

Council of the District of Columbia
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Charles Allen
RE: Request to Agendize Measures for the July 11, 2023 Committee of the Whole and Legislative Meetings
DATE: July 6, 2023

Permanent Legislation for First Reading

I am requesting that the following measure be agendized for the July 11, 2023 Committee of the Whole meeting and for the Legislative Meeting to follow:

- Bill 25-115, the “Electric Bicycle Incentive Program Amendment Act of 2023”

The Committee on Transportation and the Environment marked up the measure on June 16, 2023, and the Committee Report as filed is attached. As approved by the Committee, B25-115 establishes an Electric Bicycle Incentive Program to provide rebates or vouchers to District residents for the purchase of electric bicycles (“e-bikes”), e-bike components, and annual maintenance. The bill reserves one-half of all incentives for preferred applicants – defined to include residents enrolled in SNAP, TANF, Medicaid, or the Healthcare Alliance – and doubles the maximum allowable incentive for these applicants. The bill also authorizes the Mayor to issue grants to local retail establishments that sell or service e-bikes to (1) defray the costs associated with hiring, training, and retaining bicycle repair workers and (2) to defray the costs associated with opening a bicycle shop in Wards 7 or 8.

I am requesting that the following measures be agendized for the July 11, 2023 Legislative Meeting:

Emergency and Temporary Measures

- “DC Water Critical Infrastructure Freedom of Information Clarification Emergency Declaration Resolution of 2023”
- “DC Water Critical Infrastructure Freedom of Information Clarification Emergency Amendment Act of 2023”
- “DC Water Critical Infrastructure Freedom of Information Clarification Temporary Amendment Act of 2023”

The District of Columbia Administrative Procedure Act, effective February 26, 2015 (D.C. Law 20-160; D.C. Official Code § 2-534(a)(15)) (“Act”), exempts from disclosure under Freedom

of Information provisions critical infrastructure information or plans that contain critical infrastructure information of companies that are regulated by the Public Service Commission of the District of Columbia (“PSC”). DC Water is not regulated by the PSC, and therefore is not covered by this exemption or any similar exemption. As a result, under current law, DC Water could be required to disclose information that could jeopardize the security of the District’s critical water and sewer infrastructure. This emergency legislation clarifies that the exemption from provisions of the Act applies to DC Water, as well as entities regulated by the PSC. Like other utilities, DC Water is party to information related to critical infrastructure that should not be widely available to the public upon a Freedom of Information request. This emergency legislation is necessary to limit access to that information and protect the security of the District’s water and sewer infrastructure.

- “Limited Purpose Credential Clarification Emergency Declaration Resolution of 2023”
- “Limited Purpose Credential Clarification Emergency Amendment Act of 2023”
- “Limited Purpose Credential Clarification Temporary Amendment Act of 2023”

In 2013, the Council approved the Driver’s Safety Amendment Act of 2013, effective January 17, 2014 (D.C Law 20-62; D.C. Official Code § 50-1401.05) to authorize the Department of Motor Vehicles (“DMV”) to issue limited purpose credentials (including driver’s license, permits, and non-driver’s identification cards), which are now available for residents who cannot receive a REAL ID—largely undocumented residents. Undocumented residents who have encountered the Department of Homeland Security (“DHS”) when entering the country, including asylum seekers who voluntarily report to DHS officials, are frequently required to relinquish all identifying documents to DHS, which DHS uses as an inducement to report to a later hearing before releasing the individual. Residents whose documents have been seized in this way, including those who have been bussed here against their will, often are left without any documents that they can use to prove identity when applying for a limited purpose credential at the DMV, because DHS is holding the foreign documents that DMV would otherwise accept as proof of identity. Holding a limited purpose credential allows residents to sign leases and access community services like adult education programs, libraries, and community centers. Without identification, residents are also unable to obtain a marriage certificate or birth certificate for a child born in the District. And for immigrants applying for certain statuses, including asylum, DHS requires a state-issued identification when making the final application.

To address these barriers, especially for residents who have been bussed to the District against their will, if an applicant has had documents seized by DHS, DMV is willing to accept a letter from the Mayor’s Office of Migrant Services (“OMS”), including to waive the 6-month waiting period for those who have been bussed here by the executive branch of another state. This letter would be similar to documentation that the Court Services and Offender Supervision Agency provides to residents returning from incarceration, and that DMV accepts for purposes of providing identification. The Committee on Transportation and the Environment will continue to work with DMV to refine the language, to ensure that the changes to the limited purpose credential process being made on an emergency basis are only as narrow as necessary to address barriers for those who have had documents seized by DHS.

Emergency Contract Approvals at the Request of the Mayor

- “Multiyear Modification No. 12 to Contract No. DCKA-2017-C-0052 with RATP Dev USA, Inc. Emergency Declaration Resolution of 2023”
- “Multiyear Modification No. 12 to Contract No. DCKA-2017-C-0052 with RATP Dev USA, Inc. Emergency Approval Resolution of 2023”

This emergency declaration and multiyear resolution will approve a contract modification for RATP Dev USA to operate, manage, and maintain fixed-route service bus routes and supplemental special Circulator service routes. The period of performance for this contract modification is from October 1, 2023 through September 30, 2028 with a not-to-exceed amount of \$159,995,322.

- “Modification Nos. 5, 6, 7, and 8 to Contract No. DCKA-2022-C-0010 with Lyft Bikes and Scooters, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2023”
- “Modification Nos. 5, 6, 7, and 8 to Contract No. DCKA-2022-C-0010 with Lyft Bikes and Scooters, LLC Approval and Payment Authorization Emergency Act of 2023”

This contract will modify our existing agreement with the service provider to provide bike stations and bike station equipment for the District’s Capital Bikeshare system. This modification is now necessary to exercise the remainder of the option year for the period of July 7, 2023 through December 5, 2023 in the not-to-exceed amount of \$6,421,464, bringing the total of the contract to \$7,420,464.

- “Modification Nos. 15, 16, and 17 to Contract No. DCKA-2017-C-0047 with First Choice Masonry, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2023”
- “Modification Nos. 15, 16, and 17 to Contract No. DCKA-2017-C-0047 with First Choice Masonry, Inc. Approval and Payment Authorization Emergency Act of 2023”

This emergency legislation will approve contract modifications exercise an option year for year our to First Choice Masonry, Inc to provide construction and related services for the installation of bicycle and pedestrian facilities to the District Department of Transportation (DDOT). This authorizes payment in the not-to-exceed amount of \$1,963,062.55.

Drafts of these measures are attached. Please contact Chris Laskowski, Committee Director, at claskowski@dccouncil.gov, with any questions.

cc: Members, Council of the District of Columbia
Office of the Budget Director
Office of the General Counsel
Office of the Secretary