



United States Department of the Interior

NATIONAL PARK SERVICE

National Mall & Memorial Parks

900 Ohio Drive, S.W.

Washington, D.C. 20024-2000



National Mall and Memorial Parks Revised Record of Determination of Pedicab Safety and Operating Requirements and Designated Park Areas Where Pedicabs Are Allowed

Pursuant to 36 C.F.R. §§ 1.5 and 4.30, pedicabs, which are 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, are not allowed in any Federal park areas of National Mall and Memorial Parks unless they (1) conform to the following safety and operational requirements, and (2) operate on National Park Service (NPS) roads with speed limits of 30 miles per hour (mph) or less, in parking lots, on the Lincoln Memorial sidewalks where pedicabs may travel north to south around the Lincoln Memorial as identified in Attachment A, and in or on designated pedicab standing areas and sidewalks on the National Mall as identified in the 10-page Attachment B. Violation is prohibited.

Engaging in or soliciting business in park areas by pedicabs is prohibited under 36 C.F.R. § 5.3, unless authorized by a NPS permit, which the park has now developed.

This Revised Record of Determination, which is hereby also made part of the Superintendent's Compendium, is being made to ensure public safety and help avoid conflicts among visitor use activities due to pedicabs' large dimensions, which are larger and heavier than bicycles, and whose operation could otherwise negatively impact visitor safety and park resources. In a Record of Determination dated September 17, 2010, pedicabs had been restricted to park roads. Section C of this Revised Record of Determination now restrict pedicabs to NPS roads with speed limits of 30 miles per hour or less, parking lots, the Lincoln Memorial sidewalks where pedicabs may travel north to south around the Lincoln Memorial as identified in Attachment A, and designated pedicab standing areas and sidewalks on the National Mall as identified in the 10-page Attachment B.

Sections A and B of this Revised Record of Determination adopt most, but not all, of the District of Columbia pedicab safety and operating requirements published as rulemaking at 58 D.C. Reg. 00624-27 (July 29, 2011), 58 D.C. Reg. 006685-88 (August 5, 2011), now codified at 18 DCMR 1213. As additional safety requirements, the park is also requiring that pedicabs comply with the roadway's traffic control devices (e.g., signs, signals, or signage) and that the rear of each pedicab display the Slow Moving Vehicle Emblem, a American National Standard S276.7, which a number of other jurisdictions have adopted for pedicabs.

A) *Pedicab Safety Requirements* – The following provisions are applicable although they may be revised as warranted by the National Mall and Memorial Parks. In the event of such a

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revision the Commercial Use Authorization (CUA) will be updated. NOTE: Where a provision of 18 DCMR 1213 has been adopted by the National Mall and Memorial Parks for Federal parkland under its authority, the DCMR citation is in brackets for cross-reference purposes:

Each pedicab shall meet the following safety requirements:

1. The maximum width of the pedicab shall be fifty-five inches (55 inches). [18 DCMR 1213.3(a)]
2. The maximum length of the pedicab shall be ten feet (10 feet). [18 DCMR 1213.3(b)]
3. Any pedicab operated by a CUA Holder must be a commercially available manufactured unit with a unique "Vehicle Identification Number" (VIN) stamped into the frame. Pedicabs not meeting this condition that are otherwise inspected and approved or licensed for use by the District of Columbia may be utilized to transport passengers under this CUA.
4. No bicycle or tricycle may operate as a pedicab by pulling any kind of cart, trailer or other enclosed seating contraption behind the bicycle or tricycle.
5. The pedicab shall [per 18 DCMR 1213.3(c)(1)-(7)] be equipped with;
 - i. Passenger seat belts (either one (1) seat belt for each passenger or one (1) seat belt that covers all passengers);
 - ii. Hydraulic or mechanical disc or drum brakes, which shall be unaffected by rain or wet conditions;
 - iii. At least one (1) and no more than two (2) battery-operated head lamps capable of projecting a beam of white light for a distance of three hundred feet (300 ft.) in front of the pedicab, under normal atmospheric conditions at the times that use of the head lamp is required;
 - iv. Battery-operated tail lamps mounted on the rear of the pedicab, which, when operated, shall emit a red beam of light visible from a distance of five hundred feet (500 ft.) to the rear, under normal atmospheric conditions at the times that use of the head lamp is required;
 - v. Turn lights;
 - vi. A bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100 ft.); and
 - vii. Reflectors on the spokes of the wheels of the pedicab.

6. 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.

B) *Pedicab Operating Requirements* – The following provisions are also applicable although they may be revised as warranted by the National Mall and Memorial Parks. In the event of such a revision the Commercial Use Authorization will be updated. NOTE: Where a provision of 18 DCMR 1213 has been adopted by the National Mall and Memorial Parks for Federal parkland under its authority, the DCMR citation is in brackets for cross-reference purposes:

Each pedicab shall be operated in accordance with the following provisions:

1. Each pedicab shall be operated in accordance with the roadway's traffic control devices (e.g., signs, signals, or signage).
2. The maximum number of passengers a pedicab may transport shall not exceed the number of available seats. [18 DCMR 1213.4(a)].
3. All passengers shall be seated while the pedicab is in motion. [18 DCMR 1213.4(b)]
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)]
5. A pedicab may not be operated or parked on a sidewalk [per 18 DCMR 1213.4(e)]; (except for the sidewalk identified in Attachment A, which is available to pedicabs travelling north to south around the Lincoln Memorial).
6. Pedicab passengers shall be loaded and off-loaded while the pedicab is stopped. [18 DCMR 1213.4(f)]
7. No pedicab operator shall stop to load or unload passengers on the traffic side of the street, while occupying any intersection or crosswalk, or in such a manner as to unduly interfere with the orderly flow of traffic. All pedicab operators shall pull as close to the curb or edge of the roadway as possible to take on or discharge passengers. [18 DCMR 1213.4(g)]

8. Pedicabs are prohibited from stopping, loading or unloading passengers on northbound side of Lincoln Memorial Circle between the Memorial Bridge and Henry Bacon Drive.
9. Pedicabs are authorized to park in legal motor vehicle parking spaces in accordance with the limits displayed for the area in which they are parked.
10. A pedicab shall not be parked in any restricted zones identified for other vehicles, including, but not limited to, spaces reserved for disabled visitors, bus loading and unloading zones, taxicab standing zones, fire lanes and loading zones. However, pedicabs may utilize these spaces for the active loading and unloading of passengers as long as they are not obstructing access to these zones from authorized vehicles.
11. Pedicabs are allowed to stage/wait for passengers in those locations that are signed as "Pedicab Stand" (see Attachment B for locations). At all other times and locations (except while parked in a legitimate parking spot, while negotiating a fare or otherwise loading or unloading passengers), pedicabs must be in the active process of transporting passengers or otherwise traveling with traffic.
12. A pedicab shall not be tied, cabled, or otherwise attached to a parking meter, street light pole, tree or other public space asset.
13. At any time from one half (1/2) hour after sunset to one-half (1/2) hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet (500 ft.) ahead, a pedicab shall be operated with a headlamp of sufficient intensity to reveal a person or a vehicle at a distance of three hundred feet (300 ft.). [18 DCMR 1213.4(j)]
14. At any time from one half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet (500 ft.) ahead, a pedicab shall be operated with a tail lamp capable of being seen from a distance of five hundred feet (500 ft.). [18 DCMR 1213.4(k)]
15. No one shall operate or be in control of a pedicab while the person's alcohol concentration is eight hundredths of a gram (0.08 g.) or more either per one hundred milliliters (100 ml.) of blood or per two hundred and ten liters (210 L.) of breath or is one tenth of a gram (0.10 g.) or more per one hundred milliliters (100 ml.) of urine, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor. Violation of this provision may be cause for suspension or revocation of this authorization. [18 DCMR 1213.5]

16. The CUA Holder will not transport passengers with open containers of alcohol or allow passengers to consume alcohol while riding in a pedicab the CUA Holder is operating;
17. The CUA Holder is prohibited from using cell phones, smart phones or other communication devices while carrying passengers;
18. The CUA Holder will refrain from the use of headphones, ear buds or other devices that limit the ability of the operator to hear other vehicles, passengers, pedestrians, emergency vehicles etc.

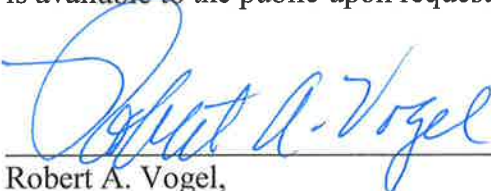
C) *Designated Federal park road locations where pedicabs are allowed within National Mall and Memorial Parks.* This Revised Record of Determination allows pedicabs to operate on NPS roads with speed limits of 30 miles per hour (mph) or less, in parking lots, on the Lincoln Memorial sidewalks where pedicabs may travel north to south around the Lincoln Memorial as identified in Attachment A, and in or on designated pedicab standing areas and sidewalks on the National Mall as identified in the 10-page Attachment B. Pedicabs may not travel or operate on any park areas that has not been designated herein for pedicabs. Consistent with NPS regulations, however, access to park roads and park areas may be temporarily modified or restricted by the Park Superintendent, United State Park Police or other government officials or agencies for reasons of safety, security or other unanticipated emergency or administrative needs.

The Record of Determination dated September 17, 2010 is rescinded. This Revised Record of 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, which allows the imposition of a public use limitation. Consistent with 36 C.F.R. §1.5, restricting pedicabs to the designated park roads and areas and to designated pedicab standing areas will enhance visitor safety and help avoid conflicts among visitor use activities. It will 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 Revised Record of Determination is also 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), *aff'd 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).

This Record of Determination applies only to Federal park areas of National Mall and Memorial Parks and not to areas under District of Columbia jurisdiction.

Pursuant to 36 C.F.R. §1.7, notice of this Revised Record of Determination will be made through publication in the Superintendent's Compendium, media advisories, through notices provided to pedicab businesses or operators as well through commercial use authorization permits for pedicabs. Finally, pursuant to 36 C.F.R. §1.5(c), a copy of this Revised Record of Determination is available to the public upon request or at <http://www.nps.gov/nama/parkmgmt/index.htm>.



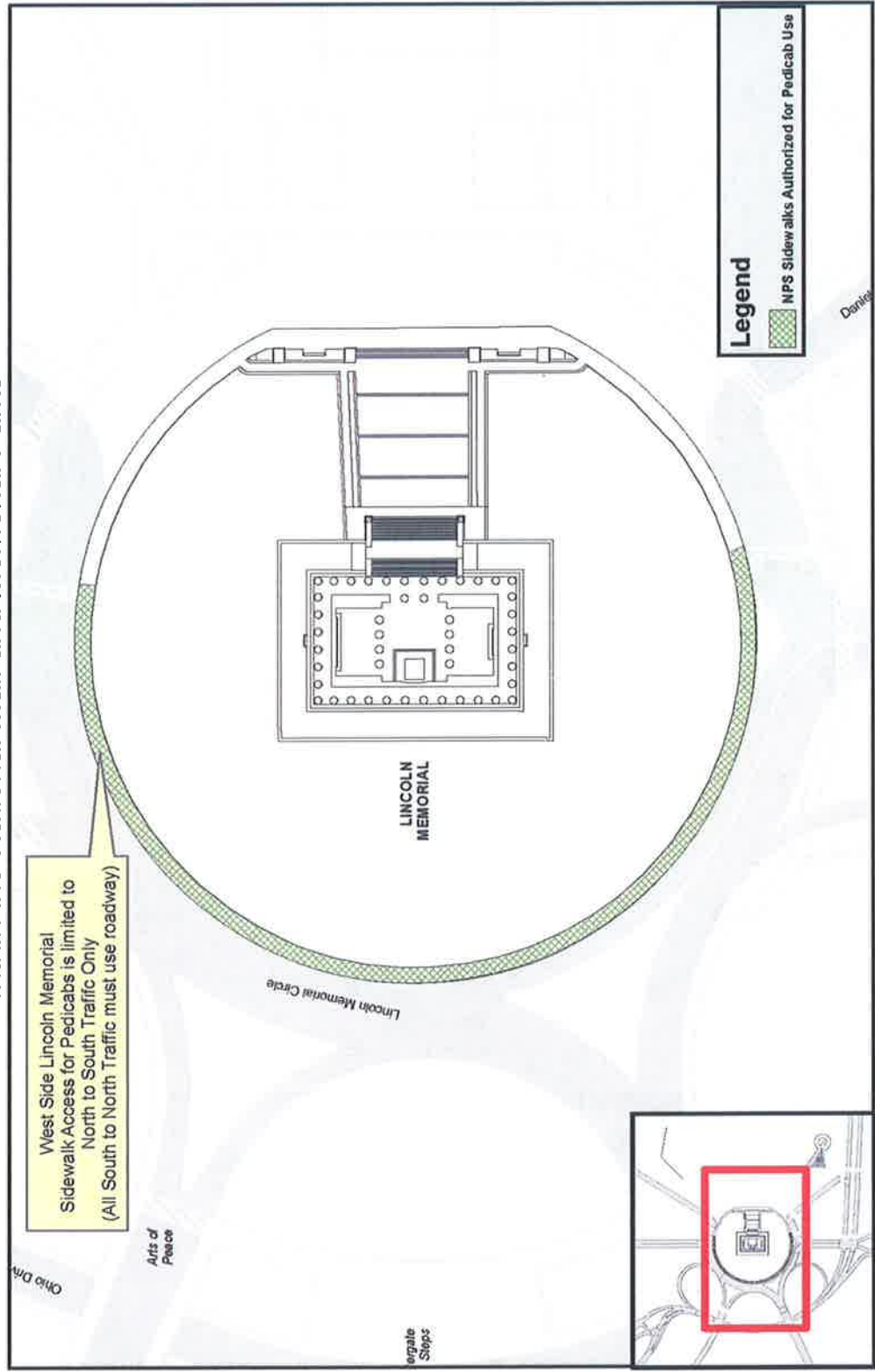
Robert A. Vogel,
Superintendent, National Mall and Memorial Parks

