

Council of the District of Columbia

MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Charles Allen *CA*
RE: Request to Agendize Measures for the July 9, 2024 Legislative Meeting
DATE: July 3, 2024

I request that the following measures be placed on the agenda for the July 9, 2024 Legislative Meeting:

Emergency Legislation

- **“Buzzard Point Park and Trails National Park Service Grant Emergency Declaration Resolution of 2024”**
- **“Buzzard Point Park and Trails National Park Service Grant Emergency Amendment Act of 2024”**
- **“Buzzard Point Park and Trails National Park Service Grant Temporary Amendment Act of 2024”**

In 2022, the Council approved approximately \$2.5 million in Fiscal Year 2023 funding for the District Department of Transportation (“DDOT”) to use for improvements to parks and trails on National Park Service (“NPS”) land in the Buzzard Point neighborhood, located in the Southwest quadrant of the District. Initially, DDOT was not able to come to an agreement with NPS about how the appropriated funds could be transferred to NPS. DDOT and NPS determined that the only viable path forward to ensure the funding can be used for its intended purpose is for DDOT to grant the funds to NPS. However, section 3(c) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(c)), limits DDOT’s grantmaking authority to \$1 million per grant, preventing DDOT from granting the full amount of funding the Council approved for this purpose.

In response, on October 3, 2023, the Council passed the Buzzard Point Park and Trails National Park Service Grant Temporary Amendment Act of 2023, effective December 20, 2023 (D.C. Law 25-96; 71 DCR 11) (“temporary legislation”). The temporary legislation created a limited exemption from the general \$1 million maximum limit placed on DDOT’s grantmaking authority, allowing DDOT to grant the appropriated funds to NPS for parks and trails improvements in the Buzzard Point neighborhood. The temporary legislation is set to expire on August 1, 2024.

This new round of emergency and temporary legislation is necessary to prevent a gap in the law between the expiration of the temporary legislation and DDOT issuing the grant to NPS.

- **“Bus Lanes and Zones Fines Rulemaking Approval Emergency Declaration Resolution of 2024”**
- **“Bus Lanes and Zones Fines Rulemaking Approval Emergency Resolution of 2024”**

On November 21, 2023, the Council passed the Clear Lanes Bus Priority Enforcement Regulation Temporary Amendment Act of 2023, effective February 6, 2024 (D.C. Law 25-118; 79 DCR 15729) (“temporary legislation”). The temporary legislation amended Chapter 26 of Title 18 of the District of Columbia Municipal Regulations (“DCMR”) to lower the fine for driving or parking in a bus lane. The temporary legislation is set to expire on September 18, 2024.

On February 2, 2024, the Interim Director of the District Department of Transportation submitted a notice of proposed rulemaking that would make permanent, and expand on, the amendments to the DCMR adopted through the temporary legislation. The Bus Lanes and Zones Fines Rulemaking Approval Resolution of 2024, as introduced on April 23, 2024 (P.R. 25-730) (“approval resolution”), by Chairman Mendelson at the request of the Mayor, would approve the proposed rulemaking submitted by DDOT’s Interim Director on February 2, 2024. The resolution is deemed approved on September 16, 2024.

This emergency legislation is now necessary to prevent a gap in the law between expiration of the temporary legislation and the passive approval of the approval resolution.

- **“Transportation Improvements Emergency Declaration Resolution of 2024”**
- **“Transportation Improvements Emergency Amendment Act of 2024”**
- **“Transportation Improvements Emergency Amendment Act of 2024”**

The 11th Street Bridge Park is a partnership between the District Department of Transportation (“DDOT”) and Building Bridges Across the River, a non-profit organization located in Ward 8. The project will transform the old freeway into a new civic space over the Anacostia River. Planned programming for the completed park includes an environmental education center, a 250-seat outdoor amphitheater, a kayak and canoe launch, an urban farm, and community meeting space, public art installations, and an environmentally themed play area. The 11th Street Bridge Park is currently at 100% design and finalizing its last permits. DDOT plans to solicit the general contractor in September and begin construction by the end of 2024.

The 11th Street Bridge Park connects to the eastern side of the Anacostia River on land that is currently managed by the National Park Service (“NPS”). NPS is working with DDOT on a transfer of jurisdictional authority for this parcel, which is where the park’s environmental education center, amphitheater, and kayak and canoe launch will be located. NPS is requiring that the parcel’s official plat, to be submitted to the Surveyor’s Office, specify that the land will be used for transportation and recreation purposes. DDOT has concluded that, under current law, the agency can only accept land designated for transportation – and not recreation – purposes.

B25-0738, the “Transportation Improvements Amendment Act of 2024,” was introduced by Chairman Mendelson at the request of the Mayor on March 1, 2024 (“permanent bill”). The permanent bill would amend DDOT’s establishment act to allow the agency to receive land that is designated for recreation purposes. The Committee on Transportation and the Environment intends to markup the measure prior to recess. However, without legislative authorization to receive the land, DDOT is unable to move forward with solicitation for the project which may, in turn, cause delays that create additional costs of the project.

This emergency legislation is necessary to avoid additional project costs by allowing DDOT to receive a construction permit from NPS and begin solicitating for the project as the Committee considers the permanent bill.

Draft copies 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