

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to [SHORT DESCRIPTION].

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Road Barrier Standardization Emergency Declaration Resolution of 2024”.

Sec. 2. (a) In Fiscal Year 2022 and Fiscal Year 2023, the Mayor funded the “Streets for People” grant as a program under the Office of Planning. The described intent of the program was to “temporarily retrofit streets, sidewalks, and alleys to allow people to... attract daytime and nighttime foot traffic and encourage the public to dine and shop at local restaurants and retailers and contribute to the economic recovery of our downtown area.” The program was funded at \$2.8 million in Fiscal Year 2022 and \$650,000 in Fiscal Year 2023.

(b) The Streets for People program, according to the executive, was meant to build on successful Open Streets events, providing more opportunities for pedestrian activations of District streets.

33 (c) The Adams Morgan Partnership Business Improvement District (“AMPBID”) was
34 one of the grantees under the program; AMPBID’s grant agreement with the District involved
35 activations of 18th Street NW between Kalorama Road NW and Columbia Road NW, by
36 pedestrianizing 18th Street, which has occurred many times in the past for events such as Adams
37 Morgan Day.

38 (d) Using grant funds, AMPBID purchased road barriers to demonstrate their viability for
39 use in ongoing and regular street closures to create a pedestrian zone. Barriers were acquired and
40 used for three events in 2023, after approval was granted from the Mayor’s Special Events Task
41 Group, including HSEMA, MPD, DDOT, and DPW.

42 (e) Although AMPBID purchased the barriers, the intent was always to transfer
43 ownership from the BID to the District government for broader use across the District.

44 (f) The barriers have been placed in storage at a location outside of the District of
45 Columbia due to the high cost of commercial storage options in the city, but a discounted rate
46 agreement for that existing storage expires in February 2024 and all Streets for People funding
47 obligated to the storage of the barriers has been expended.

48 (g) Ownership of the barriers is expected to be transferred from the BID to the District of
49 Columbia in the near term and the barriers can be stored on District land at no cost. Unless that
50 transfer occurs, additional funding will need to be identified for barrier storage after February
51 2024, when the rate is expected to increase, or the barriers – purchased with public funds – will
52 have to be sold or given to another jurisdiction.

53 (h) Despite the barriers having been successfully used on 18th Street without incident
54 with the approval of necessary District agencies, there is now uncertainty in the executive over
55 whether they are safe for use. This is in part due to the lack of any clearly defined vehicle-
56 stopping or crash rating standard for barriers to close a street in the District of Columbia; outside

57 of temporary traffic control devices used for roadway construction, there is no standard that
58 exists in D.C. Official Code or DCMR. The only language specifying barrier requirements is
59 within the MSETG’s Special Events Manual, which requires that “all event organizers
60 completely barricade roadways with barriers capable of stopping an oncoming vehicle (e.g.,
61 concrete barriers or heavy blocking vehicles). In rare instances, Type III water-filled traffic
62 barriers may be appropriate.”

63 (i) The barriers acquired by the AMPBID, as well as other temporary barriers already in
64 regular use near Nationals Park and Capital One Arena, are capable of stopping an oncoming
65 vehicle, and come with a litany of certifications, including ASTM International’s Dynamic
66 Penetration Rating, which measures the penetration distance of a threat vehicle of a given weight
67 moving at a given rate of speed through the barrier line. Properly installed, the barriers are
68 designed to work as a system of cabled individual barriers to meet a P2 or P3 rating. Typically,
69 the area behind the barrier line that is within the penetration distance will be left clear of activity.

70 (j) The barriers in question are also certified by the Department of Homeland Security as
71 Qualified Anti-Terrorism Technology under the SAFETY Act, which provides significant
72 liability coverage for their use.

73 (k) Emergency legislation is necessary to set clear safety and anti-terrorism standards for
74 street closure barriers, ensure that special events and District agencies are covered by federal
75 SAFETY Act liability protections, and free up staff resources at MPD, DPW, and other agencies
76 that currently are needed to supplement road closures.

77 Sec. 3. The Council of the District of Columbia determines that the circumstances in
78 section 2 constitute emergency circumstances, making it necessary that the Street Closure Barrier
79 Standards Emergency Act of 2024 be adopted after a single reading.

80 Sec. 4. This resolution shall take effect immediately.