



October 10, 2023

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To:

Tiffany Crowe, Acting Director, District Licensing & Consumer Protection
Timothy Spriggs, Director, Department of Public Works
Sharon Kershbaum, Deputy Director, District Department of Transportation
Richard Jackson, Acting Director, Department of Energy Efficiency
Colin Hall, 1st District Commander, Metropolitan Police Department

Delivered via email to tiffany.crowe@dc.gov, timothy.spriggs@dc.gov, sharon.kershbaum@dc.gov, richard.jackson2@dc.gov, and colin.hall@dc.gov.

RE: Request for enforcement of Observed Unpermitted Activities on September 13th at 430 First Street SE (American Trucking Association – Capitol Hill Office)

At a regularly scheduled and properly noticed meeting of Advisory Neighborhood Commission 6B (ANC 6B) on October 10, 2023, with a quorum present, the Commission voted unanimously to send this letter requesting support for Commissioner Frank Avery (6B01). This letter requests the Commissioner and neighbors receive good faith responses to the questions raised below and subsequent enforcement actions regarding an observed unpermitted event on September 13th. The event took place in a public right of way with a temporary event structure, blocked a public travel lane, included a commercial vehicle idling for at least 12 hours outside residential homes without DOEE proper exemption, and included the improper use of Reserved Parking permits to close public rights of way to host aforementioned activities.

On behalf of the residents of Capitol Hill, specifically residents of 6B01 located near the 400-block of First Street SE, Advisory Neighborhood Commission 6B requests responses and follow-up enforcement action regarding the observed September 14th event from the:

1. District Department of Licensing and Consumer Protection (‘DLCP’),
2. District Department of Public Works (‘DPW’),
3. District Department of Transportation (‘DDOT’),
4. District Department of Energy Efficiency (‘DOEE’), and
5. Metropolitan Police Department (‘MPD’) First District.

Multiple neighbors and Commissioner Avery observed and reported a number of likely violations of District of Columbia laws and regulations to the five agencies listed, each of which have some form of response and-or jurisdiction over some element of the reported activities.

This letter also acknowledges and thanks DDOT and DLCP for their proactive, collaborative, and responsive approach to assisting neighbors to address and rectify the situation and requested immediate follow-up by the DPW, DOEE, and MPD. Thank you to DDOT Deputy Director Sharon Kershbaum and DLCP Acting Director Tiffany Crowe for your attention and collaboration on this matter.

Please provide Commissioner Avery and his neighbors a response by close of business Friday, October 20th.

Background

On the morning of Wednesday, September 13th, neighbors contacted Commissioner Frank Avery (6B01) to express concerns about what appears to have been an illegal event and accompanying street closure at 430 First Street SE. Beginning about 9:00 a.m., neighbors observed an American Trucking Association ('ATA') branded semi-tractor cab and trailer parked in a travel lane at 430 First Street SE (Attachment B.1: USDOT registration #1413320). The trailer of the vehicle included steps and doors for guests to enter/exit the trailer. The vehicle was parked in the northbound travel lane of First Street SE and was surrounded by cones blocking the northbound lane of travel (Attachment B.1-4). The vehicle was observed idling from at least 8:58am through 3:00pm (Attachment B.6.) while hosting guests as part of "National Trucker Appreciation Week" according to DDOT reserved parking #PA11015997 posted at the site issued (Attachment B.5.). The reserved parking placard "expired" at 8:00pm that evening. DLCP confirmed no special event application had been received (Attachment B.8.). Neighbors were not aware of the event and contacted Commissioner Avery for additional information and to report the disturbance. In addition to DDOT, neighbors and Commissioner Avery contacted:

- DPW to seek possible parking enforcement as noted on the reserved parking sign
- DLCP to seek possible illegal event enforcement for a temporary event structure in a public right of way, and
- DOEE (by way of CM Allen's team) to seek enforcement of anti-idling laws.
- According to neighbors, neighbors also contacted the MPD non-emergency line for law enforcement to seek investigation, assessment and - if appropriate - enforcement of District law or regulations. According to neighbors, no acknowledgement or response was received by MPD.

