

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 35.
RAILROADS AND OTHER CARRIERS.

CHAPTER 2.
STREET RAILWAYS AND BUS LINES.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 2. STREET RAILWAYS AND BUS LINES.

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CHAPTER 2. STREET RAILWAYS AND BUS LINES.

SUBCHAPTER I. GENERAL.

§ 35-201. COMPETITIVE LINES ON FIXED ROUTES AND SCHEDULES; CERTIFICATE OF CONVENIENCE AND NECESSITY REQUIRED.

No competitive street railway or bus line, that is, bus or railway line for the transportation of passengers of the character which runs over a given route on a fixed schedule, shall be established without the prior issuance of a certificate by the Public Service Commission of the District of Columbia to the effect that the competitive line is necessary for the convenience of the public.

(Jan. 14, 1933, 47 Stat. 760, ch. 10, § 4; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-201.

1973 Ed., § 44-201.

§ 35-202. FURNISHING SUFFICIENT CARS, POWER, EQUIPMENT, APPLIANCES AND SERVICE REQUIRED; RULES AND REGULATIONS; PENALTIES FOR VIOLATION.

Every street railroad company or corporation owning, controlling, leasing or operating 1 or more street railroads within the District of Columbia shall on each and all of its railroads supply and operate a sufficient number of cars, clean, sanitary, in good repair, with proper and safe power, equipment, appliances and service, comfortable and convenient, and so operate the same as to give expeditious passage, not to exceed 15 miles per hour within the city limits or 20 miles per hour in the suburbs, to all persons desirous of the use of the said cars, without crowding said cars. The Public Service Commission is hereby given power to require and compel obedience to all of the provisions of this section, and to make, alter, amend and enforce all needful rules and regulations to secure said obedience; and said Commission is given power to make all such orders and regulations necessary to the exercise of the powers herein granted to it as may be reasonable and proper; and such railroad companies or corporations, their officers and employees, are hereby required to obey all the provisions of this section, and such regulations and orders as may be made by said Commission. Any such company or corporation, or its officers or employees, violating any provision of this section, or any of the said orders or regulations made by said Commission, or permitting such violation, shall be punished by a fine of not more than \$1,000. And each day of failure or neglect on the part of such company or corporation, its officers or employees, to obey each and all of the provisions and requirements of this section, or the orders and regulations of the Commission made thereunder, shall be regarded as a separate offense.

(May 23, 1908, 35 Stat. 250, ch. 190, § 16; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-202.

1973 Ed., § 44-202.

§ 35-203. PROSECUTIONS TO BE ON INFORMATION.

Prosecutions for violations of any of the provisions of §§ 35-202, 35-206, and 35-207 shall be on information of the Corporation Counsel filed in the Superior Court of the District of Columbia by or on behalf of the District of Columbia.

(May 23, 1908, 35 Stat. 250, ch. 190, § 17; Mar. 4, 1913, 37 Stat. 995, ch. 150, § 8; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Oct. 21, 2000, D.C. Law 13-187, § 2(b), 47 DCR 7073.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-203.

1973 Ed., § 44-203.

Effect of Amendments

D.C. Law 13-187 substituted for "Public Service Commission" the phrase "Corporation Counsel" and for the phrase "the Commission" the phrase "the District of Columbia".

Legislative History of Laws

Law 13-187, the "Metrobus Ticket Transfer Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-605, which was referred to the Committee on Local and Regional Affairs. The Bill was adopted on first and second readings on June 26, 2000, and July 11, 2000, respectively. Signed by the Mayor on August 2, 2000, it was assigned Act No. 13-403 and transmitted to both Houses of Congress for its review. D.C. Law 13-187 became effective on October 21, 2000.

§ 35-204. FENDERS REQUIRED ON STREET CARS.

The Mayor of the District of Columbia is hereby authorized and empowered to make and to enforce all reasonable regulations in respect to requiring street cars operated by other means than horsepower in the District of Columbia to be provided with proper fenders for the protection of the lives and limbs of all persons within the District of Columbia. Such power and authority shall extend to the adoption by the said Mayor of any fender or fenders deemed by him to be superior to the fenders now in use as the fender or fenders which shall be used on cars operated within said District; provided, that nothing contained in this section shall operate to relieve any street-railway company from liability for accidents on its lines.

(Aug. 7, 1894, 28 Stat. 250, ch. 232.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-204.

1973 Ed., § 44-204.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 35-205. GLASS VESTIBULES REQUIRED FOR STREET CAR MOTORMEN; PENALTIES; EXCEPTION.[REPEALED]

(Mar. 3, 1905, 33 Stat. 1001, ch. 1434; Apr. 29, 2004, D.C. Law 15-154, § 10, 50 DCR 10996.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-205.

