entrepreneurship, and especially most keenly in the unqualified uniqueness of the experience for the traveller and guest to the pedicab experience. It is to be treasured and cared for, as the pedicab industry is an invaluable asset in the transportation and tourist landscape of Washington, DC.

If you have any reservations for the precious care-taking of this industry... take a moment to ask the children just having finished enjoying a ride - I believe your answers will be found in the universal smiles.

Respectfully,  
Sean Keilich

# PEPC Project ID: 41383, DocumentID: 46753

## Correspondence: 81

### Author Information

Keep Private: No  
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### Correspondence Text

I am a part-time pedicab operator in Washington, DC and my primary mission is to exercise First Amendment rights of speech by promoting environmentally-friendly green transportation, like Pedi-cabs, that reduce noise pollution, air pollution, and dependence on foreign oil.

The pedicab rides themselves are constitutionally protected speech. The rides give expression to the mission of promoting green transportation. Offering green rides gives content and depth to my message in a way that has comparable expressive value to literature and language.

I do not make in-person requests for immediate payment, but I accept charitable contributions to further the mission of promoting green transportation through the exercise of First Amendment rights.

The Park Service considers "solicitation to include only an in-person request for immediate payment." *Iskcon of Potomac, Inc. v. Kennedy*, 61 F.3d 949, 954 (1995). "The solicitation of charitable contributions is protected speech." *Riley v. National Fed'n of the Blind of North Carolina, Inc.*, 487 U.S. 781, 789 (1988). Similarly, expressive materials do not lose their First Amendment protection merely because they are offered for sale. *Iskcon*, 61 F.3d at 953. "Speech? is protected even though it is carried in a form that is sold for profit." *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 761 (1976). As the Supreme Court recognized long ago? "The pamphlets of Thomas Paine were not distributed free of charge." *Murdock v. Pennsylvania*, 319 U.S. 105, 111 (1943).

"The Mall?is an area of particular significance in the life of the Capital and the Nation?the place where men and women from across the country will gather in the tens of thousands to voice their protests or support causes of every kind. It is here that the constitutional rights of speech and peaceful assembly find their fullest expression. *Iskcon*, 61 F.3d at 951. "The mall is a traditional public forum for purposes of the First Amendment." *Id.* at 954.

To make me pay for a Commercial Use Authorization in order to operate a pedicab on the Mall is an

unconstitutional infringement on my First Amendment rights as my primary mission is political expression and not commercial gain.

My second issue is also related to the first amendment and has to do with "Pedicab Operating Provision" H) which states "CUA Holders will provide information about National Mall and Memorial Parks and its cultural and natural resources that is correct, relevant and includes park themes, as well as information about the mission of the National Park Service. Park theme information is available at <http://www.nps.gov/nama>."

Content-based restrictions on speech are constitutional if they are "narrowly tailored to serve a compelling state interest." The Supreme Court has held that "maintaining a stable political system" is a compelling interest for content-based restrictions. Is "maintaining a stable political system" the "compelling state interest" that NPS thinks justifies this restriction on speech? Even if it were the interest, I would argue that it isn't narrowly tailored.

I would hope that my CUA wouldn't be revoked for telling truths that are inconsistent with NPS's ideal historical narrative. Provision H) should be struck from the CUA as it seems like an overly broad restriction on speech in that place where "constitutional rights of speech and peaceful assembly find their fullest expression." *Iskcon*, 61 F.3d at 951.

I visited the website suggested ([www.nps.gov/nama](http://www.nps.gov/nama)) and the lack of depth and politically innocuous nature of the information on the site is frankly quite disappointing. The NPS website should be a treasure trove of historical information, and not just the bland watered down version of history that is shoved down the throats of millions of tourists who visit DC. I don't want my first amendment rights to be limited by having to comply with such a fascist provision. I would like to compare what the website says about the Jefferson Memorial with a story I sometimes tell people about the Jefferson Memorial.

