



**MURIEL BOWSER**  
**MAYOR**

February 7, 2024

The Honorable Phil Mendelson Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite 504  
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is the Transportation Improvements Amendment Act of 2024. The bill will amend the Department of Transportation Establishment Act of 2002 to provide the District Department of Transportation ("DDOT") Director the authority to construct, maintain and control DDOT infrastructure on land transferred from the federal government to include recreational purposes, provided that the land is adjacent to public space. This will allow the District to manage and permit private use of public space on the 11<sup>th</sup> Street Bridge Park project. The bill will also make clear that existing law provides the District adequate interest in the federal parkland where transportation infrastructure projects are located in order to meet federal highway funding requirements. Additionally, the bill will give the Director the authority to reconfigure DDOT offices to best meet the functions outlined in the D.C. Code.

Council action is necessary to provide assurance that federal highway funding is used in accordance with Title 23, United States Code and to allow DDOT to use land transferred from the National Park Service to the District for projects integral to a transportation improvement plan or project or DDOT's control of public space.


As always, I am available to discuss any questions you may have regarding this bill. In order to facilitate a response to any questions, please have your staff contact District Department of Transportation Interim Director Sharon Kershbaum at (202) 671-2317.

I urge you to take prompt and favorable action regarding the enclosed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser  
Enclosures

  
Chairman Phil Mendelson  
at the request of the Mayor

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Department of Transportation Establishment Act of 2002 to provide the District Department of Transportation (“DDOT”) Director with the authority to construct, maintain and control DDOT infrastructure on land transferred from the federal government for recreational purposes, provided that the land is adjacent to public space and integral to a transportation improvement plan or project or DDOT’s control of public space; and to provide that the District has an adequate interest sufficient to meet federal highway funding requirements in federal parkland where transportation infrastructure projects are located

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Transportation Improvements Amendment Act of 2024”.

Sec. 2. Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14–137; D.C. Official Code § 50–921.01 *et seq.*), is amended as follows:

(a) Section 5(a)(1) (D.C. Official Code § 50-921.04(a)(1)) is amended by adding a new subparagraph (W) to read as follows:

“(W) Manage, control, and implement transportation improvement plans and projects on land transferred from the federal government for recreational use pursuant to 40 U.S.C. § 8124 and section 1 of An Act To authorize the transfer of jurisdiction over public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161;

1 D.C. Official Code § 10-111); provided that the land transferred is adjacent to public space and is  
2 part of a transportation improvement plan or project.”.

3 (b) A new section 9r is added to read as follows:

4 “Sec. 9r. Adequate Interest for transportation projects on National Park Service parkland.

5 “When public roads and bridges on National Park Service parkland entrusted to the  
6 Mayor by Congress are in need of reconstruction or adjustment, the authority given to the Mayor  
7 pursuant to An act for the government of the District of Columbia, and for other purposes,  
8 approved June 20, 1874 (18 Stat. 116; D.C. Official Code §§ 9-101.01 and 9-101.02), shall be  
9 deemed to be an interest adequate to fulfill the purpose of the project within the meaning of Title  
10 23, United States Code. Pursuant to these provisions, the Mayor is authorized to operate and  
11 maintain those public roads and bridges, including associated infrastructure, subject to applicable  
12 permits from the National Park Service.”.

13 Sec. 3. Fiscal Impact Statement.

14 The Council of the District of Columbia adopts the fiscal impact statement of the Chief  
15 Financial Officer as the fiscal impact statement required by section 4a of the General Legislative  
16 Procedures Act of 1975, approved October 16, 1975 (120 Stat. 2038; D.C. Official Code § 1-  
17 301.47a).

18 Sec 4. Effective Date.

19 This act shall take effect following approval by the Mayor (or in the event of veto by the  
20 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
21 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
22 24, 1973 (87Stat. 813; D.C. Official Code § 1-20602(c)(1), and publication in the District of  
23 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL

BRIAN L. SCHWALB  
ATTORNEY GENERAL



Legal Counsel Division

**MEMORANDUM**

**TO:** Tommy Wells  
Director  
Office of Policy and Legislative Affairs

**FROM:** Megan D. Browder  
Deputy Attorney General  
Legal Counsel Division

**DATE:** June 12, 2023

**SUBJECT:** Legal Sufficiency Review of Draft Bill, the “Transportation  
Improvements Amendment Act of 2023”  
(AE-23-303)

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**This is to Certify that** this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at (202) 724-5524.

A handwritten signature in black ink that reads "Megan D. Browder". The signature is written in a cursive style with a large, looping "M" and "B".

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Megan D. Browder

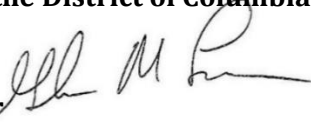
Government of the District of Columbia  
Office of the Chief Financial Officer



Glen Lee  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Glen Lee  
Chief Financial Officer 

**DATE:** September 11, 2023

**SUBJECT:** Fiscal Impact Statement - Transportation Improvements Amendment Act of 2023

**REFERENCE:** Draft Bill as provided to the Office of Revenue Analysis on August 18, 2023

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**Conclusion**

Funds are sufficient in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

**Background**

The federal government has and continues to act upon its authority<sup>1</sup> to transfer land to the District for various purposes, including recreational uses. The bill expands the District Department of Transportation's (DDOT) Project Delivery Administration's duties to include the administration of transportation improvement plans located on lands transferred for recreational purposes if the land is adjacent to public space and is part of a larger transportation improvement plan.

The bill establishes that the Mayor has adequate interest<sup>2</sup> in roadways and bridges that have been entrusted to the Mayor by Congress<sup>3</sup> that are located on National Park Service (NPS) land. This will allow DDOT to reconstruct or maintain this infrastructure on NPS land that the District has not

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<sup>1</sup> 40 U.S.C. § 8124 and section 1 of An Act To authorize the transfer of jurisdiction over public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10-111).

<sup>2</sup> Consistent with Title 23, U.S.C.

<sup>3</sup> An act for the government of the District of Columbia, and for other purposes, approved June 20, 1874 (18 Stat. 116; D.C. Official Code §§ 9-101.01 and 0-101.02).

The Honorable Phil Mendelson

FIS: "Transportation Improvements Amendment Act of 2023," Draft bill as provided to the Office of Revenue Analysis on August 18, 2023

purchased, condemned, been provided an easement, or controlled through a transfer of jurisdiction. DDOT's projects on these roadways and bridges are still subject to the appropriate NPS permits.

The bill also repeals the statutory establishment of DDOT's organizational structure.<sup>4</sup> The bill enhances DDOT's statutorily assigned duties<sup>5</sup> to ensure DDOT maintains responsibility for any duties that were codified in the proposed organizational structure repeal that were not codified elsewhere. The bill provides the DDOT director with the flexibility to establish organizational offices and divisions as the director needs to fulfill DDOT's assigned duties.

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The bill ensures that DDOT has the necessary authority to implement transportation improvement plans on lands that have been transferred to the District for recreational purposes or that the District does not control, but where DDOT has responsibility to maintain related to roadways and bridges. DDOT can absorb any costs associated with this authority within the agency's existing budgeted resources.

There are no costs associated with repealing DDOT's codified organizational structure as the bill maintains the agency's existing duties and responsibilities.

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<sup>4</sup> Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.03).

<sup>5</sup> D.C. Official Code § 50-921.04.