1973 Ed., § 44-205.

Law 15-154, the "Elimination of Outdated Crimes Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-79, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on October 7, 2003, and November 4, 2003, respectively. Signed by the Mayor on November 25, 2003, it was assigned Act No. 15-255 and transmitted to both Houses of Congress for its review. D.C. Law 15-154 became effective on April 29, 2004.

§ 35-206. CONSTRUCTION OF DUCT LINES AUTHORIZED.

The Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway Company, and the Capital Traction Company are hereby permitted to lay duct lines on such streets as may be necessary for the proper operation of their lines, the location of such duct lines to be approved by the Mayor of the District of Columbia, and the cost thereof shall be borne and paid solely by said street-railway companies, and they shall be solely liable for all damages to persons and property occasioned by any construction or work authorized by this section.

(May 23, 1908, 35 Stat. 247, ch. 190, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-206.

1973 Ed., § 44-206.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 35-207. UNLAWFUL DISPOSITION, ACCEPTANCE AND USE OF TRANSFERS.

No transfer ticket or written or printed instrument giving or purporting to give the right of transfer to any person or persons from a rail transit car or from a public passenger vehicle with a capacity for seating 12 or more, owed or operated by the Washington Metropolitan Area Transit Authority, which is transporting passengers in regular route service within the corporate limits of the city, shall be issued, sold, or given except to a passenger lawfully entitled thereto. Any person who shall issue, sell, or give away such a transfer ticket or instrument as aforesaid to a person or persons not lawfully entitled thereto, and any person or persons not lawfully entitled thereto who shall receive and use or offer for passage any such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage shall be punished by a fine not exceeding \$25.

(May 23, 1908, 35 Stat. 250, ch. 190, § 15; Oct. 21, 2000, D.C. Law 13-187, § 2(a), 47 DCR 7073.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-207.

1973 Ed., § 44-207.

Effect of Amendments

D.C. Law 13-187 rewrote the first sentence which formerly provided:

"No transfer ticket or written or printed instrument giving or purporting to give the right of transfer to any person or persons from a public conveyance operated upon 1 line or route of a street railroad or from 1 car to another car upon the line of any street railroad, shall be issued, sold, or given except to a passenger lawfully entitled thereto."

For Law 13-187, see notes following § 35-203.

§ 35-208. RECIPROCAL TRANSFER AND TRACKAGE AGREEMENTS.

Every street railway in the District of Columbia whose lines connect, or whose lines may, after August 2, 1894, connect, with the lines of any other street-railway company, is hereby required to make reciprocal transfer arrangements with such street-railway companies, and to furnish such facilities therefor as the public convenience may require, and to enter into reciprocal trackage arrangements with such connecting roads. The schedules and compensation shall be mutually agreed upon between the said railway companies, and in case of failure to reach such mutual agreement, the matter in dispute shall be determined by the Superior Court of the District of Columbia, upon petition filed by either party.

(Aug. 2, 1894, 28 Stat. 218, ch. 189, § 5; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 572, Pub. L. 91-358, title I, § 155(c)(40).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-208.

1973 Ed., § 44-208.

§ 35-209. TYPE OF RAILS REQUIRED.

No other rail than a flat grooved rail made level with the surface of the streets upon each side of the tracks or roadbeds, so that no obstruction shall be presented to vehicles passing over said tracks, shall be laid by any street railway company in the streets of Washington; provided, that the foregoing requirements as to rails and roadbed shall not apply to street railroads outside the City of Washington.

(Mar. 2, 1889, 25 Stat. 797, ch. 370; Feb. 11, 1895, 28 Stat. 650, ch. 79.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-209.

1973 Ed., § 44-209.

§ 35-210. USE OF ANOTHER'S UNDERGROUND LINE PROHIBITED.

It shall be unlawful for any street-railway company operating its system or parts of its system over any portion of the underground electric lines owned and operated by another street-railway company in the City of Washington to continue such operation, or to enter into reciprocal trackage relations with any other company, unless its motive power for the propulsion of its cars shall be the same as that of the company whose tracks are used or to be used. For every violation of §§ 35-210 to 35-212 the company violating it shall be subject to a fine of \$10 for every car operated in violation of the provisions of §§ 35-210 to 35-212, said fine to be collected and applied in the same manner as is provided by § 35-211.

(Mar. 3, 1901, 31 Stat. 1302, ch. 854, § 711.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-210.

1973 Ed., § 44-210.

§ 35-211. REMOVAL OF DISUSED TRACKS; PENALTY FOR NONCOMPLIANCE.