Here's what the suggested website has to say about the Jefferson Memorial:

"The National Mall and Memorial Parks presidential sites have become iconic images of the United States of America and the park invites everyone to visit them and be a part of American history. ? Thomas Jefferson Memorial - Franklin D. Roosevelt attended both the 1939 cornerstone-laying and the April 13, 1943 dedication ceremonies for this tribute to the third President of the United States. Numerous American Presidents have visited this site during their presidencies, including, most recently, George W. Bush in 2001."

Here is an example of something I might tell some people in the back of my pedicab about the Jefferson Memorial. The following is an excerpt from an essay I wrote for an exam in a course called "Race, Racism and American Law":

American society has had an enduring romance with notions of race and race distinctions. The romance has undoubtedly endured; though perhaps society is now a bit more reluctant to publicly display its affection as such displays with old lovers tend to disturb society's budding romance with notions of political correctness and post-racialism. Being accustomed to an America where to write a long essay about race distinctions with a white supremacist worldview would be considered political suicide for even the most revered of white politicians, Thomas Jefferson's "Notes on the State of Virginia" is particularly shocking.

I decided to visit the Jefferson Memorial to reflect and to watch tourists from around the world worship the Virginian in his temple as if he was a Greek deity and the Tidal Basin was Mount Olympus. Interestingly enough, the memorial was built on a site previously occupied by a public beach that excluded blacks. The site is now open to all races, but dedicated to a white supremacist. I wondered if anyone else there had read Jefferson's contribution to "Documents of American Prejudice" when I saw

the brand new Martin Luther King Jr. statue we ordered from China standing across the water, arms crossed over chest, an indignant posture perhaps motivated in part by the fact that an excerpt from "Notes on the State of Virginia" is inscribed into the northeast interior stone of the Jefferson Memorial, sandwiched between excerpts from other documents, in a way unlikely to shatter any illusions schoolchildren might have about this Founding Father.

"God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just, that his justice cannot sleep forever. Commerce between master and slave is despotism. Nothing is more certainly written in the book of fate than these people are to be free. Establish the law for educating the common people. This it is the business of the state to effect and on a general plan."

(The 1st sentence is from 1774's "A Summary View of the Rights of British America"; the 2nd, 3rd, and 4th sentences on this panel are from "Notes on the State of Virginia" (1781-83); the 5th sentence is from Jefferson's autobiography; the 6th sentence is from a 1790 letter to George Wythe; and the 7th sentence is from a 1786 letter to George Washington.)

The liberties spoke of belonged to British-America, not Africa-America. Jefferson never intended blacks to be part of "We, the people." He regarded blacks as an inferior order unfit to associate with the white race. He was a removalist and thought blacks should be deported for what he perceived to be the common good for both races. The fifth sentence ("Nothing is more certainly written in the book of fate than these people are to be free") illustrates this point when you consider it in its entirety, including the portion omitted from memorialization. Jefferson's fifth sentence went on to say: "?nor is it less certain that the two races, equally free, cannot live in the same government." Jefferson had in mind a three-step process of education, emancipation and colonization of free blacks in Africa. The FDR administration, in charge while the memorial was being constructed, twisted Jefferson's words to make it appear as if TJ would have supported universal public education as FDR did.

Could you imagine if the memorial included another excerpt from "Notes on the State of Virginia"? Something like:

"The improvement of the blacks in body and mind, in the first instance of their mixture with the whites?proves that their inferiority is not the effect merely of their condition of life. ? It is not their condition, then, but nature, which has produced the distinction. ? Nature has been less bountiful to them in the endowments of the head."

Would Americans continue to embrace Jefferson's positions advocated in the Declaration of Independence if they were more aware of his other, more controversial positions? Or would they find justification for their own prejudices in his writing? After all, many of the race distinctions identified by Jefferson are distinctions which many still believe in today. I would hope that instead of finding justification for, people would find a root of their prejudices. The deep-rooted trees he planted in the forest of oppression are still firmly entrenched in our landscape, even if they have been reduced to stumps less visible above the surface.

# PEPC Project ID: 41383, DocumentID: 46920

## Correspondence: 1

### Author Information

Keep Private: No  
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### Correspondence Information

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### Correspondence Text

Pedicabs should have unlimited access to the National Mall. They are providing a valuable service that increases tourism satisfaction. Limiting access for Pedicas limits there ability to serve there customers.