At the neighbors' request, Commissioner Avery contacted DPW parking enforcement on the afternoon of September 13th to report the observation of likely unpermitted activity. During the phone conversation, DPW erroneously reported they could not respond to enforce anti-idling laws because the temperature was neither cold enough nor "above 90 degrees." However, in the same conversation, DPW confirmed the DDOT-issued parking placards were "unverified" and therefore warranted follow-up by DPW Parking Enforcement. Per dispatch, enforcement was sent at approximately 4:00 p.m. However, enforcement did not arrive until 9:00 p.m. DPW did not confirm this final detail for nearly three weeks despite repeated requests.

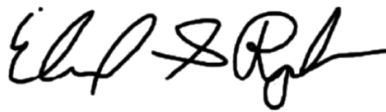
The multitude of likely violations by the American Trucking Association show either an ignorance of DC laws, poor judgment, or direct disregard for the proper permitting process. For years, neighbors have advocated for District of Columbia agencies to enforce District laws and regulations on corporate entities

that continue to purchase property and fail to act as good neighbors. While neighbors, restaurants, and bars may negotiate a definition of ‘good neighbor’ through processes like the ABRA Settlement Agreement process - which establishes a mutually agreed upon binding contract enforced by DC government - neighbors have little to no recourse with corporate actors that fail to adhere to good neighbor standards. As such, they depend on effective and responsive enforcement of laws and regulations to neighbor concerns. While we are grateful two agencies - DDOT and DLCP - for their prompt response and commitment, we are disappointed at the slow or lack of response from other agencies.

On behalf of the neighbors of the area, we seek the following actions (Attachment A) to provide a transparent enforcement process and demonstrate to this entity - and similar entities nearby - may not flaunt DC’s laws, regulations, and permitting processes. No entity - outside those explicitly part and on the grounds of the federal government - is above District of Columbia laws and regulations. We ask that the Mayor and her agents through the respective agencies below enforce the District of Columbia’s right to self-governance and ensure all corporate actors are reminded they are not above DC laws and regulations.

For any questions regarding this matter, please contact 6B01 Commissioner Frank Avery at 6B01@anc.dc.gov or (202) 417-8629.

Respectfully,



Edward Ryder,
Chair, ANC 6B

Cc:

Frank Avery, Advisory Neighborhood Commissioner, 6B01

Jake Stolzenberg, Ward 6 Liaison, Office of the Mayor

Charles Allen, Ward 6 Councilmember

J. Thomas Manger, Chief of Police, U.S. Capitol Police

ATTACHMENT A: Summary of Issues & Requested Action

In the process of reviewing these issues, Commissioner Avery uncovered a number of likely violations of District of Columbia regulations and laws spanning multiple agencies. With the support of ANC 6B, neighbors, Commissioners, and the full ANC request the following agencies below provide the following:

<i>District Department of Transportation ('DDOT')</i>	
Relevant Issues Observed	Requested Action by Agency
<p>According to DPW, the placard #PA11015997 issued for 430 First Street SE (American Trucker Appreciation Week) was 'unverified.'</p> <p>Vehicle (USDOT registration #1413320) was parked in the travel lane of the street, not in the reserved spaces. Reserved spaces were used for guests to access stairs/entryway into a temporary structure (trailer, VA license plate #7509482)</p>	<p><i>Thank you to DDOT Deputy Director Sharon Kershbaum for her prompt assistance responding to neighbors, confirming neighbor concerns were warranted, providing requested documentation, confirming it appears a violation occurred, and confirming future requests from this entity will be subject to enhanced review.</i></p> <p>Requested Action: ANC 6B requests DDOT deny or conduct enhanced review of future reserved parking permit requests at 430 First Street SE to identify if requestor is affiliated with American Trucking Association and - if so - deny or conduct enhanced monitoring to ensure compliance with DC laws and regulations.</p>
<i>District of Columbia Department of Licensing and Consumer Protection ('DLCP') Special Events</i>	
<p>A temporary structure (vehicle USDOT registration #1313320 with trailer, VA license plate #) was placed blocking northbound First Street SE from at least 9am through at least 3pm ET.</p> <p>The northbound travel lane of the 400-block of First Street SE was blocked by a temporary structure and additional cones surrounding the structure.</p> <p>According to DLCP help desk, an event permit was not filed for the address. No event permit was on record for American Trucking Association. (DLCP Help Desk REF#A89-A2R5F)</p> <p>A consent list with signatures of 75% of the resident housekeepers and occupants of business establishments within a prescribed distance is required</p>	<p><i>Thank you to Acting Director Tiffany Crowe for her prompt response to neighbors and their concerns as well as the DLCP help line for providing same-day confirmation that there was not an event permit issued.</i></p> <p>Requested Action: ANC 6B supports complaint # IJ8-D50JA filed by 6B01 Commissioner Avery citing the American Trucking Association for hosting an unpermitted event and DLCP execute an appropriate investigation and subsequent enforcement as allowable under DLCP's authorities as both a business licensing agency and the agency which oversees special event permitting, which covers the allowability of temporary structures in and closures of public rights of way.</p>