Whenever the track or tracks, or any part thereof, of any street-railway company in the District of Columbia shall not have been regularly operated for railway purposes upon a schedule as required by its charter for a period of 3 months, the Mayor of said District, in his discretion, may thereupon notify such company to remove said unused tracks and to place the street in good condition; and if such company shall neglect or refuse to remove said tracks and place the street in good condition within 60 days after such notice, the said company shall be deemed guilty of a misdemeanor and shall be liable to a fine of \$10 for each and

every day during which said tracks are permitted to remain upon the street or streets, or said roadway shall remain out of repair, which fine shall be recovered in the Superior Court of the District of Columbia, in the name of said District, as other fines and penalties are recovered in said Court.

(Mar. 3, 1901, 31 Stat. 1302, ch. 854, § 710; June 30, 1902, 32 Stat. 534, ch. 1329; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-211.

1973 Ed., § 44-211.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 35-212. FREE TRANSFER UNDER RECIPROCAL TRACKAGE AGREEMENT.

All street-railway companies within the District of Columbia on January 1, 1902, operating their systems, or parts of their systems, in the City of Washington by use of the tracks of 1 or more of such companies, under a reciprocal trackage agreement, which shall be compelled to discontinue the use of the tracks of another company, shall issue free transfers to their patrons from 1 system to the other at such junctions of their respective lines as may be provided for by the Mayor of the District of Columbia.

(Mar. 3, 1901, 31 Stat. 1302, ch. 854, § 712.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-212.

1973 Ed., § 44-212.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 35-213. FREE TRANSPORTATION OF UNIFORMED POLICEMEN AND FIREMEN.[REPEALED]

(Sept. 1, 1916, 39 Stat. 683, ch. 433; May 10, 1989, D.C. Law 7-231, § 46, 36 DCR 492.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-213.

1973 Ed., § 44-213.

Legislative History of Laws

Law 7-231 was introduced in Council and assigned Bill No. 7-586, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

§ 35-214. REDUCED FARES FOR SCHOOL CHILDREN.

Expired.

(Feb. 25, 1931, 46 Stat. 1419, ch. 302.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-214.

Editor's Notes

The Act of February 25, 1931, 46 Stat. 1419, ch. 302, formerly codified as this section, became inoperative upon acceptance of the agreement between the Capital Traction Company and the Washington Railway and Electric Company for unification under the Act of January 14, 1933, 47 Stat. 759, ch. 10.

§ 35-215. ANNUAL REPORTS TO CONGRESS.

Every street-railroad corporation in the District of Columbia, and every such corporation which shall be organized after June 10, 1896, shall, on or before the 1st day of February in each year, make a report to each the Senate and the House of Representatives, which report shall be sworn to and signed by the president and treasurer of such corporation, and shall cover the period of 1 year ending the 31st day of December previous to the date of making the report. Such report shall state the amount of capital stock, with a list of the stockholders and the amount of stock held by each; the amount of capital stock paid in; the total amount now of funded debt; the amount of floating debt; the average rate per annum of interest on funded debt; amount of dividends declared; cost of roadbed and superstructure, including iron; cost of land, buildings, and fixtures, including land damages; cost of cars, horses, harness, and motors and other machinery; total cost of road and equipment; length of road in miles; length of double track, including sidings; weight of rail, by yard; the number of cars and of horses; the number of motors; the total number of passengers carried in cars; the average time consumed by passenger cars in passing over the road; repairs of roadbed and railway, including iron, and repairs of buildings and fixtures; total cost of maintaining road and real estate; cost of general superintendence; salaries of officers, clerks, agents, and office expenses; wages paid conductors, drivers, engineers, and motor men; water and other taxes; damages to persons and property, including medical attendance; rents, including use of other roads; total expense of operating road, and repairs; receipts from passengers; receipts from all other sources, specifying what, in detail; total receipts from all sources during the year; payments for maintenance and repairs; payments for interest; payments for dividends on stock, amount and rate per centum; total payments during the year; the number of persons injured in life and limb; the cause of the injury, and whether to passengers, employees, or other persons.

(June 10, 1896, 29 Stat. 320, ch. 395, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-222.

1973 Ed., § 44-215.

§ 35-216. FAILURE TO PAY ESTABLISHED FARE OR TO PRESENT VALID TRANSFER; ENTRY BY REAR EXIT DOOR PROHIBITED.

No person shall either knowingly board a public or private passenger vehicle for hire, including vehicles owned and/or operated by the Washington Metropolitan Area Transit Authority, which is transporting passengers within the corporate limits of the District of Columbia; or knowingly board a rail transit car owned and/or operated by the Washington Metropolitan Area Transit Authority which is transporting passengers within the corporate limits of the District of Columbia; or knowingly enter or leave the paid area of a real transit station owned and/or operated by the Washington Metropolitan Area Transit Authority which is located within the corporate limits of the District of Columbia without paying the established fare or presenting a valid transfer for transportation on such public passenger vehicle or rail transit car. No person shall board a public or private passenger vehicle for hire, including vehicles owned and/or

operated by the Washington Metropolitan Area Transit Authority, through the rear exit door, unless so directed by an employee or agent of the carrier.