# PEPC Project ID: 41383, DocumentID: 46920

## Correspondence: 2

### Author Information

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### Correspondence Information

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### Correspondence Text

First off, thank you very much for working with the pedicab community to establish a dialog and develop regulations that are mutually beneficial. I have a few thoughts on the current draft of the regulations regarding the CUA. The numbers below are associated with the conditions of the CUA.

6. The cost incurred by the park as a result of processing our application is not specified. Also, any additional costs incurred by the park are not specified. The way this is written gives us no clue how much this might account to or what these processing activities include. This vague language allows an arbitrary and prohibitive fee to be shouldered by pedicabbers. An included fee limit would promote transparency and ensure that the park service does its best to keep costs down. At the very least, I would like to know what processing and monitoring activities entail.

10. I would prefer to see whether you are planning to limit the number of CUAs given annually added to this point. No limit would be preferable because the pedicab community is somewhat self regulating in terms of number of pedicabs on the mall. With too many, no one makes any money and people seek out other areas or lines of work. The mere fact that the CUA exists will be beneficial in preventing travelling pedicabbers who decide to come for a big weekend as well as anyone with a questionable record. I think that a limit on number of CUAs is unnecessary.

#### Exhibit A: Operating Provisions

F2. Pedicabs don't have a set number of seats. It depends on the size of the passengers and the size of the pedicab. We often to children on laps and families have absolutely no objection to this. We have never had an accident in DC and we are slow moving. There is no need for this provision.

F4. Merely making the seatbelt available should be enough. Again, we've never had an accident and seatbelts are unnecessary. Pedicabs should be required to have seatbelts clearly visible and a sticker on the cab saying they are available is not a bad idea, but I see no reason as to why they should be required.

F5. The sidewalk would be very beneficial on the west side of the Lincoln memorial for riders going south to the MLK, FDR, or Jefferson, for safety's sake as there is a nasty U-turn on the bridge if this is not allowed. Also, the sidewalk on the west side of the Jefferson, opposite side of the street would be extremely beneficial because that one section of the road is one way, meaning that rides from Lincoln or MLK have to go all the way down Ohio Drive and back in order to access the Lincoln. Last, on the way from the MLK to the WWII, the sidewalk that is on the south side of the lanes going left on independence, right next to the tidal basin and just south of the WWII would be very convenient in accessing the WWII parking lot. Otherwise, you have to go all the way over the bridge.

F8. Pedicabs should be allowed to park in regular parking spots just like normal cars. The pedicab parking zones are useless so pedicabs should be able to park their bike if they need to use the restroom or take a break. I can certainly endorse paying at parking meters if they are present.

F12. This is a great rule.

- One additional point not mentioned in the CUA is that during large events such as July 4th or during parades, many streets are blocked to cars, but pedicabs can easily navigate many largely unused roads (Madison and Jefferson). There are thousands of pedestrians who come during these events and many want or need rides to visit several areas. A provision allowing pedicabs access to these roads would allow for much needed transportation during large events and facilitate our movement. Park police have largely left us alone during these big days, understanding that we are not inhibiting traffic and that we are making things easier on everyone.

Pedicab standing areas

- The WWII currently has no standing area and many tourists like to catch rides from here as many are veterans. Also, many tourists already on a tour like to make a stop here and get picked up in the parking lot. There is surely a way to accommodate a pedicab standing area in this parking lot directly adjacent the memorial. The opposite side of the parking lot is ample room for cars to drive around a standing area and would be perfect for a stand.

- The north side of the Lincoln is absolutely critical. If you are coming from the White House, it is easiest to come down Constitution and it makes no sense to force pedicabs to drive around the west side of the Lincoln (hopefully on the sidewalk) to the south side to wait. Either on the west side of Henry Bacon Drive or in between the turn signal post and the sidewalk would work for a standing area. Ideally, the sidewalk area.

Once again, thank you for your time and willingness to work with us to establish mutually beneficial regulations.