6/29/12
(Date)

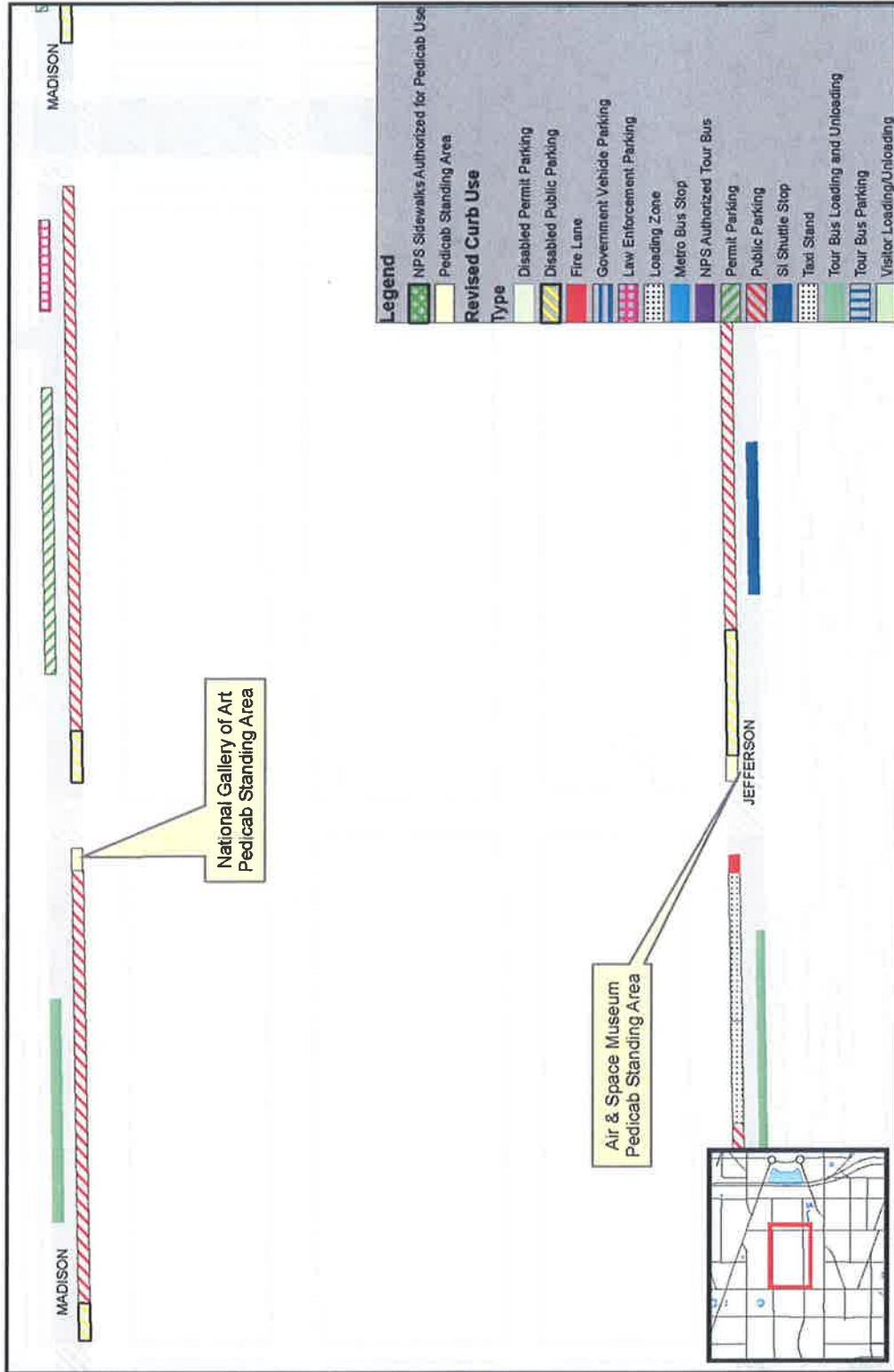
Attachments: Attachment A -NPS Authorized Lincoln Memorial Sidewalk Areas for Pedicabs near the Lincoln Memorial
Attachment B NPS Authorized National Mall Areas for Pedicab standing

Attachment A NPS Sidewalks Authorized for Pedicab Use within the National Mall and Memorial Parks

