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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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To require, on an emergency basis, the establishment of safety standards for barriers used during temporary street closures, and to ensure that barriers used for street closures are covered by the litigation management protections of Qualified Anti-Terrorism Technology as certified by the United States Department of Homeland Security.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Street Closure Barrier Standards Emergency Act of 2023”.

Sec. 2. Notwithstanding subsection (f) of this section, any special event, as defined in 24 DCMR § 720.1, or other temporary event permitted by the Mayor requiring the closure of a public roadway to vehicle traffic shall be subject to the requirements of this section.

(a) Closure of a public roadway designated as a minor arterial shall require a roadway barrier with a Dynamic Penetration Rating of P3 as measured by the ASTM International “Standard Test Method for Crash Testing of Vehicle Security Barriers” (ASTM F2656), or any ASTM International standard that supercedes it.

(b) Closure of a public roadway designated as a collector shall require a roadway barrier with a Dynamic Penetration Rating of P2 as measured by the ASTM International “Standard Test

27 Method for Crash Testing of Vehicle Security Barriers” (ASTM F2656), or any ASTM  
28 International standard that supercedes it.

29 (c) Closure of a public roadway designated as a local road shall require a Type 3  
30 Barricade, as specified by Chapter 6K of the 2023 Edition of the Manual of Uniform Traffic  
31 Control and Design, published by the Federal Highway Administration.

32 (d) Roadway barriers utilized pursuant to subsections (a) and (b) of this section shall have  
33 attained certification as a Qualified Anti-Terrorism Technology by the United States Department  
34 of Homeland Security, pursuant to the Support Anti-terrorism by Fostering Effective  
35 Technologies Act of 2002, approved November 25, 2002 (116 Stat. 2238, 6 USCS § 441 *et seq.*),  
36 as well as certification in favor of the government contractor defense, as defined in Section  
37 863(d) of that Act.

38 (e) The Mayor shall not deny a permit for the temporary closure of a public roadway to  
39 vehicle traffic based solely based on the grounds of proposed roadway closure barriers, provided  
40 that the proposed barriers fulfill the requirements of this section.

41 (f) The following shall be exempt from the requirements of this act:

42 (1) Public right-of-way occupancy permits, as defined in 24 DCMR § 3400 *et*  
43 *seq.*, or any other public roadway closures necessary for construction, excavation, or public  
44 space management;

45 (2) Concrete jersey barriers, or any other stationary barrier approved for use as a  
46 roadway closure device for a special event prior to the enactment of this section;

47 (3) Closure of a public roadway designated as a major arterial, freeway,  
48 expressway, Interstate Highway, or any bridges;

49 (4) First Amendment activities that do not require the Mayor's approval as a  
50 special event; and,

51 (5) Special events involving Federal law enforcement.

52 Sec. 3. Fiscal impact statement.

53 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
54 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
55 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

56 Sec. 4. Effective date.

57 This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor,  
58 action by the Council to override the veto), and shall remain in effect for no longer than 90 days,  
59 as provided for emergency acts of the Council of the District of Columbia in section 412(a) of  
60 the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C.  
61 Official Code § 1-204.12(a)).