# PEPC Project ID: 41383, DocumentID: 46920

## Correspondence: 3

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### Correspondence Text

i visited dc during the Blossoms in march, my mother needed a ride, the pedicab was sitting in front of american history museum, my mother was sitting on a bench close to 14th st and madison dr. i walked over to the bike taxi driver and asked him how much for myself and my mom to go to the whitehouse? he said it isnt that far he could do it for \$10 we agreed. now my mom is using a walker, so i went to get here to bring here back to board the pedicab, the driver noticed how far down we were so he rode closer to make it easier on my mom. he helped her aboard and took us to the whitehouse.

im trying to think about how bad it would've been if the bike taxi driver wouldnt have rode closer towards us, haha it wouldve taken a lot of time to get my mother back to him. With that i just want to say that these pedicabs are great because they can put you in locations busses cant, which is great for the elderly, and the physically impaired

# PEPC Project ID: 41383, DocumentID: 46919

## Correspondence: 1

### Author Information

Keep Private: No  
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### Correspondence Information

Status: New Park Correspondence Log:  
Date Sent: 04/21/2012 Date Received: 04/21/2012  
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Notes:

### Correspondence Text

Thank you for your efforts thus far. Please consider stands at least 4-5 cabs wide. Also, please ensure the stands at the Lincoln are closer to the foot traffic on both sides of the Lincoln. Otherwise, great job.

# PEPC Project ID: 41383, DocumentID: 46919

## Correspondence: 2

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### Correspondence Information

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### Correspondence Text

i've been a passenger on a pedicab. one day when i got a ride from the capitol to the vietnam memorial i had 2 of my nephews visiting from ohio. while riding on constitution ave the pedicab driver would pull over to the right to let faster moving traffic pass by. i greatly appreciated the safety concern. when we got to the area of the lincoln/vietnam the driver waited until the sidewalk was clear then pulled up on the sidewalk to safely unload me and my 2 nephews age 6 and age 12. as soon as he pulled up a park police officer rode his motorcycle through a crowd of people over to us and demanded that the pedicab driver leave the sidewalk. i explained to the officer that he was just safely dropping us off here. the officer yelled at me saying "its illegal for him to be on this sidewalk area"

i think there should be safe drop off points such as this north side sidewalk where there is plenty of space for pedestrians and bicycles. these pedicabbers care more about safety than some officers may realize.

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## Correspondence: 3

### Author Information

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### Correspondence Information

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### Correspondence Text

I have been pedicabbing for two years now and LOVE the experience because I get to put smiles on people's faces all day. I feel particular satisfaction when I take older people on tour and they can see all of the monuments within a few hours and with minimal effort-an experience I believe they would never be able to have if pedicabs did not exist or were severely limited in their legal range and scope. I believe that pedicabs are safe, green vehicles that provide healthy jobs for pedicab drivers of a wide range of ages and backgrounds, and provide a unique and exciting experience for tourists.

Here is my feedback on the current proposal:

1) Pedicabs are by nature a slow moving form of transportation and the select use of sidewalks could significantly decrease traffic disturbance, while posing no threat to pedestrian activity. One place that I think this would particularly pertain to is the sidewalk between the MLK memorial and the Lincoln memorial, as the traffic is fairly fast moving and can become a bit unruly during rush hour. Additionally, traffic can move fairly quickly along Constitution Ave and I believe it would be to the benefit of cars, pedicab drivers and tourists alike if the sidewalk could be legally utilized by pedicabs between 23rd St and 15th St.

2) Unfortunately, I could not attend the open feedback session on April 17th, so perhaps I am misconstruing the meaning of a "pedicab parking area" (as described on a map that was handed out at the session). A "pedicab standing area" would seem to be the wait stations where drivers would park to wait for rides and drop off some passengers. Are the "pedicab parking areas" then the proposed solutions to the issue of drivers needing a rest/lunch/break/cell phone use zone? If so, they are ridiculously far from the zones we usually frequent and according to the map there are only three such zones. What if a driver

were to need to use the restroom? From what I can assess on the map, perhaps only one of those sites would have a close bathroom (and that is only if there is public access to bathrooms in the police station). What if a driver were requested (as we frequently are) to wait for a passenger while they enjoy a monument or take a photo at an historic location? What if a driver were to need to take a cell phone call and might need to pull safely off of the road so as not to violate the proposed law against cell phone use while riding? A more viable solution to the issue of short-term parking, would be to allow pedicabs to be stationed in legal parking spaces and to be allowed to walk a pedicab up onto any sidewalk or grassy area where it will not hinder pedestrian or other traffic. I see no difference between scooters, bikes, pedicabs or Segways in this regard. There should be abundant, safe and legal places for vehicles to be parked so as to enhance and enable enjoyable and accessible tourist experiences for the nation's public and free up the park police for more important public services.