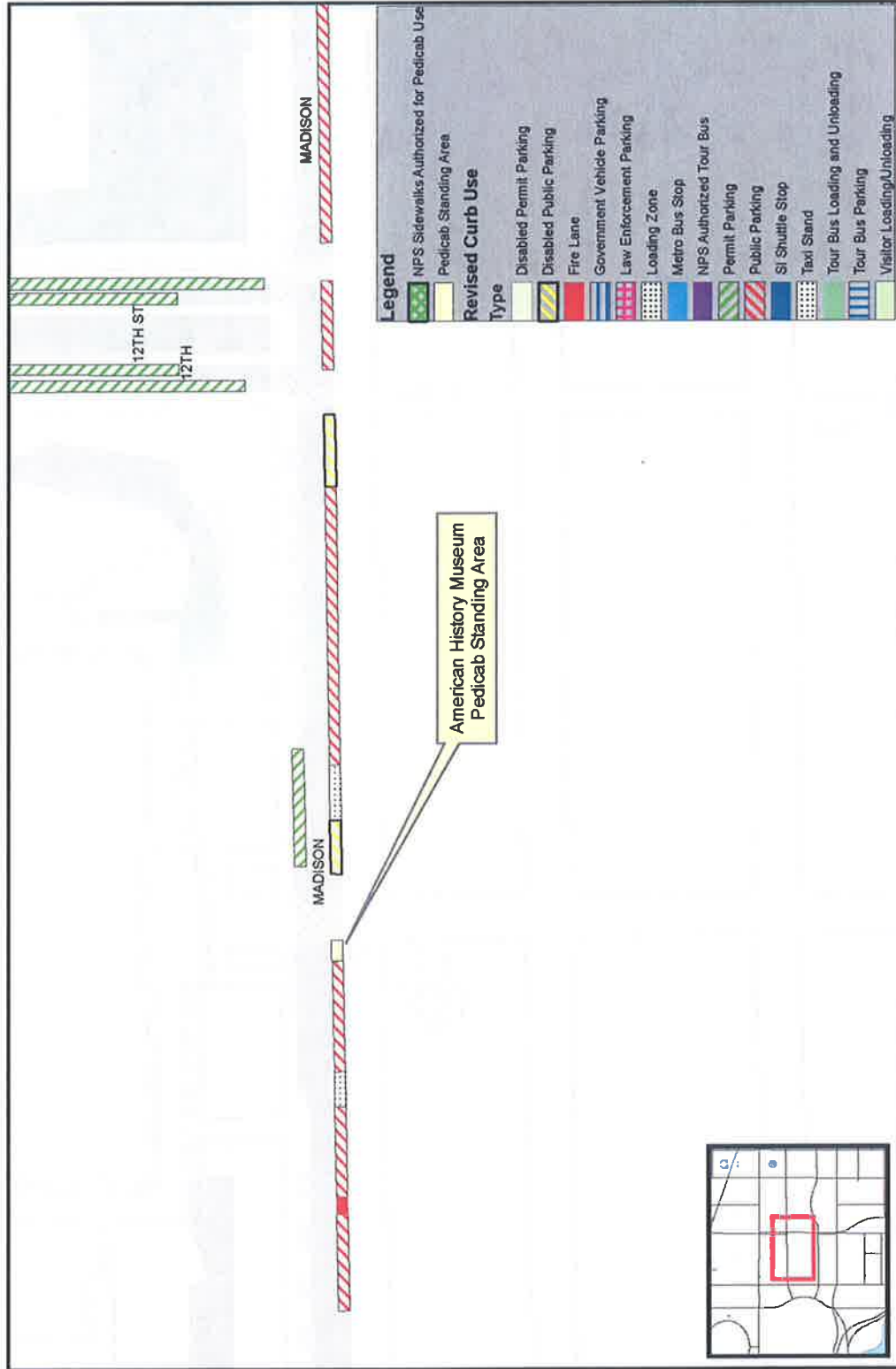
West Side Lincoln Memorial
Sidewalk Access for Pedicabs is limited to
North to South Traffic Only
(All South to North Traffic must use roadway)



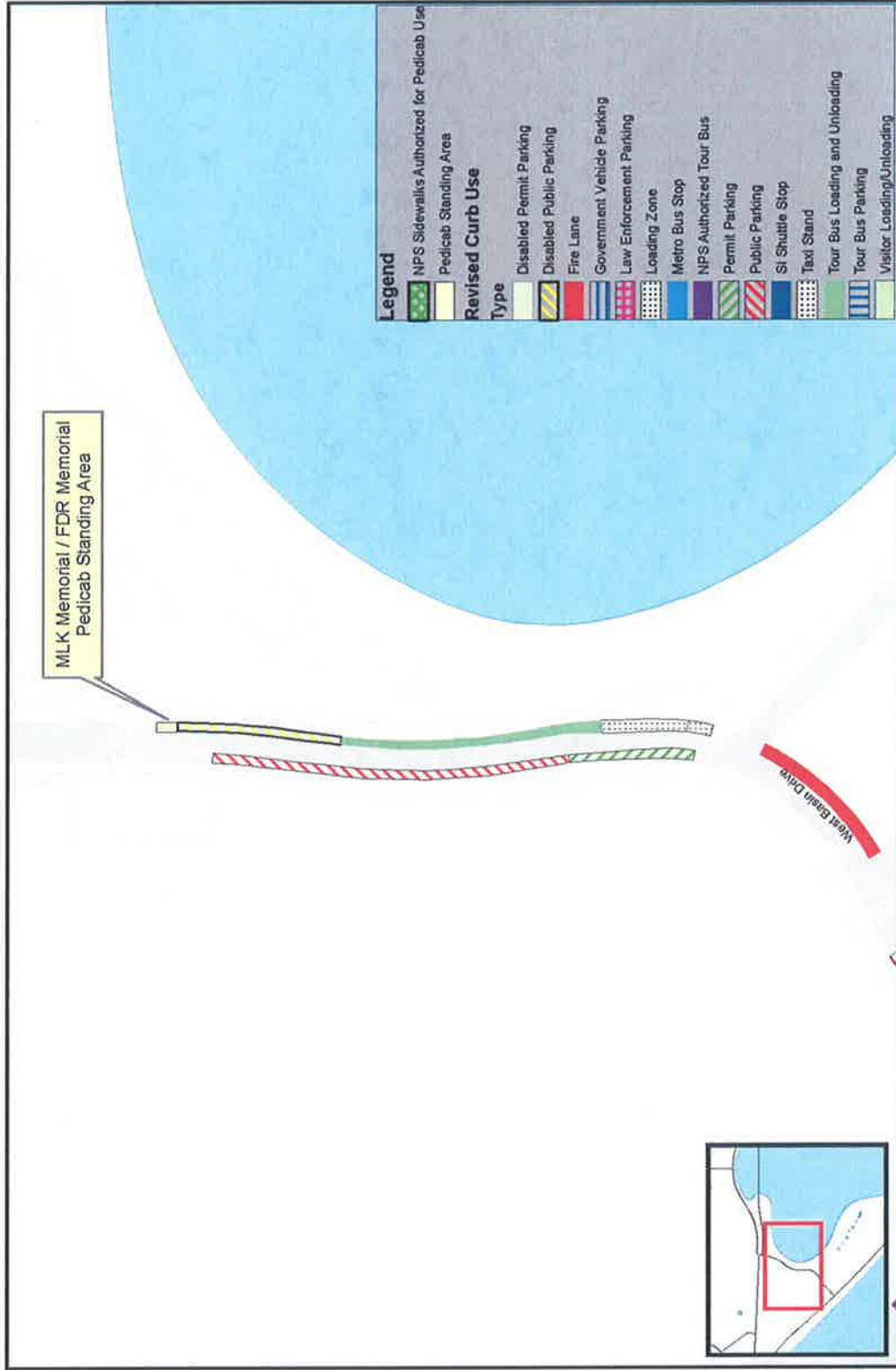
Attachment B - Pedicab Stands
Air & Space Museum / National Art Gallery Pedicab Standing Area



Attachment B - Pedicab Stands
 American History Museum Pedicab Standing Area

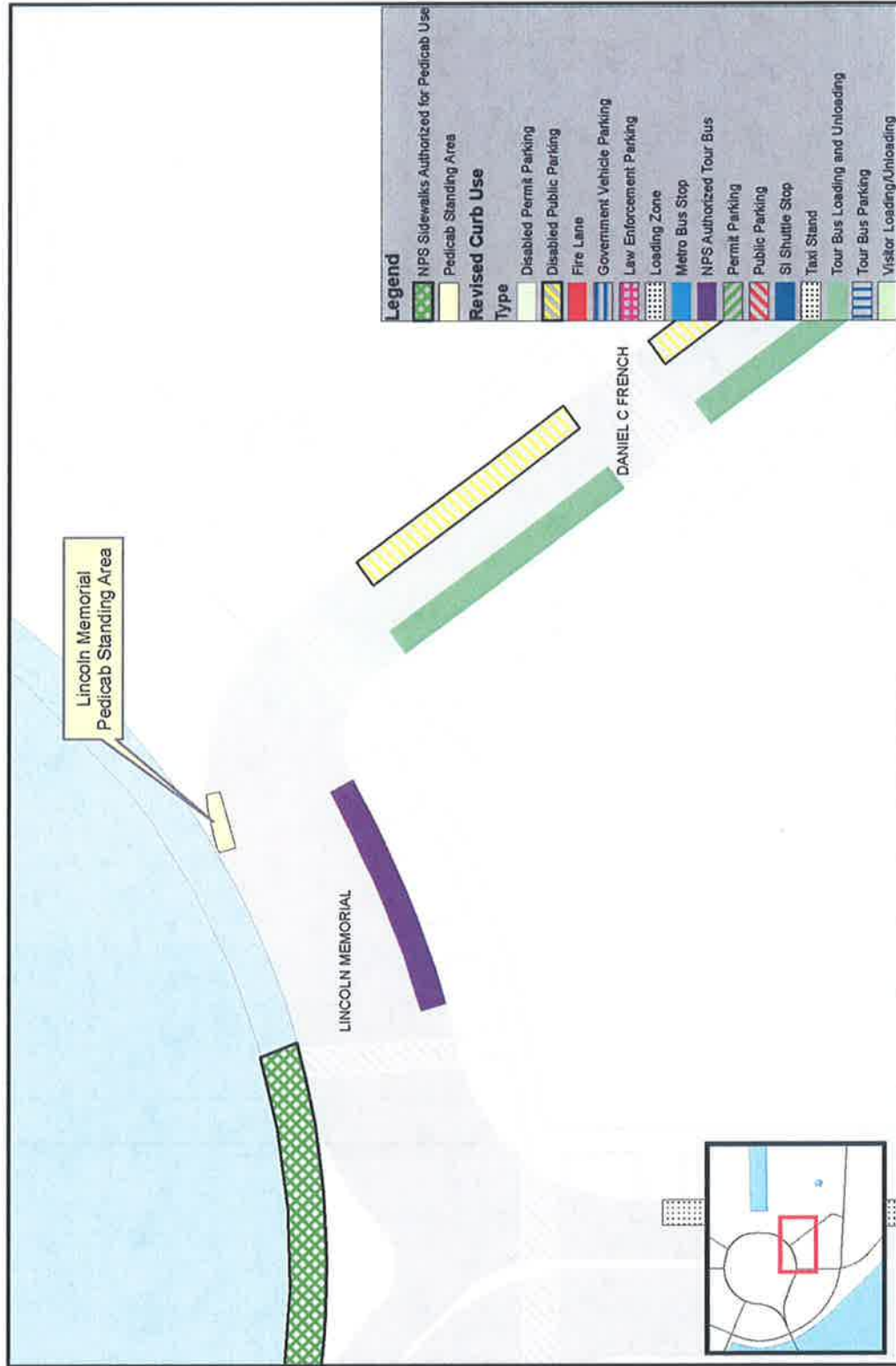


Attachment B - Pedicab Stands
Martin Luther King Jr. Memorial / Franklin Delano Roosevelt Memorial Pedicab Standing Area

