



MURIEL BOWSER
MAYOR

March 1, 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 11th 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.

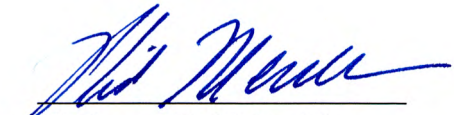
As always, I am available to discuss any questions you may have regarding this bill. In order to facilitate a response to any questions, please have your staff contact District Department of Transportation Interim Director Sharon Kershbaum at (202) 671-2317.

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", written over a large, stylized flourish.

Muriel Bowser
Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Department of Transportation Establishment Act of 2002 to provide the Director of the District Department of Transportation (“DDOT”) greater discretion to delegate the duties and responsibilities assigned to DDOT; to provide the 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. The 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 4 (D.C. Official Code § 50-921.03) is repealed.
- (b) Section 5(a) (D.C. Official Code § 50-921.04(a)) is amended as follows:
 - (1) The lead-in text is amended by striking the phrase “The offices of DDOT’ and inserting the word “DDOT” in its place.
 - (2) Paragraph (1) is amended as follows:

34 (A) The lead-in language is amended by striking the phrase “The Project
35 Delivery Administration shall” and inserting the phrase “Pursuant to its responsibility for
36 transportation project delivery, DDOT shall:” in its place.

37 (B) Subparagraph (A) is amended to read as follows:

38 “(A) Identify transportation needs of the District and design, manage, and
39 implement transportation improvement plans and projects, including design, engineering, and
40 related support;”

41 (C) Subparagraph (P) is amended by striking the phrase “mass transit” and
42 inserting the phrase “transit policy and mass transit and alternative transit” in its place.

43 (D) Subparagraph (U) is amended by striking the phrase “; and” and
44 inserting a semicolon in its place.

45 (E) Subparagraph (V) is amended by striking the period and inserting the
46 phrase “; and” in its place.

47 (F) New subparagraphs (W) and (X) are added to read as follows:

48 “(W) Carry out duties related to freight and passenger rail, to the extent
49 such authority has been delegated or required by federal law, as well as duties relating to State
50 Transportation Environmental Compliance.

51 “(X) Manage, control, and implement transportation improvement plans
52 and projects on land transferred from the federal government for recreational use
53 pursuant to 40 U.S.C. § 8124 and section 1 of An Act To authorize the transfer of jurisdiction
54 over public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161;
55 D.C. Official Code § 10-111); provided that the land transferred is adjacent to public space and is
56 part of a transportation improvement plan or project.”.

57 (3) Paragraph (2) is amended by striking the phrase “The Project Delivery
58 Administration” and inserting the word “DDOT” in its place.

59 (4) The lead-in language of paragraph (2A) is amended by striking the phrase
60 “The Project Delivery Administration” and inserting the word “DDOT” in its place.

61 (5) Paragraph (3) is amended as follows:

62 (A) The lead-in language is amended by striking the phrase “The
63 Operations Administration” and inserting the phrase “Pursuant to its responsibility for
64 transportation operations, DDOT” in its place.

65 (B) Subparagraph (G) is amended by striking the word “infrastructure”
66 and inserting the phrase “infrastructure and maintain all DDOT assets” in its place.

67 (6) Paragraph (4) is amended to read as follows:

68 “(4) Pursuant to its responsibility for agency administration, DDOT shall:

69 “(A) Perform financial planning, financial management, and budgeting
70 activities;

71 “(B) Perform functions relating to workforce development and the
72 management of human resources;

73 “(C) Support the contracting and procurement of goods and services
74 required to fulfill the functions of DDOT; and

75 “(D) Manage DDOT’s fleet, warehouses, and other facilities; and”.

76 (7) Paragraph (5) is amended as follows:

77 (A) The lead-in language is amended by striking the phrase “The
78 Performance Administration” and inserting the phrase “Pursuant to its responsibility for ensuring
79 adequate performance of the other duties identified in this section, DDOT” in its place.

80 (B) A new subparagraph (E) is added to read as follows:

81 “(E) Provide customer service.”

82 (8) New paragraphs (6) and (7) are added to read as follows:

83 “(6) The Director shall designate DDOT staff who are responsible for:

84 “(A) Providing legal counsel;

85 “(B) Civil rights matters;

86 “(C) Compliance with the Americans with Disabilities Act of 1990,
87 approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12101 *et seq.*);

88 “(D) Senior and elderly affairs; and

89 “(E) Policy and legislative affairs.

90 “(7) The Director shall establish such offices and divisions as, in the Director’s
91 judgment, are appropriate to efficiently and soundly administer the various responsibilities of
92 DDOT.”

93 (c) A new section 9s is added to read as follows:

94 “Sec. 9s. Adequate interest for transportation projects on National Park Service parkland.

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

103 Sec. 3. The Vision Zero Enhancement Omnibus Amendment Act of 2020, effective
104 December 23, 2020 (D.C. Law 23-158; 67 DCR 13057) is amended as follows:

105 (a) The lead-in language to amendatory paragraph 3A in Section 4(a)(2) is amended by
106 striking the phrase “The Operations Administration” and inserting the word “DDOT” in its place.

107 (b) The amendatory language within section 4(a)(3)(C) is amended as follows;

108 (1) Amendatory subparagraph (C)(ii) is amended by striking the period and
109 inserting a semicolon in its place.

110 (2) Amendatory subparagraph (D) is amended by striking the period and inserting
111 a semicolon in its place.”

112 Sec. 4. Fiscal impact statement.

113 The Council adopts the fiscal impact statement in the committee report as the fiscal
114 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
115 approved October 16, 1975 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

116 Sec 5. Effective date.

117 This act shall take effect following approval by the Mayor (or in the event of veto by the
118 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
119 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
120 24, 1973 (87Stat. 813; D.C. Official Code § 1-20602(c)(1), and publication in the District of
121 Columbia Register.

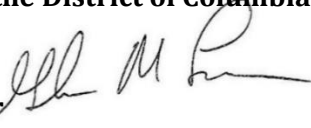
Government of the District of Columbia
Office of the Chief Financial Officer



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

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 authority¹ 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 interest² in roadways and bridges that have been entrusted to the Mayor by Congress³ 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

¹ 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).

² Consistent with Title 23, U.S.C.

³ 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.⁴ The bill enhances DDOT's statutorily assigned duties⁵ 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.

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

⁵ D.C. Official Code § 50-921.04.

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)

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".

Megan D. Browder