

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**TO:** Chairman Phil Mendelson  
**FROM:** Councilmember Charles Allen *CA*  
**RE:** Request to Agendize Measures for the November 7, 2023 Legislative Meeting  
**DATE:** November 2, 2023

I am requesting that the following measures be agendized for the November 7, 2023 Legislative Meeting

- “Clear Lanes Bus Priority Enforcement Emergency Declaration Resolution of 2023”
- “Clear Lanes Bus Priority Enforcement Emergency Regulation Amendment Act of 2023”
- “Clear Lanes Bus Priority Enforcement Temporary Regulation Amendment Act of 2023”

On May 2, 2023, the Council expedited approval, on an emergency basis, of a contract the Council understood to mean that the District Department of Transportation (“DDOT”) would provide the Washington Metropolitan Area Transit Authority (“WMATA”) busses with cameras to identify vehicles blocking bus lanes and issue citations. This collaboration between DDOT and WMATA is referred to as the “Clear Lanes Project”. On its website describing the Clear Lanes Project, WMATA notes that dedicated bus lanes “speed up bus service and enhance reliability,” but that “[w]hen vehicles block bus lanes, this slows down everyone”. On its Clear Lanes Project website, DDOT says that the Clear Lanes Project “aims to improve bus travel times and enhance bus stop safety”. This is why it was important to start “this vital service in a timely manner” as noted in the emergency declaration resolution accompanying the emergency contract approval.

On July 24, 2023, DDOT began issuing warning citations to vehicles recorded driving or parking in a bus lane. DDOT and WMATA had announced that only warning citations would be given until September 18, 2023. On September 18, 2023, Councilmembers and the general public learned via the online application referred to as “X” that WMATA and DDOT would be delaying enforcement indefinitely.

On September 22, 2023, Councilmember Charles Allen, as Chair of the Committee on Transportation and the Environment, sent a letter to DDOT and WMATA requesting additional explanation for the delay of enforcement. On November 1, 2023, DDOT sent Councilmember Allen a response to his September 22, 2023, letter, asserting that the \$200 fine for driving or parking in a bus lane is inequitable and noting that DDOT can begin issuing fines once the amount of the fine is reduced to \$100.

DDOT believes it cannot adopt an emergency rule to change the fine for bus lane violations to \$100, and therefore to allow for a 30-day public comment period and assuming the Council would expedite the normal 45-day passive review of proposed regulations, DDOT estimated it could begin enforcing bus lane violations on January 2, 2024.

However, in addition to approving a rulemaking initiated by an agency, the Council can also directly amend regulations by statute. To support DDOT’s interest in quickly beginning enforcement of driving and parking in a bus lane, the Council will make the change to the fine amount by emergency legislation on November 7, 2023, giving DDOT an opportunity to begin

issuing \$100 fines for bus lane violations on November 15, 2023—the planned date to begin automated enforcement of parking in a bus *stop*, which already is a fine of only \$100—if the Mayor signs the emergency measure in time. The Council will also begin the process of approving identical temporary legislation on November 7, 2023. In combination, the emergency and temporary measures would give DDOT nearly one year to complete the rulemaking process that would permanently change the amount of the fine for driving and parking in a bus lane, while also enabling DDOT to enforce bus lane violations in the meantime.

Drafts of these measures are attached. Please contact Chris Laskowski, Committee Director, at [claskowski@dccouncil.gov](mailto: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