

AN AMENDMENT

#1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DATE: December 3, 2013

Offered By: Councilmember Mary M. Cheh

Title: B20-430, "Transportation Infrastructure Mitigation Temporary
Amendment Act of 2013"

Version: ___ Introduced
 ___ Draft Committee Print
 ___ Committee Print
 ___ First Reading
 ___ Amended First Reading
 x Engrossed
 ___ Enrolled
 ___ ANS

1. Section 2(b)(1) (page 2, line 12) is amended by striking the phrase "District;" and inserting the phrase "District. A payment required under a payment agreement shall be reasonably related to the cost of the service provided by DDOT; and" in its place.
2. Section 2(b)(2) (page 2, line 17) is amended by striking the phrase "District." and inserting the phrase "District. A payment required under a payment agreement shall be reasonably related to the cost of the service provided by DDOT." in its place.

Rationale: This amendment, which was requested by the District Department of Transportation, would ensure that the DDOT Director could charge fees reasonably related to transportation mitigation projects. Despite the fact that any fees paid into this fund would be entirely voluntary on the part of the party requesting action or study from DDOT, the Office of the Attorney General has opined that restricting the type of fees to those reasonably related to the project review and any mitigation measures will prevent legal challenges to any fees set in payments agreement.

This amendment represents the consensus language reached by DDOT, OAG, and the DC Building Industry Association.

COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

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

FROM: Jennifer Budoff, Budget Director

DATE: December 2, 2013

SHORT TITLE: B20-430 "Transportation Infrastructure Mitigation Emergency Amendment Act of 2013"

TYPE: Amendment #1

REQUESTED BY: Councilmember Mary Cheh

Conclusion

This amendment will not have an adverse impact on the District's budget and financial plan.

Background

This amendment would limit fees charged by DDOT for project reviews and mitigation measures to those reasonably related to the cost of the service provided. Restricting the fees in this way will prevent legal challenges. These fees would be deposited in the new Transportation Infrastructure Project Review Fund.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.