(Feb. 22, 1978, D.C. Law 2-40, § 2, 24 DCR 3344.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-224.

1973 Ed., § 44-216.1.

Legislative History of Laws

For legislative history of D.C. Law 2-40, see Historical and Statutory Notes following § 35-251.

SUBCHAPTER II. STUDENT FARES.

§ 35-231. FIXED RATE FOR SCHOOLCHILDREN NOT OVER 18 YEARS OF AGE; FORMULA FOR ADJUSTING AND PAYMENT OF FARE SUBSIDY.[REPEALED]

(Aug. 9, 1955, 69 Stat. 616, ch. 680, § 1; June 28, 1962, 76 Stat. 113, Pub. L. 87-507, § 1(2); Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; Oct. 18, 1968, 82 Stat. 1187, Pub. L. 90-605, § 1; Aug. 11, 1971, 85 Stat. 315, Pub. L. 92-90; Aug. 14, 1974, 88 Stat. 446, Pub. L. 93-375, § 1; Mar. 3, 1979, D.C. Law 2-152, § 2, 25 DCR 2534.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-215.

1973 Ed., § 44-214a.

Legislative History of Laws

For legislative history of D.C. Law 2-152, see Historical and Statutory Notes following § 35-232.

§ 35-232. SUBSIDY AGREEMENT.

The Mayor of the District of Columbia is authorized to enter into an agreement with the Washington Metropolitan Area Transit Authority for the transportation, at reduced fares, of students going to and from public, parochial, and private schools and to and from related educational activities in the District of Columbia.

(Mar. 6, 1979, D.C. Law 2-152, § 2, 25 DCR 2534.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-216.

1973 Ed., § 44-214.1.

Legislative History of Laws

Law 2-152 was introduced in Council and assigned Bill No. 2-293, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on July 11, 1978 and July 25, 1978, respectively. Signed by the Mayor on August 21, 1978, it was assigned Act No. 2-270 and transmitted to both Houses of Congress for its review.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 2-152, the School Transit Subsidy Act of 1978, see Mayor's Order 90-130, October 2, 1990.

Delegation of Authority to the Director of the District Department of Transportation, see Mayor's Order 2006-104, July 28, 2006 (53 DCR 6399).

§ 35-233. VALIDITY OF REDUCED FARES; REQUIREMENTS FOR ELIGIBILITY.

(a)(1) The fare to be paid by students on regular school days for regular route transportation during peak and off-peak hours on the Metrobus Transit System within the District of Columbia shall be 1/2 of the base boarding peak bus fare charged to passengers other than students and senior citizens.

(2) The fare to be paid by students on regular school days for regular route transportation during peak and off-peak hours on the Metrorail Transit System within the District of Columbia shall be 1/2 of the base boarding peak rail fare charged to passengers other than students and senior citizens for Metrorail travel within the District of Columbia.

(3) In a case where the reduced student fare as determined in paragraph (1) or (2) of this subsection results in an amount which is not a multiple of \$.05, such fare shall be rounded downward to the nearest amount which is a multiple of \$.05.

(4) Transfers for students between buses and between rail and bus shall be made in the same manner as are transfers of other passengers, but without any additional charge for the transfer.

(b)(1) This reduced student fare shall be valid only for transportation of students going to and from public, parochial, and private schools, and to and from related educational activities in the District of Columbia on school days.

(2) Student travel on Metrobus and Metrorail during Saturdays, Sundays, holidays, and vacations shall be charged at the regular rate charged to passengers other than students and senior citizens, except for travel to and from a recognized school-related educational activity in the District of Columbia. The Mayor shall issue rules and regulations to enforce this section.

(c) Reduced fares for students on the Metrobus and Metrorail Transit Systems shall be available only to persons who are:

(1) Under 19 years of age, except that reduced fares shall be available for children with disabilities, as defined by the Individuals with Disabilities Education Act, approved April 13, 1970 (P.L. 91-230; 84 Stat. 175; 20 U.S.C. § 1401), through the end of the semester in which children with disabilities reach 22 years of age;

(2) Residents of the District of Columbia;

(3) Currently enrolled in a regular course of instruction at an elementary or secondary public, parochial, or private school located in the District of Columbia; and

(4) Youth in the District's foster care system until they reach 21 years of age.

