

AN ACT

Bill 20-431
Act 20-345
effective
June 3, 2014

To amend the Department of Transportation Establishment Act of 2002 to authorize the Director of the District Department of Transportation (“DDOT”) to enter into a payment agreement for services related to DDOT’s review of proposed and existing projects and to create the Transportation Infrastructure Project Review Fund, into which DDOT shall deposit fees received for services related to DDOT’s review of proposed and existing projects.

Codification
District of
Columbia
Official Code
2001 Edition

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Transportation Infrastructure and Public Space Impact Mitigation Amendment Act of 2014”.

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:

Amend
§ 50-921.02

“(f)(1) The Director may:

“(A) With respect to the program established pursuant to 49 U.S.C. § 5310 (the “5310 Program”):

“(i) Enter into agreements with nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities;

“(ii) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate;

“(iii) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the 5310 Program guidelines and regulations enacted pursuant to this paragraph, including the requirement that the vehicle recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives; and

“(iv) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director;

“(B) Enter into an agreement with a developer, property owner, utility company, the federal government or other governmental entity, or other person or entity requiring payment for:

“(i) The costs of DDOT’s review of the proposed or existing project on private property or public space that may affect the transportation infrastructure or

public space in the District or DDOT's ability to manage and maintain the transportation infrastructure or public space in the District;

“(ii) The implementation of transportation infrastructure or public improvements or mitigation measures to address the project's impact on the transportation infrastructure or public space in the District or on DDOT's ability to manage and maintain the transportation infrastructure or public space in the District; or

“(iii) The cost of both review and the implementation of mitigation measures; and

“(C) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor's authority under the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

“(2) A payment, improvement, and mitigation measure required under an agreement authorized by paragraph (1)(B) of this subsection shall be reasonably related to:

“(A) The costs incurred by DDOT in reviewing the project;

“(B) The effects of the project on the transportation infrastructure or public space in the District; and

“(C) The effects of the project on DDOT's ability to manage and maintain the transportation infrastructure or public space in the District.

“(3) A payment made pursuant to an agreement authorized by paragraph (1)(B) of this subsection shall be in addition to, and not in lieu of, a payment required 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.*), or 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.*).”.

(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 made by an individual or entity pursuant to an agreement entered into under section 3(f); and

“(2) Payments made to the District for transportation infrastructure or public space improvements or mitigation measures, when the payments are made pursuant to an order of the Zoning Commission or the Board of Zoning Adjustment.

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

“(1) To fund the review of a project on private property or public space that may affect the transportation infrastructure or public space in the District or DDOT's ability to manage and maintain the transportation infrastructure or public space in the District;

Amend
§ 50-921.16
New
§ 50-921.17

“(2) To fund transportation infrastructure or public space improvements or mitigation measures related to a project on private property or public space that will affect the transportation infrastructure or public space in the District or DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District;

“(3) To fund transportation infrastructure or public space improvements or mitigation measures required pursuant to an order of the Zoning Commission or the Board of Zoning Adjustment; 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 projects, local transportation infrastructure projects, and studies on the effects of transportation infrastructure projects, including the effects of such projects on private property.

“(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 of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, 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 in the committee report 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.

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 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.