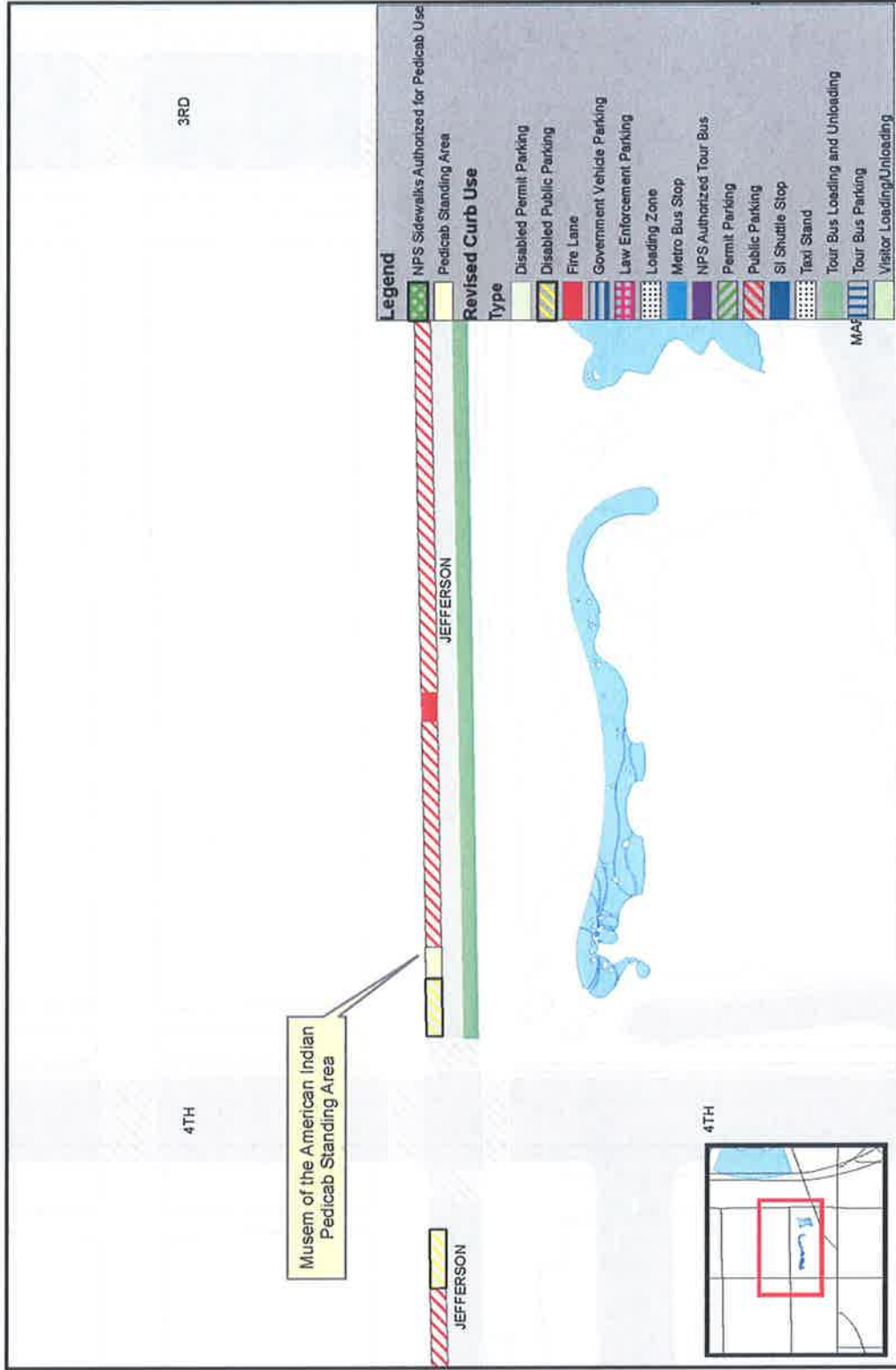


Attachment B - Pedicab Stands

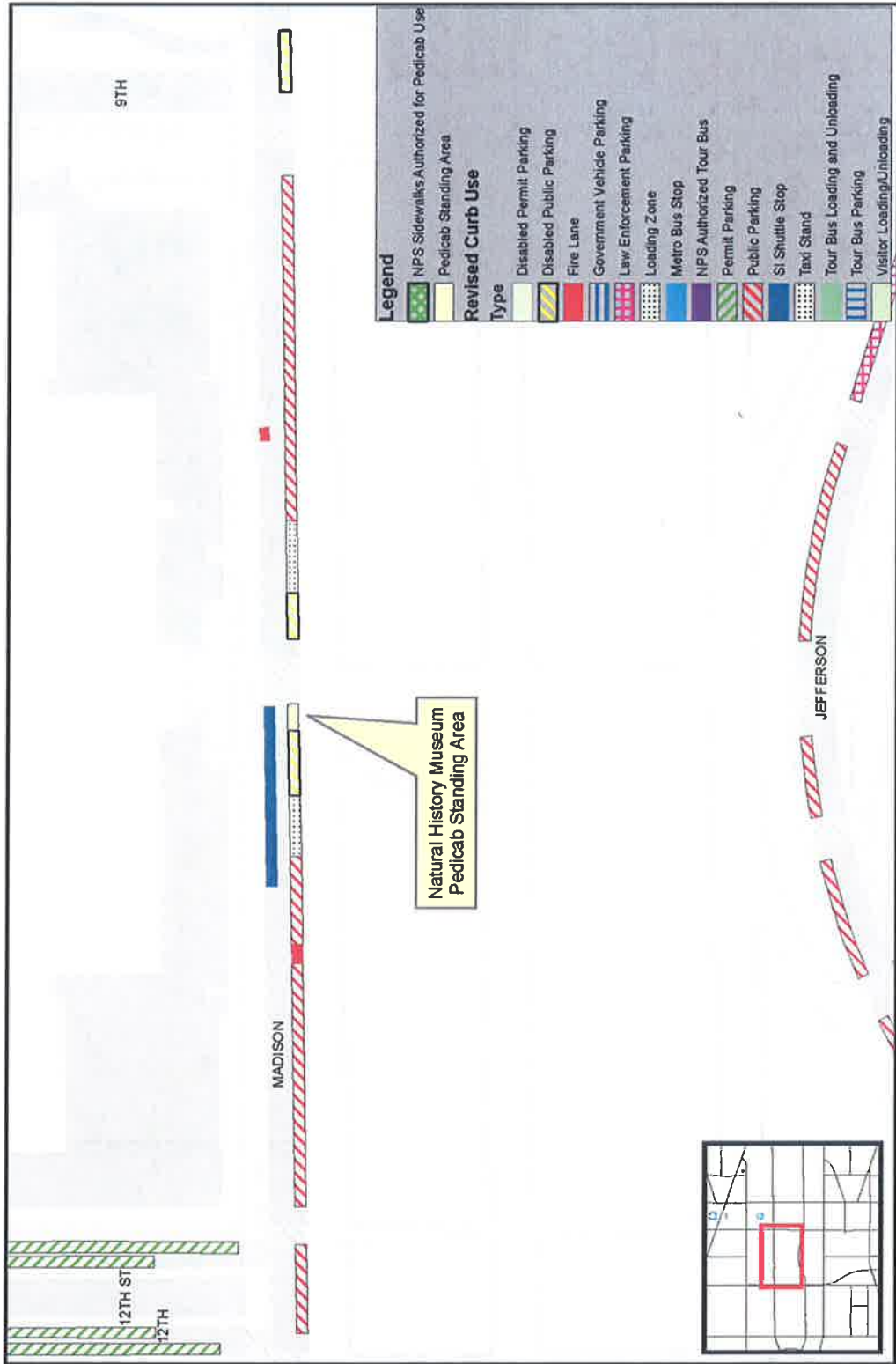
Lincoln Memorial Pedicab Standing Area



