

OFFICE OF
MARY M. CHEH

Councilmember, Ward 3 | Chair, Committee on Transportation & the Environment

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Mary M. Cheh 
DATE: September 15, 2022
SUBJECT: Requests for the September 20, 2022, Meeting of the Committee of the Whole and Additional Legislative Meeting

I request that the following measures be agendized for the September 20, 2022, meeting of the Committee of the Whole and Additional Legislative Meeting. These measures were marked up by the Committee on Transportation and the Environment on July 13, 2022, and have been filed with the Secretary.

- Bill 24-673, the Safer Streets Amendment Act of 2022

This legislation aims to improve traffic safety by changing traffic rules and promoting safer transportation infrastructure. The bill would, beginning in 2025, prohibit motor vehicle drivers from making turns when facing a steady red traffic light, unless the District Department of Transportation (DDOT) determines that allowing turns on red would improve safety and installs signage allowing it. This would be a reversal of our current policy allowing right turns on red, unless DDOT prohibits it. DDOT has prohibited right turns on red at numerous intersections and has found improved safety conditions at these locations. The two-year phase in period would allow DDOT to run a public education campaign, determine where turns on red should be allowed and make signal timing and other adjustments to promote safety.

The bill also allows bike, scooter and other riders to safely proceed through a stop sign without coming to a complete stop while yielding to other traffic and avoiding hazards. The “Idaho Stop,” as this practice is commonly called, improves rider safety and comfort by allowing them to keep momentum, moving more quickly through intersections and reducing their exposure to cars all while saving energy, which makes for a more enjoyable and attractive riding experience. The bill also grants DDOT the authority, where the agency deems it appropriate, to install signage allowing riders to safely proceed through red lights after coming to a stop. This change would support existing District policies which aim to increase the share of trips made by bikes and other active forms of transportation.

Regarding infrastructure, the bill requires DDOT to conduct annual planning around the conversion of tactical safety projects to more permanent streetscape projects as well as to review bike lanes for possible safety upgrades. The bill also requires DDOT to update its Design and Engineering Manual every five years, and to establish standard designs and criteria for installing raised crosswalks, raised intersections and continuous crosswalks. It would require DDOT to install these features when conducting road reconstruction in these standard locations. These measures will facilitate more construction of pedestrian friendly infrastructure, improving safety and comfort for the most vulnerable road users.

Finally, the bill makes two technical changes to DDOT's regulation of Shared Fleet Devices (SFDs), such as e-scooters and bikes. It gives the Director the authority to suspend service to protect public safety, while relaxing requirements for operators in such times. It also gives DDOT the discretion to not issue permits to SFD operators. These minor fixes were requested by DDOT in order to more effectively manage the SFD program.

I also request that the following emergency measures be agendized for Additional Legislative Meeting:

- Battery Stewardship Program Emergency Declaration Resolution of 2022
- Battery Stewardship Program Emergency Amendment Act of 2022
- Battery Stewardship Program Temporary Amendment Act of 2022

Section 129(b) of the Sustainable Solid Waste Management Amendment Act of 2014 requires battery stewardship organizations to submit proposed battery stewardship plans to the Department of Energy and the Environment ("DOEE") by January 1, 2022. These provisions were funded in the Fiscal Year 2022 Local Budget Act of 2021 and became effective on October 1, 2021. In late 2021, it came to light that the January 1, 2021, deadline did not give battery stewardship organizations sufficient time to develop their proposed battery stewardship plans for submission to DOEE because DOEE has not yet issued the regulations necessary to instruct the battery stewardship organizations on what to include in their proposed plans.

Thus, on December 7, 2021, the Council passed Battery Stewardship Program Emergency Amendment Act of 2021, which expired on March 22, 2022. That emergency legislation extended the deadline for the submission of proposed battery stewardship plans to January 1, 2023. On December 21, 2021, the Council passed the Battery Stewardship Program Temporary Amendment Act of 2021, which will expire on October 26, 2022. This emergency legislation is necessary to prevent a gap in the law following the expiration of the temporary act.

This emergency legislation, however, includes several amendments not included in the emergency act or temporary act. These amendments, proposed to the Council by DOEE, do

not substantively change the intent, scope, or effect of the battery stewardship program. Rather, it makes necessary technical edits and clarifications to the law to facilitate DOEE's implementation of the law, and to provide clarity to manufacturers on how to comply with the law's requirements.

- Post-Public Health Emergency Protections Extension Emergency Declaration Resolution of 2022
- Post-Public Health Emergency Protections Extension Emergency Amendment Act of 2022
- Post-Public Health Emergency Protections Extension Temporary Amendment Act of 2022

On October 5, 2021, the Council passed the Post-Public Health Emergency Protections Extension Emergency Amendment Act of 2021, which expired on January 23, 2022. On November 2, 2021, the Council passed the Post-Public Health Emergency Protections Extension Temporary Amendment Act of 2021, effective March 2, 2022, which will expire on October 13, 2022. This emergency legislation is necessary to prevent a gap in the law following the expiration of the temporary act.

Although the public health emergency is over, many residents are still experiencing significant hardship stemming from the pandemic. In turn, a number of residents have family members who cannot receive the vaccine, or they themselves have an underlying condition, and continue to rely on the protections established by the Council to allow District and private entities to hold virtual meetings or offer virtual means for participants to attend. This emergency legislation would extend those protections or modes of access for approximately another year. Of note, this legislation is virtually identical to the version the Council approved in October 2021; however, it removes several provisions that are moot given the expiration of utility relief programs, and incorporates cooperative associations into virtual meeting authorization.

- This legislation would continue to require condominium unit owners' associations and cooperative associations to allow members to participate remotely, including to vote;
- The legislation amends the Open Meetings Act to deem District agencies, boards, committees, and other entities subject to the act in compliance with the act's requirements where the entity takes steps to allow the public to view or hear the meeting in real-time; or, where not feasible, for video to be posted as soon as reasonably practicable;
- The legislation would provide the Department of Public Works with continued authority to administer virtual composting trainings.
- Finally, with respect to third-party food delivery platforms, this emergency legislation would extend both the 5% and 15% commission fee cap, while allowing third-party

delivery platforms to charge additional fees for advertising and special promotions. Restaurants have indicated a need for caps to stay in place to ensure that they can make money on orders placed through these platforms, and this language will extend those protections, while providing needed flexibility to providers to charge additional fees where restaurants are receiving additional promotional services from the platform. Permanent legislation on these caps is before the Committee on Business and Economic Development.

Draft copies of the emergency legislation are attached. Please contact Michael Porcello in my office at 724-8062 or mporcello@dccouncil.us if you have any questions.