(d) Reduced fares for students on the Metrorail Transit System shall be available only to persons who possess a valid student Metrorail discount card.

(e) Notwithstanding subsections (a) and (b) of this section, the fare to be paid by students on regular school days for regular route transportation during peak and off-peak hours on the Metrobus Transit System and on the Metrorail Transit System shall be \$.15 from September 26, 1981, until December 31, 1981.

(Mar. 6, 1979, D.C. Law 2-152, § 2, 25 DCR 2534; Sept. 26, 1981, D.C. Law 4-33, § 2(a), (b), 28 DCR 3187; Sept. 26, 1995, D.C. Law 11-52, § 815, 42 DCR 3684; Oct. 7, 1998, D.C. Law 12-156, § 2, 45 DCR 4617; Sept. 20, 2012, D.C. Law 19-168, § 6082, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-217.

1973 Ed., § 44-214.2.

Effect of Amendments

D.C. Law 19-168, in subsec. (c), deleted "and" from the end of par. (2), substituted "; and" for a period the end of par. (3), and added par. (4).

Legislative History of Laws

For legislative history of D.C. Law 2-152, see Historical and Statutory Notes following § 35-232.

Law 4-33 was introduced in Council and assigned Bill No. 4-3, which was referred to the Committee on Education and the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on June 2, 1981, and June 16, 1982, respectively. Signed by the Mayor on July 8, 1981, it was assigned Act No. 4-57 and transmitted to both Houses of Congress for its review.

Law 11-52, the "Omnibus Budget Support Act of 1995," was introduced in Council and assigned Bill No. 11-218, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 19, 1995, and June 6, 1995, respectively. Signed by the Mayor on July 13, 1995, it was assigned Act No. 11-94 and transmitted to both Houses of Congress for its review. D.C. Law 11-52 became effective on September 26, 1995.

Law 12-156, the "School Transit Subsidy Act of 1978 Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-190, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 17, 1998, it was assigned Act No. 12-383 and transmitted to both Houses of Congress for its review. D.C. Law 12-156 became effective on October 7, 1998.

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Miscellaneous Notes

Short title: Section 6081 of D.C. Law 19-168 provided that subtitle I of title VI of the act may be cited as "Transit Subsidy for Foster Youth Amendment Act of 2012".

§ 35-234. TOKENS AND TICKETS; CERTIFICATION OF ELIGIBILITY REQUIRED.

(a) Student fare tokens and tickets shall be issued by the Mayor of the District of Columbia only to students who present a certification of eligibility to use the Metrobus Transit System issued by an authorized school official.

(b) Certifications of eligibility shall be issued only to those students who meet the eligibility requirements imposed by subsection (c) of § 35-233 and shall contain such additional information as the Mayor may require. The Mayor is authorized to verify information contained in certifications of eligibility.

(Mar. 6, 1979, D.C. Law 2-152, § 2, 25 DCR 2534; Sept. 26, 1981, D.C. Law 4-33, § 2(c), 28 DCR 3187.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-218.

1973 Ed., § 44-214.3.

Legislative History of Laws

For legislative history of D.C. Law 2-152, see Historical and Statutory Notes following § 35-232.

§ 35-235. METRORAIL DISCOUNT CARDS; FACTORS DETERMINING NEED IN USE OF TRANSIT SYSTEM.

(a) Student Metrorail discount cards shall be issued by the Mayor of the District of Columbia only to those students who:

- (1) Present a certification of eligibility to use the Metrorail Transit System issued by an authorized school official; and
- (2) Have a need to use the Metrorail Transit System as determined by the Mayor.

(b) Certifications of eligibility shall be issued only to those students who meet the eligibility requirements imposed by subsection (c) of § 35-233 and shall contain such additional information as the Mayor may require. The Mayor is authorized to verify information contained in certifications of eligibility.

(c) In determining need pursuant to subsection (a) (2) of this section, the Mayor shall consider appropriate indices of the student's need to use the Metrorail Transit System for transportation to and from school and related educational activities in the District of Columbia, including the proximity of the student's residence to his school, the proximity of the student's residence and school to Metrorail stations and the student's participation in city-wide education programs, work-study programs, inter-school extracurricular activities and other similar education and extracurricular activity programs.

(d) Student Metrorail discount cards shall:

- (1) Bear the name of the student, an expiration date and such other information as the Mayor may require;
- (2) Be displayed by the student when purchasing Metrorail student farecards;
- (3) Be signed by the student immediately upon receipt; and
- (4) Be nontransferable.

(e) Metrorail student farecards shall:

(1) Be signed by the student immediately upon purchase; and

(2) Be nontransferable.

(f) No person, other than the person for whose use such farecard is issued, shall use a student Metrorail farecard to ride on a Metrorail train and any such other use is hereby prohibited.

