

Brianne K. Nadeau

Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require, on an emergency basis, the establishment of safety standards for roadway barriers used during temporary street closures, and to ensure that barriers used for street closures are covered by the litigation management protections of Qualified Anti-Terrorism Technology as certified by the United States Department of Homeland Security.

1 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
2 act may be cited as the “Road Barrier Standardization Emergency Act of 2024”.

3 Sec. 2. Notwithstanding subsection (f) of this section, any special event, as defined in 24
4 DCMR § 720.1, or other temporary event permitted by the Mayor requiring the closure of a
5 public roadway to vehicle traffic shall be subject to the requirements of this section.

6 (a) Closure of a public roadway designated as a minor arterial shall require a roadway
7 barrier with a Dynamic Penetration Rating of P3 as measured by the ASTM International
8 “Standard Test Method for Crash Testing of Vehicle Security Barriers” (ASTM F2656), or any
9 ASTM International standard that supercedes it.

10 (b) Closure of a public roadway designated as a collector shall require a roadway barrier
11 with a Dynamic Penetration Rating of P2 as measured by the ASTM International “Standard Test

12 Method for Crash Testing of Vehicle Security Barriers” (ASTM F2656), or any ASTM
13 International standard that supercedes it.

14 (c) Closure of a public roadway designated as a local road shall require a Type 3
15 Barricade, as specified by Chapter 6K of the 2023 Edition of the Manual of Uniform Traffic
16 Control and Design, published by the Federal Highway Administration.

17 (d) Roadway barriers utilized pursuant to subsections (a) and (b) of this section shall have
18 attained certification as a Qualified Anti-Terrorism Technology by the United States Department
19 of Homeland Security, pursuant to the Support Anti-terrorism by Fostering Effective
20 Technologies Act of 2002, approved November 25, 2002 (116 Stat. 2238, 6 USC § 441 *et seq.*),
21 as well as certification in favor of the government contractor defense, as defined in Section
22 863(d) of that Act.

23 (e) The Mayor shall not deny a permit for the temporary closure of a public roadway to
24 vehicle traffic based solely on the grounds of proposed roadway closure barriers, provided that
25 the proposed barriers fulfill the requirements of this section.

26 (f) The following shall be exempt from the requirements of this act:

27 (1) Public right-of-way occupancy permits, as defined in 24 DCMR § 3400 *et*
28 *seq.*, or any other public roadway closures necessary for construction, excavation, or public
29 space management;

30 (2) The use of concrete jersey barriers, or any other stationary barrier or vehicle
31 approved for use as a roadway closure device for a special event prior to the enactment of this
32 section;

33 (3) Closure of a public roadway designated as a major arterial, freeway,
34 expressway, Interstate Highway, or any bridges;

35 (4) First Amendment activities that do not require the Mayor's approval as a
36 special event; and,

37 (5) Presidential inaugurations and special events involving deployment of
38 Federal law enforcement.

39 Sec. 3. Fiscal impact statement.

40 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
41 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
42 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

43 Sec. 4. Effective date.

44 This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor,
45 action by the Council to override the veto), and shall remain in effect for no longer than 90 days,
46 as provided for emergency acts of the Council of the District of Columbia in section 412(a) of
47 the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C.
48 Official Code § 1-204.12(a)).