



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

September 23, 2013

Matthew Marcou, Chair
Public Space Committee
District Department of Transportation
Public Space Permit Branch Third Floor
1100 4th Street, SW
Washington, DC 20004
matthew.marcou@dc.gov

RE: Resolution on proposed DDOT Public Space regulations for publishers boxes

Dear Chairman Marcou,

At its regular meeting on September 11, 2013, the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With 7 of 9 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (5-1-1):

Whereas ANC 2B appreciates the issues raised by the use of public space by newspapers and magazines, including obstructing pedestrian and bicycle traffic, unsightliness, or damage to public space or property;

Whereas ANC 2B, however, believes that protection of free speech and freedom of the press in Washington, D.C. outweigh those public space concerns here;

Therefore be it resolved that ANC 2B objects to the very concept of a permit for these boxes (Sections 3600.1, 3602);

Be it further resolved that ANC 2B raises the following specific objections to the draft regulations:

1. The \$5 fee per box per year (Section 3600.2(b)) is prohibitively expensive and would discourage upstart publications and free publications.
2. The requirement that the permit holder indemnify the District of Columbia for any and all claims arising out of the placement of the boxes (Section 3600.3) is virtually limitless in scope and an unfair burden on publishers.

3. The requirement that the permit holder maintain insurance with minimum coverage limits of either \$300,000 or \$1,000,000 (Section 3601.1©) is also prohibitively expensive and unfairly burdens publishers.
4. The required disclosure of ownership information (Section 3601.1(a) & (b)) eliminates the possibility of anonymous pamphleteering and publication in such boxes, further chilling speech.
5. The requirement that the publisher maintain a basic DC business license (Section 3601.2) is similarly unnecessarily burdensome.
6. The requirement that any repairs or restocking must be made within 30 days (Sections 3601.1(a) & (d)) is unnecessarily burdensome.
7. The list of limitations on the placement of boxes (Section 3604.2) appears to be too restrictive and needs to be carefully reviewed to ensure that the limitations do not essentially eliminate potential box placement in many areas of the city.
Be it further resolved that ANC 2B has no objection to the following portions of the draft regulations:

1. The proposed limitations on the size of a publisher's box (Section 3603.1(a)) address concerns about the need to share public space, but without chilling free speech.
2. The proposed requirement that boxes be weighted at the base to withstand wind and weather (Section 3603.1(b)) addresses concerns about safety and placement, but without chilling free speech.
3. The proposed requirements for a multi-box corral (Section 3605) installed and maintained by a private entity (such as a Business Improvement District) are sensible and do not appear to discourage organizations or businesses from installing such corrals, which can be an attractive and efficient way for the public to access the publications.

Commissioners Will Stephens (will.stephens@dupontcircleanc.net) and Mike Feldstein (mike.feldstein@dupontcircleanc.net) are the Commission's representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,



Will Stephens
Chairman

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