(Mar. 6, 1979, D.C. Law 2-152, § 2, 25 DCR 2534.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-219.

1973 Ed., § 44-214.4.

Legislative History of Laws

For legislative history of D.C. Law 2-152, see Historical and Statutory Notes following § 35-232.

§ 35-236. SUBSIDY PAYMENTS AUTHORIZED; AUDIT; INTEREST CREDIT FOR ADVANCE PAYMENT.

(a) The Washington Metropolitan Area Transit Authority shall certify to the Mayor, as soon as practicable, following the end of each calendar month:

(1) The amount that is the difference between the total number of all Metrobus student fare tickets or tokens collected by the Washington Metropolitan Area Transit Authority during such calendar month for the transportation of students on the Metrobus Transit System times the average of the regular single trip Metrobus fare charged within the District of Columbia during the peak and off-peak hours, or such other amount as may hereinafter be agreed to by the Mayor and the Washington Metropolitan Area Transit Authority, pursuant to a student passenger survey or other appropriate method, and the total of all such Metrobus student fare tickets or tokens sold during such calendar month times the reduced student fare as determined in § 35-233.

(2) The amount that is the difference between the total of all fares that would have been paid to the Washington Metropolitan Area Transit Authority during such calendar month by students for transportation on the Metrorail System, if such fares had been paid at the otherwise applicable regular adult Metrorail fare for each trip made by students during that month, and the total of all money collected by the Washington Metropolitan Area Transit Authority during such calendar month in connection with the sale of Metrorail student farecards.

(b) The Mayor, upon receiving any such certification, shall pay the Washington Metropolitan Area Transit Authority, subject to an audit acceptable to the Mayor, the amounts contained therein. The Mayor is authorized to make advance subsidy payments to the Washington Metropolitan Area Transit Authority; provided, that the District of Columbia shall receive an appropriate interest credit from the Washington Metropolitan Area Transit Authority for each such advance payment; and provided further, that the exercise of such authority shall not affect the certification and audit requirements.

(Mar. 6, 1979, D.C. Law 2-152, § 2, 25 DCR 2534; Sept. 26, 1981, D.C. Law 4-33, § 2(d), 28 DCR 3187.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-220.

1973 Ed., § 44-214.5.

Legislative History of Laws

For legislative history of D.C. Law 2-152, see Historical and Statutory Notes following § 35-232.

For legislative history of D.C. Law 4-33, see Historical and Statutory Notes following § 35-233.

§ 35-237. RULES AND REGULATIONS.

The Mayor shall promulgate rules and regulations necessary to carry out §§ 35-232 to 35-237, including rules and regulations relating to the maximum number of Metrobus student fare tokens and Metrorail student farecards that may be purchased by an eligible student at any 1 time or during a specific period of time, and relating to the use or the prohibition of use of fare tokens, tickets and farecards for the transportation of students going to and from school programs and related activities held in the District of Columbia on weekends and holidays.

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-221.

1973 Ed., § 44-214.6.

Legislative History of Laws

For legislative history of D.C. Law 2-152, see Historical and Statutory Notes following § 35-232.

For legislative history of D.C. Law 4-33, see Historical and Statutory Notes following § 35-233.

SUBCHAPTER III. PASSENGER CONDUCT.

§ 35-251. UNLAWFUL CONDUCT ON PUBLIC PASSENGER VEHICLES.

(a) For the purposes of this section, the term "rail transit station" means a regular rail stopping place for the pick-up and discharge of passengers in regular route service, contract service, special or community-type service, including the fare-paid areas and roofed areas of the rail transit stations (not bus terminals or bus stops) owned, operated, or controlled by the Washington Metropolitan Area Transit Authority; provided, that the term "rail transit station" shall not include parking lots, roadways and other areas intended for vehicle traffic.

(b) It is unlawful for any person either while aboard a public passenger vehicle with a capacity for seating 12 or more passengers, including vehicles owned and/or operated by the Washington Metropolitan Area Transit Authority, which is transporting passengers in regular route service within the corporate limits of the District of Columbia; or while aboard a rail transit car owned and/or operated by the Washington Metropolitan Area Transit Authority which is transporting passengers within the corporate limits of the District of Columbia; or while within a rail transit station owned and/or operated by the Washington Metropolitan Area Transit Authority which is located within the corporate limits of the District of Columbia to:

