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August 29, 2012

Alice Kelly
Manager, Policy Branch
Planning and Sustainability Administration
District Department of Transportation
55 M Street, S.E., 5th Floor
Washington, DC 20003

Dear Ms. Kelly:

I am writing to provide comments regarding the "Notice of Proposed Rulemaking" related to Rule 13-100, ID #3120798, entitled "Sign Regulations for the District of Columbia", published on 8/17/2012.

Our organization opposes implementation of such a regulation for the following reasons:

- 1) This proposed regulation clearly is an attempt to "restrict trade" for private carriers operating within the District of Columbia by preventing them from conducting the normal business practice of making a profit. Specifically, prohibiting advertising on a vehicle owned and operated by a private carrier that operates on a limited basis within the District of Columbia prevents the carrier from taking advantage of advertising opportunities. The vehicles do not operate on a predominant basis in DC – they provide charter and other services throughout Virginia, Maryland, and other states, as well as commuter services. Preventing such an operator from displaying advertising not only restricts them in this regard but will ultimately result in them not providing much needed commuter services to employees who live in areas such as Virginia and/or Maryland but work in DC and generate revenues for many businesses within the District of Columbia.
- 2) This proposed regulation is also very discriminatory in that it allows DDOT to generate advertising revenue on Metrobusses and/or DC Circulator busses by selling the same type advertising that DDOT is trying to prohibit on private carriers. It would appear that DDOT wants to discriminate against private carriers so that it can, in effect, "eliminate any competition" from private carriers as it relates to viable advertising venues/options for potential advertisers.

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- 3) This proposed regulation is another in the series of regulations that DDOT has implemented recently that appear to be mainly driven toward generating additional revenues for DDOT. Previous examples of such regulations include charging motorcoach operators a “permit fee” to bring tourists into DC and assessing commuter stop fees to private carriers to pick-up/drop-off commuters in DC. Despite the fact that both of these types of carriers bring individuals into DC who spend millions of dollars within the District, not to mention reduce traffic congestion, it appears that this was not enough for DDOT so additional fees were assessed. This most recent proposed regulation will further allow DDOT to earn more money for the District by forcing potential advertisers to only deal with DDOT should they wish to advertise their services on vehicles in the District.

At what point will DDOT stop discriminating against private carriers while continuing to subsidize operations such as Metro and the DC Circulator?

Our organization strongly opposes this proposed regulation and will exhaust all available options to see that it is not implemented.

Respectfully,

David W. Snyder
Regional General Manager
The Martz Group

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