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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 (a) This act shall take effect following approval by the Mayor (or in the event of veto by the
58 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
59 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
60 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
61 Columbia Register.

62 (b) This act shall expire after 225 days of its having taken effect.

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