- (1) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;
- (2) Consume food or drink;
- (3) Spit;
- (4) Discard litter;
- (5) Play any radio, cassette, recorder, musical instrument or other such device, unless it is connected to an earphone that limits the sound to the individual user;
- (6) Carry any flammable or combustible liquids, live animals, explosives, acids or any other item inherently dangerous or offensive to others, except for seeing eye dogs properly harnessed and accompanied by a blind passenger and for small animals properly packaged;
- (7) Stand in front of the white line marked on the forward end of the floor of any bus or otherwise conduct himself in such a manner as to obstruct the vision of the operator;
- (8) Park, operate, wheel, or chain to any fence, tree, railing, or other structure not specifically designated for such use, tricycles, unicycles, skate-boards, or roller skates;
- (9) Park, operate, carry, wheel, or chain to any fence, tree, railing, or other structure not specifically designated for such use, mopeds, motorbikes, or any other such vehicle;
- (10) Park, operate, carry, wheel, or chain to any fence, tree, railing, or other structure not specifically designated for such use, noncollapsible bicycles, unless an individual has a current permit issued by the Washington Metropolitan Area Transit Authority for the transporting of noncollapsible bicycles by rail transit and the individual is complying with all the terms and conditions of said permit; provided, that an individual shall surrender said permit upon the request or demand of any agent or employee of the Washington Metropolitan Area Transit Authority. Sections 35-252 and 35-253 shall not apply to a violation of the terms and conditions of said permit.

(c) It is unlawful for any person, while aboard a rail transit car which is transporting passengers within the District of Columbia, knowingly to cause the doors of any rail transit car to open by activating a safety device designed to allow emergency evacuation of passengers. It is an affirmative defense to a prosecution under this subsection that the person charged believed, in good faith, that the action was necessary to protect people from injury or death.

(d) It is unlawful for any person at a rail transit station to stop, impede, interfere with, or tamper with an escalator or elevator or any part of an escalator or elevator apparatus or to use an escalator or elevator

emergency stop button, unless this action is taken by a person with the knowledge or the reasonable good faith belief that an emergency makes the action necessary to preserve or protect human life or property, or unless such action is taken by a WMATA employee, other government employees, or WMATA contractor acting pursuant to their official duties.

(Sept. 23, 1975, D.C. Law 1-18, § 2, 22 DCR 1994; Feb. 22, 1978, D.C. Law 2-40, § 2, 24 DCR 3344; Sept. 18, 1981, D.C. Law 4-31, § 2, 28 DCR 3120; June 29, 1984, D.C. Law 5-91, § 3(a), 31 DCR 2539; Oct. 1, 1992, D.C. Law 9-171, § 2(a), 39 DCR 5831.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-223.

1973 Ed., § 44-216.

Legislative History of Laws

Law 1-18 was introduced in Council and assigned Bill No. 1-17, which was referred to the Committee on Public Safety. The Bill was adopted on first and second readings on May 13, 1975 and May 27, 1975, respectively. Signed by the Mayor on June 24, 1975, it was assigned Act No. 1-26 and transmitted to both Houses of Congress for its review.

Law 2-40 was introduced in Council and assigned Bill No. 2-121, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on July 26, 1977 and September 13, 1977, respectively. Signed by the Mayor on October 25, 1977, it was assigned Act No. 2-92 and transmitted to both Houses of Congress for its review.

Law 4-31 was introduced in Council and assigned Bill No. 4-216, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on May 19, 1981, and June 2, 1981, respectively. Signed by the Mayor on June 19, 1981, it was assigned Act No. 4-53 and transmitted to both Houses of Congress for its review.

Law 5-91, "District of Columbia Public Transit Vehicle Safety Amendment Act of 1984," was introduced in Council and assigned Bill No. 5-295, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 10, 1984, and April 30, 1984, respectively. Signed by the Mayor on May 9, 1984, it was assigned Act No. 5-132 and transmitted to both Houses of Congress for its review.

Law 9-171, the "Public Transit Escalator and Elevator Safety Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-649, which was referred to the Committee on Regional Authorities. The Bill was adopted on first and second readings on June 2, 1992, and July 7, 1992, respectively. Signed by the Mayor on July 23, 1992, it was assigned Act No. 9-269 and transmitted to both Houses of Congress for its review. D.C. Law 9-171 became effective on October 1, 1992.

§ 35-252. CARRIER AUTHORIZED TO REFUSE TRANSPORTATION TO VIOLATORS.

A carrier may refuse to transport a person or persons whose immediately observed conduct or behavior would constitute a violation of § 35-216 or § 35-251.

(Sept. 23, 1975, D.C. Law 1-18, § 3, 22 DCR 1995; Feb. 22, 1978, D.C. Law 2-40, § 2, 24 DCR 3344.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-225.

1973 Ed., § 44-217.

Legislative History of Laws

For legislative history of D.C. Law 1-18, see Historical and Statutory Notes following § 35-251.

For legislative history of D.C. Law 2-40, see Historical and Statutory Notes following § 35-251.