for licensure	
DC Department of Public Works ('DPW') Parking Enforcement	
<p>DDOT Reserved Parking signs direct neighbors to contact DPW Parking Enforcement to report potential violations of the terms of the Reserved Parking Permit.</p> <p>Neighbors reported to DC DPW Parking Enforcement additional observations of anti-idling violation, blocking of public travel lanes, and likely violation of Reserved Parking permit terms,</p> <p>DC DPW provided erroneous information to neighbors in its initial refusal to respond.</p> <p>DC DPW confirmed the Reserved Parking Permit (#PA11015997) was "unverified" and stated it would send parking enforcement to enforce.</p> <p>DC DPW did not respond to requests submitted until 8:54pm, more than hour after the unverified permit expired, despite identifying the permit as "unverified" at least 5 hours prior.</p> <p>DC DPW did respond to 311 Ticket #23-00487804.</p> <p>DC DPW did not respond to multiple requests from Commissioner Avery beginning September 14th until Wednesday, October 4th.</p>	<p>Neighbors are disappointed at this experience with DC Department of Public Works. Not only was an undue burde placed on residents to demonstrate more likely than not violation, but the fact a parking enforcement officer responded to the seen at 9:00pm, one hour after the reserved parking permit expired, 5 hours after Parking Enforcement Dispatch confirmed an officer would be sent, and 13 hours after neighbors began reporting the issue. DC DPW's failure to respond as a "frontline" agency has denied neighbors and other district agencies a government source of evidence of the violation.</p> <p>DC DPW failed to:</p> <ol style="list-style-type: none"> 1. Provide accurate information to Commissioner Avery on the terms of anti-idling enforcement when contacted 2. Accept the "more likely than not" judgment of neighbors that a violation of some type was occurring when provided verbal testimony by phone and visual evidence by email between 8am and 4pm 3. Respond in a timely way (prior to 7pm when permit expired) to collect any evidence and has subsequently deprived neighbors and other DC agencies of government-collected evidence of likely violations of DC laws or regulations 4. Provide a timely response to neighbors for after-action reports when told they could receive them within 24 hours 5. Respond during the period of the Reserved Parking and therefore missed any window to collect meaningful evidence or conduct any enforcement action. 6. Provide a response <p>Requested Action:</p> <ol style="list-style-type: none"> 1. 6B and neighbors request DC DPW update its response processes to ensure (a) enforcement is provided when credible evidence is provided by neighbors and (b) commit to responding <i>during the time period</i> of a potential observed reserved parking permit violation to confirm. 2. Neighbors and the Commissioner request Director Spriggs acknowledge receipt, acknowledge the failures noted above, and respond (personally or through staff) with an action plan on how this will be addressed moving forward. 3. Update the 311 portal with the outcome.
District Department of Energy & Environment ('DOEE')	
Neighbors and Commissioner Avery observed a USDOT-registered tractor-trailer commercial vehicle with DC license plate (cab) and Virginia license	Commissioner Avery submitted 311 Ticket #23-00493636 ('Engine Idling Tips' - DOEE) on September 17th. The ticket aligned with DOEE's required documentation and published processes and policies . The report included multiple video, photo, and written testimony of the

