

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, the Department of Transportation Establishment Act of 2002 to create a separate fund for the deposit of fees for project review and mitigation measures by developers, property owners, and utility companies in connection with projects on private property or public space that may impact the District Department of Transportation's ("DDOT") ability to manage and maintain the transportation infrastructure in the District, to authorize expenditures from the fund, and to authorize the Director of DDOT to enter into a payment agreement for services related to DDOT's review of proposed and existing projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Transportation Infrastructure Mitigation Temporary Amendment Act of 2013".

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 3(f) (D.C. Official Code § 50-921.02(f)) is amended to read as follows:

"(f)(1) The Director may enter into a payment agreement with the developer, person, property owner, utility company, federal government, and governmental jurisdiction for all services related to DDOT's reviews of proposed and existing projects on private property and public space and for mitigation measures, including bikeshare stations, to address a project's impact on DDOT's ability to manage and maintain the transportation infrastructure in the District.

"(2) A payment required under a payment agreement shall be reasonably related to the cost of the service produced by DDOT."

(b) The second section 9f (D.C. Official Code § 50-921.16) is redesignated as section 9h.

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

"Sec. 9i. Transportation Infrastructure Project Review Fund.

"(a) There is established as a special fund the Transportation Infrastructure Project Review Fund ("Fund"), which shall be administered by the Director of the DDOT in accordance with subsection (c) of this section.

"(b) The Fund shall consist of the revenue collected from the following sources pursuant to section 3(f):

“(1) Payments from an individual or entity, including a developer, property owner, utility company, the federal government, or another governmental jurisdiction, to review the individual or entity’s plans for a proposed or existing project on private property or public space to determine the impact the project will have on DDOT’s ability to manage and maintain the transportation infrastructure in the District; and

“(2) Payments for mitigation measures related to a proposed project on private property or public space to minimize the impact the project will have on DDOT’s ability to manage and maintain the transportation infrastructure in the District.

“(c) The Fund shall be used for the following purposes:

“(1) To fund reviews of projects on private property or public space that will affect DDOT’s ability to manage and maintain the transportation infrastructure in the District;

“(2) To fund mitigation measures, including traffic mitigation and bikeshare stations, related to projects on private property or public space that will affect DDOT’s ability to manage and maintain the transportation infrastructure in the District;

“(3) To fund studies on private property that could be affected by transportation infrastructure projects; and

“(4) To the extent not needed for the purposes set forth in paragraphs (1), (2), and (3) of this subsection, for local transportation enhancement or local infrastructure projects.

“(d) The fees deposited into the Fund shall be separate from any funds paid for the temporary use of public space or the use of the public right of way, pursuant to the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10–1101.01 *et seq.*), and Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*).

“(e)(1) The money deposited into the Fund, and any interest earned, shall not revert to the unrestricted fund balance of the General Fund at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation”.

### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review

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as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia