

**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 CA
RE: Request to Agendize Measures for the March 5, 2024 Committee of the Whole and Legislative Meeting
DATE: February 29, 2024

I request that the following measures be placed on the agenda for the March 5, 2024 Legislative Meeting, and, should one be scheduled, the Committee of the Whole:

Proposed Resolutions Approved by the Committee

- PR25-0567, the “District of Columbia Water and Sewer Authority Board of Directors Richard Jackson Confirmation Resolution of 2024”
- PR25-0568, the “District of Columbia Water and Sewer Authority Board of Directors Keith Anderson Confirmation Resolution of 2024”

Both resolutions were introduced on December 12, 2023, by Chairman Mendelson at the request of the Mayor. PR25-0567 would confirm Richard Jackson as the cabinet-level officer member of the District of Columbia Water and Sewer Authority Board of Directors. PR25-0568 would confirm Keith Anderson as a District resident member to the District of Columbia Water and Sewer Authority Board of Directors. Both resolutions were approved by the Committee on Transportation and the Environment at its February 14, 2024 Additional Meeting.

Emergency Legislation

- “Comprehensive Policing and Justice Reform Technical Emergency Declaration Resolution of 2024”
- “Comprehensive Policing and Justice Reform Technical Emergency Amendment Act of 2024”
- “Comprehensive Policing and Justice Reform Technical Temporary Amendment Act of 2024”

On December 20, 2022, the Council passed the Comprehensive Policing and Justice Reform Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-345; 70 DCR 953) (“permanent law”). Most of the permanent law went into effect on April 21, 2023, superseding sections of the prior emergency acts and temporary laws. However, section 105 of the permanent law was passed subject-to-appropriations, remains unfunded, and has still not taken effect. To prevent a gap in the law, on June 6, 2023, the Council passed Comprehensive Policing and Justice Reform Technical Temporary Amendment Act of 2023, effective August 17, 2023 (D.C. Law 25-41; 70 DCR 12874) (“temporary law”). The temporary law is set to expire on March 29, 2024. This emergency legislation is now necessary to prevent a gap in the law between the expiration of the temporary law and the applicability of section 105 of D.C. Law 24-345.

- “Building Energy Performance Standard Program Delay Emergency Declaration Resolution of 2024”
- “Building Energy Performance Standard Program Delay Emergency Amendment Act of 2024”
- “Building Energy Performance Standard Program Delay Temporary Amendment Act of 2024”

In the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; 66 DCR 1344) (“CleanEnergy DC Omnibus”), the Council established a Building Energy Performance Standard Program (“BEPS Program”) at the Department of Energy and Environment (“DOEE”). The BEPS Program requires privately- and District-owned buildings in the District to reduce their energy use and emissions over time based on the property type and DOEE-established building energy performance standards. The first tier of properties to which these standards are applicable, as of January 1, 2021, was privately-owned buildings with at least 50,000 square feet of gross floor area and all District-owned or District instrumentality-owned buildings with at least 10,000 square feet of gross floor area. The second tier will apply as of January 1, 2027, to all privately-owned buildings with at least 25,000 square feet of gross floor area. The third tier will apply as of January 1, 2033, to all privately-owned buildings with at least 10,000 square feet of gross floor area. Building owners must also measure their energy usage and perform third-party verifications of their energy benchmarking by April 1 of each year.

Also in the CleanEnergy DC Omnibus, the Council created a Building Energy Performance Standards Task Force (“Task Force”) to advise DOEE on the creation of an implementation plan for the BEPS Program, recommend amendments to proposed regulations issued by DOEE, and recommend complementary programs or policies. The Task Force members include DOEE, the Department of General Services, the Department of Housing and Community Development, affordable housing developers, representatives from rent-controlled and market-rate apartment and commercial buildings, and a representative from the Apartment and Office Buildings Association. The Task Force has been meeting twice per month since late 2019 and has recently recommended legislative and regulatory amendments to the BEPS Program, developed by a consensus process and approved by the Task Force via majority vote.

The Committee intends to consider permanent legislation reflecting the entirety of the Task Force’s recommendations, and given that intent, this emergency legislation, at the request of the Executive, will delay the April 1 energy usage and third-party verification deadline by 90 days to July 1, 2024.

Emergency Legislation Introduced at the Request of the Mayor

- “Autonomous Vehicle Testing Permit Requirement Emergency Declaration Resolution of 2024”
- “Autonomous Vehicle Testing Permit Requirement Emergency Amendment Act of 2024”
- “Autonomous Vehicle Testing Permit Requirement Temporary Amendment Act of 2024”

DDOT is currently preparing to promulgate a new Autonomous Vehicle (“AV”) testing permit. However, certain AV companies have begun testing and operating AVs in the District. Under current law, these AV companies are not required to provide notice to the District that they have begun testing or operations, making it difficult for DDOT to regulate their operations. The methods of testing utilized by these companies is also largely unregulated, such that test vehicles may be operated without a test operator physically present in the vehicle who is prepared to take over in the event of an emergency, system failure, or other potential harm to pedestrians and other roadway users. Without these provisions in place, AV testing poses an immediate safety risk to District residents. This legislation authorizes DDOT to regulate AV testing by AV companies operating in the District up and until the AV testing permit application can be issued.

Drafts of these measures are attached. Please contact Kevin Whitfield, Committee Director, at kwhitfield@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