



## United States Department of the Interior

NATIONAL PARK SERVICE  
National Mall & Memorial Parks  
900 Ohio Drive, S.W.  
Washington, D.C. 20024-2000




### Record of Determination Limiting Pedicabs to Park Roads

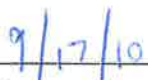
Pursuant to 36 C.F.R. §§ 1.5, 4.30, pedicabs, which is herein defined as a bicycle with two rear wheels and one front wheel designed to be ridden by one or more person and that can transport passengers on attached rear seats, is not allowed in any park areas except on park roads. This Determination is being made due to pedicabs large dimensions, which is larger and heavier than bicycles, and whose operation could negatively impact visitor safety unless they are on park roads. This is also consistent with the District of Columbia proposed rulemaking dated April 23, 2010 (57 D.C. REG. 3496) 18 DCMR 1213.2 which would allow pedicabs only on public streets. Violation is prohibited.

The Determination is consistent 36 C.F.R. §4.30, which normally allows bicycles only on park roads, parking areas, and designated routes and allows the superintendent to close any park road or parking area under 36 C.F.R. § 1.5. Consistent with 36 C.F.R. §1.5, restricting pedicabs to park roads will also not adversely affect the park's natural, aesthetic or cultural values; nor require significant modification to the resource management objectives; nor is it of a highly controversial nature. Indeed, pedicabs are only now being seen on occasional District streets and in limited numbers. Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 C.F.R. §1.5(c). This Determination on pedicabs deals only with their being on parkland. Engaging in or soliciting business in park areas is generally prohibited under 36 C.F.R. § 5.3.

This Determination is consistent with the legal opinion of the Office of the Solicitor and judicial adjudications that have dealt with closures and public use limitations. *ANSWER Coalition v. Norton*, No. 05-0071, (D. D.C. January 18, 2005), *Mahoney v. Norton*, No. 02-1715 (D.D.C. August 22, 2002), *plaintiffs' emergency motion for appeal for injunction pending appealed denied Mahoney v. Norton*, No. 02-5275 (D.C. Cir. September 9, 2002) (per curiam); *Picciotto v. United States*, No. 99-2113 (D. D.C. August 6, 1999); *Picciotto v. Lujan*, No. 90-1261 (D. D.C. May 30, 1990) *Picciotto v. Hodel*, No. 87-3290 (D. D.C. December 7, 1987); *Spiegel v. Babbitt*, 855 F. Supp. 402 (D. D.C. 1994), *affd in part w/o op.*, 56 F. 3d 1531 (D.C. Cir. 1995), *reported in full*, 1995 US App. Lexis 15200 (D.C. Cir. May 31, 1995).

Pursuant to 36 C.F.R. §1.7, notice of this Determination will be made through publication in the park Compendium, media advisories, or notice provided to pedicabs operators. Finally, pursuant to 36 C.F.R. §1.5(c), this Determination is available to the public upon request.

  
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John Piltzecker,  
Superintendent, National Mall and Memorial Parks

  
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Date

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