3) A huge oversight in the mapping of pedicab standing areas is around the WWII monument. It is difficult to hail a taxi from there, because it is so removed from other popular monuments and there is no safe place for a taxi or pedicab to pull over. Many passengers, particularly the older passengers and families with young children, request that pedicab drivers wait while they explore and appreciate this American experience. There is ample room for a stand and it should be placed on the map with little trouble.

4) Pedicab stands should be designated no smoking zones. It is not only unprofessional for an individual rider to smoke, it is bad for business, as many of our customers are families with children and it is harmful to the health of other riders.

**Congress of the United States**  
**Washington, DC 20515**

May 1<sup>st</sup>, 2012

Bob Vogel  
Superintendent, National Mall and Memorial Park  
900 Ohio Drive, SW  
Washington, DC 20024

Dear Mr. Vogel,

We are writing with respect to Pedicabs and non-motorized access to the National Mall and Memorial Parks, and to express opposition to new regulations which would impose more onerous regulations on Pedicabs than on any other form of transportation on the Mall, including taxis and Segways. The National Mall attracts millions of visitors every year, and according to surveys of visitors some 25% of them are incapable of walking to all the sites. As you know, there are no public bus lines that run along the mall, and most areas of the Mall are not served by Metrorail. At this time, taxis, Segways, and Pedicabs provide transportation choices for individuals who cannot or do not wish to walk to all the monuments.

As you consider regulations of Pedicabs and other forms of transportation along the Mall, we ask that the Park Service carefully consider the unique attributes of non-motorized forms of transportation. For example, prohibiting stopping, standing, or use of sidewalks, prohibiting drop offs at the Lincoln Memorial, requiring Commercial Use Authorizations, Pedicab-specific reflective markings, and requiring the use of seat belts all would be unique and discriminatory regulations on Pedicabs. Taxis are allowed to pick up and drop off passengers anywhere along the Mall, including at the Lincoln Memorial. Considering our region's congestion and continued failure to meet federal air quality standards, the Park Service should not discriminate against cleaner modes of transportation by prohibiting Pedicabs from providing transportation to the same sites as taxis or by prohibiting Pedicabs from stopping and standing as taxis can. Nor should new regulations discriminate against Pedicabs by requiring unique and onerous licensing or other paperwork. Unless the Park Service intends to require Commercial Use Authorizations for all taxi drivers, Segway tour operators, and tour bus operators it is discriminatory and counterproductive to require such paperwork to be carried by Pedicab operators. Finally, there is no justification for the Park Service to impose unique, unnecessary, and in some cases dangerous requirements that purport to protect the safety of Pedicab users. After six years of operation Pedicabs have carried several hundred thousand passengers with no reported accidents. Requirements that Pedicabs have specific reflective markings or that their passengers use seatbelts is not necessary and, in the case of seatbelts, potentially is dangerous.

By some measures, our region has the worst congestion in America. Our constituents continue to suffer from elevated levels of ground level ozone, volatile organic compounds, and other pollution emitted by motor vehicles. The National Park Service and other large land managers should support, not discourage, non-motorized transportation in our region not only because it improves access to our nation's great monuments but also because it improves public health and quality of life in our region. Thank you for your consideration.

Sincerely,

  
Gerald E. Connolly  
11<sup>th</sup> District, Virginia

  
Jared Polis  
2<sup>nd</sup> District, Colorado

  
James P. Moran  
8<sup>th</sup> District, Virginia

  
Eleanor Holmes Norton  
At-Large, District of Columbia