§ 35-253. PENALTIES.

Violation of § 35-251(b) shall be punishable by a fine of not less than \$10 nor more than \$50 for a 1st offense and by a fine of not less than \$50 nor more than \$100 or by imprisonment for not more than 10 days or both for each 2nd or subsequent offense. A violation of § 35-251(c) or (d) shall be punishable by a fine of not more than \$300, imprisonment of not more than 90 days, not fewer than 30 hours of community service, or a combination of any 2 penalties, except that imprisonment and community service shall not be

imposed together. A violation of § 35-216 shall be punishable by a fine of not more than \$300, by imprisonment for not more than 10 days, or both. All prosecutions under §§ 35-216 and 35-251 to 35-253 shall be brought by the Corporation Counsel.

(Sept. 23, 1975, D.C. Law 1-18, § 4, 22 DCR 1995; Feb. 22, 1978, D.C. Law 2-40, § 2, 24 DCR 3344; June 29, 1984, D.C. Law 5-91, § 3(b), 31 DCR 2539; Oct. 1, 1992, D.C. Law 9-171, § 2(b), 39 DCR 5831.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 44-226.

1973 Ed., § 44-218.

Legislative History of Laws

For legislative history of D.C. Law 1-18, see Historical and Statutory Notes following § 35-251.

For legislative history of D.C. Law 2-40, see Historical and Statutory Notes following § 35-251.

For legislative history of D.C. Law 5-91, see Historical and Statutory Notes following § 35-251.

For legislative history of D.C. Law 9-171, see Historical and Statutory Notes following § 35-251.

SUBCHAPTER III-A. NOTICE OF ENHANCED PENALTIES.

§ 35-261. NOTICE OF ENHANCED PENALTIES FOR COMMISSION OF OFFENSES AGAINST TRANSIT OPERATORS AND METRORAIL STATION MANAGERS.

(a)(1) The Washington Metropolitan Area Transit Authority shall post or otherwise provide conspicuous notice of the enhanced penalties for the commission of certain offenses against transit operators and Metrorail station managers in the District of Columbia pursuant to § 22-3751.01 on all Metrobus buses and Metrorail trains operating in the District of Columbia, and at or near all Metrorail station kiosks within the District of Columbia.

(2) The Mayor shall post or otherwise provide similar notice on all DC Circulator buses.

(b) The absence of notice on a vehicle or at a Metrorail station required under this section shall not constitute a defense to or otherwise invalidate or prevent the imposition of the enhanced penalties provided in § 22-3751.01.

(July 23, 2008, D.C. Law 17-206, § 4, 55 DCR 5168.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-206, the "Transit Operator Protection and Enhanced Penalty Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-233 which was referred to Public Safety and Judiciary. The Bill was adopted on first and second readings on March 4, 2008, and April 1, 2008, respectively. Signed by the Mayor on April 14, 2008, it was assigned Act No. 17-338 and transmitted to both Houses of Congress for its review. D.C. Law 17-206 became effective on July 23, 2008.

SUBCHAPTER IV. MERGER OF STREET RAILWAYS.

§ 35-271. MERGER OF STREET RAILWAYS PERMITTED.

Any or all of the street railway companies operating in the District of Columbia are hereby authorized and empowered to merge or consolidate, either by purchase or lease by 1 company of the properties, and/or stocks or securities of any of the others, or by the formation of a new corporation to acquire the properties and/or stocks or securities and to succeed to the powers and obligations of each or any of said companies under such terms and conditions as may be agreed upon by a vote of a majority in amount of the stock of the respective corporations and as may be approved by the Public Service Commission of the District of Columbia; provided, that no merger of said companies shall be finally consummated until the same is approved by a joint resolution of Congress. Such new corporation shall be incorporated under the provisions of Chapters 1, 2, and 4 of Title 29, as far as applicable, with issues of stock at a stated par value and/or of no par value, as may be approved by the Public Service Commission. Congress reserves the right to alter, amend, or repeal this section or any provision thereof.

(Mar. 4, 1925, 43 Stat. 1265, ch. 527, §§ 1, 3; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; July 2, 2011, D.C. Law 18-378, § 3(aa), 58 DCR 1720.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-803.

1973 Ed., § 43-503.

Effect of Amendments

D.C. Law 18-378, in subsec. (a)(1), substituted "Chapters 1, 2, and 4 of Title 29" for "Chapter 3 of Title 29".

Legislative History of Laws

Law 18-378, the "District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009", was introduced in Council and assigned Bill No. 18-500, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on February 27, 2011, it was assigned Act No. 18-724 and transmitted to both Houses of Congress for its review. D.C. Law 18-378 became effective on July 2, 2011.