<p>plate (trailer) idling for at least 10 hours while blocking a public travel lane without a permit and using unverified reserved parking permits.</p>	<p>observations from multiple sources. It confirmed the vehicle was being used an event structure, the event was not permitted (per DLCP, the special event permitting agency), and that there was no commercial purpose or relevant exemption to the idling.</p> <p>The 311 ticket was closed September 27th without explanation.</p> <p>Per DOEE’s website, neighbors may submit observations through 311. This will trigger an investigation, and that investigation will subsequently include requests for the observer to complete an affidavit affirming the observations.</p> <p>To date, no request has been submitted to Commissioner nor has any contact or acknowledgement by DOEE been received.</p> <p>Requested Action:</p> <ol style="list-style-type: none"> 1. Acknowledge receipt of the report submitted using the 311 ticket above to Commissioner Avery and respond to this letter confirming receipt of the complaint. 2. Provide a copy of the assessment and enforcement action to Commissioner Avery. 3. Complete the investigation by requesting affidavits from the submitter and multiple witnesses who reported the issue over the ~13 hour period. 4. Provide neighbors a report on enforcement action taken or possible enforcement action that can be taken. 5. Update the 311 portal with the outcome.
<p>Metropolitan Police Department (‘MPD’) - First District (Non-Emergency Services)</p>	
<p>Neighbors reported to Commissioner Avery that they contacted the MPD non-emergency line to report observations of likely illegal activity at 430 First Street SE including:</p> <ul style="list-style-type: none"> - Extended idling - Blocked public right of way 	<p>In follow-up, multiple agencies confirmed MPD was authorized to respond, investigate, and enforce laws or regulations related to the incident, including blocking a public right of way without appropriate permits and use of unverified Reserved Parking Permits to block parking and public right of way.</p> <p>Requested Action:</p> <ol style="list-style-type: none"> 1. Acknowledge receipt of this complaint. 2. Provide an assessment of how neighbor complaints were processed by the non-emergency line. 3. Provide confirmation if any response activity by MPD was taken. 4. Provide a copy of any reports submitted by MPD on what was observed and why action was (or not taken)

Attachment B: Observations and Reports Made by Neighbors and Commissioner Avery

1. USDOT Registration 1413320 Placed In Travel Lane



2. Cab with DC License Plate AP1282 Placed in Travel Lane



3. Trailer with VA License Plate 750948(TL) Placed in Travel Lane



4. Expanded View of Vehicle Outside of Permitted “Reserved Parking” Spaces



5. Posted “Reserved Parking Permit” for PA#11015997



6. Evidence of Idling more than Three Minutes

1. [Link to Video](#) Timestamped at 1:58pm ET on X (formerly Twitter) - Acknowledged by 311
 - a. Resulted in 311 issuing 311 Ticket #23-00487804 (Closed without Explanation)
2. [Link to Video](#) Timestamped 3:17pm ET in Google Drive

7. 311 Ticket Submissions (Closed without Explanation or Response)


1. 311 Ticket to DC DPW – Observed Parking Issues in Reserved Parking: [23-00487804](#)
Opened September 13 and closed early on September 13 without explanation or contact from agency.
2. 311 Ticket to DC DOEE – Anti-Idling Support: [23-00493636](#)
Opened September 17th and closed early on September 27 without explanation or contact from agency. Report contains required elements as outlined by DOEE on its website for all reports including vehicle identification and evidence of vehicle idling greater than three minutes.

8. Confirmation from DLCP - No Special Event Permit for Entity

Re: Idling Issue - Ata event today

DLCP Customer Service <dcracs@dc.g... Friday, September 15, 2023 at 8:20 AM

To: Avery, Frank (SMD 6B01); [REDACTED]@mail.com


Reference No.: A89-A2R5F

Good morning.

The Department of Licensing and Consumer Protection does not have an application on file for t an event for the American Trucking Association.

I hope this was helpful.

Best,

LaVerne Stewart | Program Support Specialist for Special Event
Department of Licensing and Consumer Protection
laverne.stewart@dc.gov | 1100 4th St SW, DC 20024
main: 202.671.4500 | cell: 202-704-9053
dlcp.dc.gov

9. Confirmation from DPW - No Enforcement Action During Period of Offense

RE: Assistance with Likely Illegal Event Hosted in Public Right of Way



Crispino2, Anthony (DPW) <anthony.crispino2@dc.gov>

Tuesday, October 3, 2023 at 10:12 PM

To: Avery, Frank (SMD 6B01); Cc: Gaither, Johnny (DPW); Haynesworth, Raymond (DPW); [+4 more](#) v

This message is high priority.

Apologies for the delayed response, see responses below.

1. If a parking enforcement officer was sent on Sept 13 to the location – **Yes**.
2. What were they advised to look for – **Any violations observed**.
3. What their assessment was (ex. Did they observe a violation, did they document anything with photos) – **No violations – see photos & caption below**.
4. What violations did they observe – **None**.
5. What enforcement, if any, was issued, and – **None**.
6. What enforcement is still possible after the fact (understanding there is plenty of visual documentation from multiple sources)? **No, I am not aware of any authority granting the issuance of tickets after the fact.**