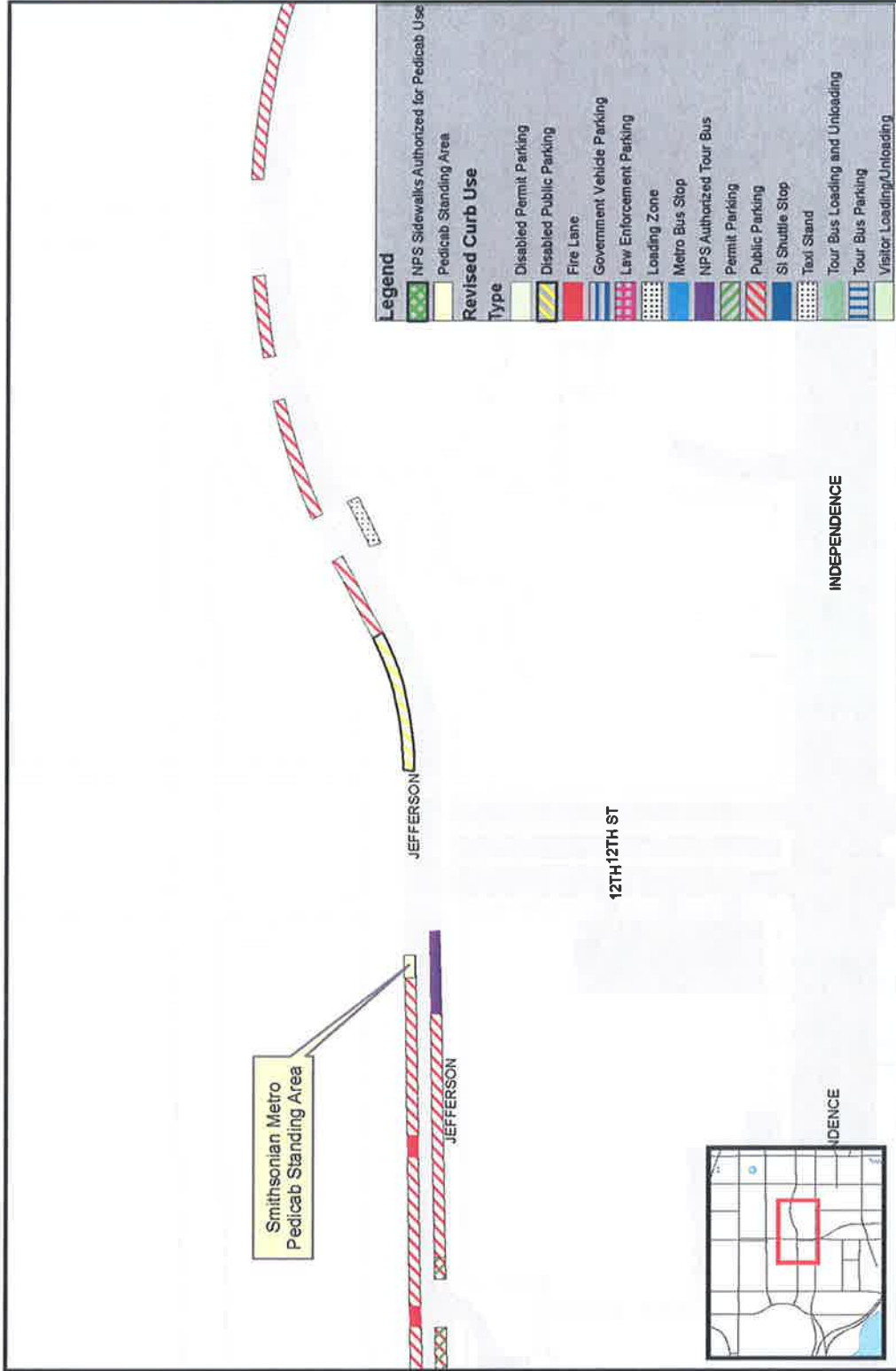
Attachment B - Pedicab Stands
 National Museum of the American Indian Pedicab Standing Area



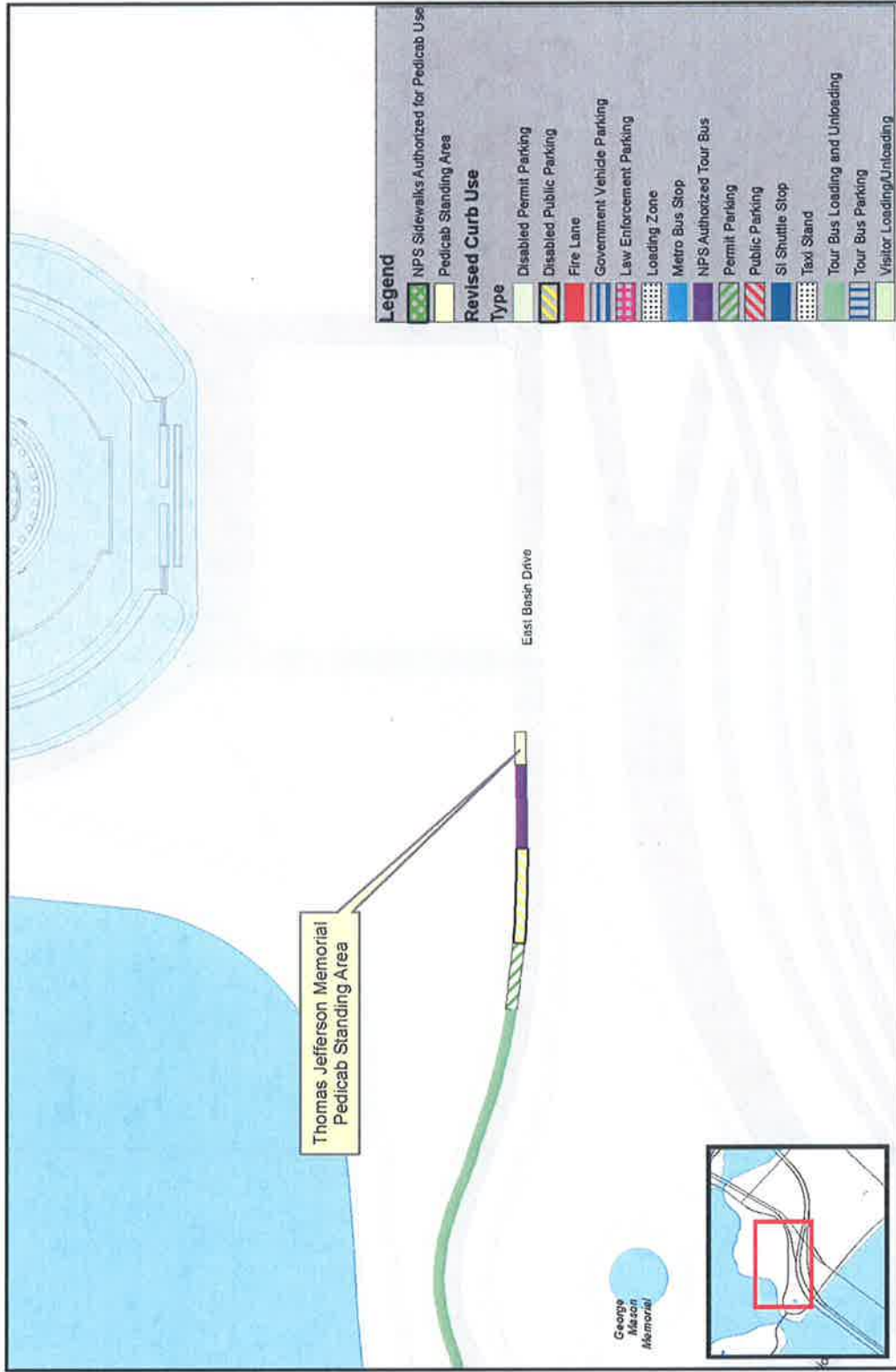
Attachment B - Pedicab Stands
 Natural History Museum Pedicab Standing Area



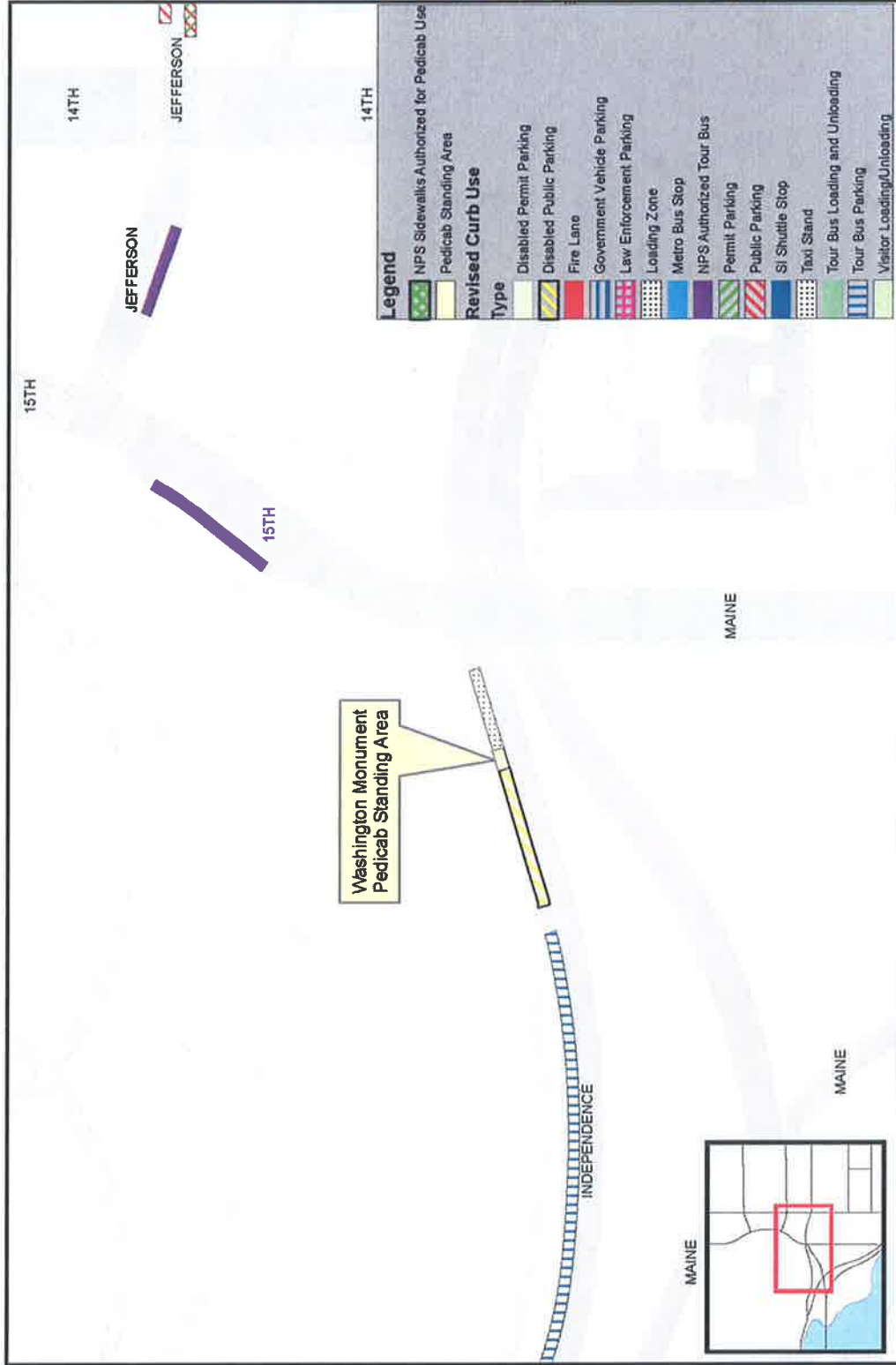
Attachment B - Pedicab Stands
 Smithsonian Metro Pedicab Standing Area



Attachment B - Pedicab Stands
 Thomas Jefferson Memorial Pedicab Standing Area



Attachment B - Pedicab Stands
 Washington Monument Pedicab Standing Area



Attachment B - Pedicab Stands
World War II Pedicab Standing Area

