


Council of the District of Columbia

MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Charles Allen 
RE: Request to Agendize Additional Measures for the December 3, 2024 Legislative Meeting
DATE: November 27, 2024

I request that the following measures be placed on the agenda for the December 3, 2024 Legislative Meeting:

Emergency Legislation

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

The Autonomous Vehicle Testing Program Amendment Act of 2020, effective December 23, 2020 (D.C. Law 23-156; D.C. Official Code § 50-2351 *et seq.*), authorizes an autonomous vehicle (“AV”) company to test or operate an AVs on District roadways without an AV testing permit for up to 60 days after the District Department of Transportation (“DDOT”) makes the permit application available, where that entity had already begun testing or operations prior to the AV testing permit application being made available as part of an Autonomous Vehicles Testing Program. To provide interim requirements with which AV testing companies must comply as DDOT finalizes its rulemaking on the AV testing, the Council passed the Autonomous Vehicle Testing Permit Requirement Temporary Amendment Act of 2024, effective June 1, 2024 (D.C. Law 25-0168; 71 DCR 6999) (“temporary legislation”). The temporary legislation is set to expire on January 12, 2025. The Public Life and Activity Zones Amendment (“PLAZA”) Act of 2024, as approved by the Committee on Transportation and the Environment on November 25, 2024 (Committee print of Bill 25-577) (“permanent law”) incorporates and makes permanent provisions from the temporary legislation. If approved by the Council, the permanent law will not take effect before the expiration of the temporary legislation. Without these provisions in place, DDOT cannot conduct proper oversight over AV operations in the District, presenting safety challenges for all roadway users.(e) This second round of emergency legislation is necessary to prevent a gap in the law between the expiration of the temporary legislation and the effective date of the permanent law.

- “Office of District Waterways Management Establishment Congressional Review Emergency Declaration Resolution of 2024”
- “Office of District Waterways Management Establishment Congressional Review Emergency Amendment Act of 2024”

Section 2(a) of the Office of District Waterways Management Establishment Act of 2022, effective March 22, 2023 (D.C. Law 24-336; D.C. Official Code § 8-191.01(a)) (“Act”), created the Office of District Waterways Management (“ODWM”) with a mandate to plan, promote, advocate for, and facilitate stakeholder cooperation for the diverse uses of and access to the Anacostia and Potomac Rivers, the Washington Channel, and adjacent property. The Act also established a District Waterways Advisory Commission (“Commission”) which will advise ODWM and develop and adopt a District Waterways Advisory Plan (“Advisory Plan”). ODWM plans to engage a consultant to co-facilitate meetings of the Commission and assist with public outreach efforts and the drafting of the Advisory Plan. To do so, ODWM must issue a request for proposals (“RFP”) that adheres to the Act, but important adjustments to the Act are needed to increase flexibility and streamline implementation.

The Act outlines a timeframe of one year for the Commission to adopt an Advisory Plan and requires the plan to be updated at least every 2 years. ODWM’s extensive market research shows that 2 years is a more realistic timeframe for developing the initial Advisory Plan given the broad scope of topics that the Advisory Plan must address and the extensive stakeholder and public outreach and engagement that will be necessary. A 3-year frequency for updating the plan is more reasonable than 2 years so that ODWM can have more time to implement the plan before working with the Commission to update it.

The Act dictates that the Commission meet at least once a month. Current and potential ex-officio Commission members have consistently told ODWM that they prefer bi-monthly meetings, especially as these are voluntary roles being taken on by working professionals. Additionally, given the Commission's large size, providing for bi-monthly meetings with more frequent engagement as needed will allow greater flexibility to coordinate schedules and thus ensure more robust engagement with Commission members.

The Act further requires specific procedures to be followed for Council approval of mayoral appointees, with a 90-day active approval period. However, the Commission is similar to other bodies whose Council approval procedures involve a 45-day passive approval period. The Commission could begin its work more quickly if the mayoral appointees could be approved under the alternative Council approval procedures.

To address the aforementioned concerns, the Council passed the Office of District Waterways Management Establishment Emergency Amendment Act of 2024, effective October 18, 2024 (D.C. Act 25-0585; 71 DCR 12850) (“emergency act”). The emergency act is set to expire on January 16, 2025. The Council also passed the Office of District Waterways Management Establishment Temporary Amendment Act of 2024, enacted on November 13, 2024 (D.C. Act 25-0623; 71 DCR 14105) (“temporary act”). The temporary act is now pending congressional transmittal. This congressional review emergency legislation is therefore necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

- “CRIAC Clarification Congressional Review Emergency Declaration Resolution of 2024”
- “CRIAC Clarification Congressional Review Emergency Amendment Act of 2024”

In 2009, the Council passed the Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-30; 56 DCR 1350), which authorized the District of Columbia Water and Sewer Authority (“DC Water”) to use a billing methodology that takes into account the amount of impervious surface on a property. Since then, DC Water has been assessing the Clean Rivers impervious area charge (“CRIAC”) against property owners in the District.

The CRIAC funds upgrade the District’s combined sewer system, as mandated by a consent order between the District and the federal government, to prevent overflows during heavy rains that impair the region’s water quality and health. This federally mandated project is known as the Clean Rivers Project.

Two lawsuits before the D.C. Court of Appeals challenge DC Water’s authority to levy the CRIAC against property owners who are not connected to the District’s sewer system. However, the Council did not intend to exempt property owners not connected to the sewer system from the CRIAC. Such property owners – like parking lot owners – still contribute substantially to stormwater runoff and the overflow of the District’s combined sewer system. Charging such property owners the CRIAC for their contribution to stormwater runoff equitably spreads the burden of upgrading and maintaining the District’s sewer systems. Briefing in one of these appeals is scheduled to close in early November.

To clarify the Council’s original intent, the Council passed the CRIAC Clarification Emergency Amendment Act of 2024, effective October 25, 2025 (D.C. Act 25-0602; 71 DCR 13489) (“emergency act”). The emergency legislation expires on January 23, 2025. The Council also passed the CRIAC Clarification Temporary Amendment Act of 2024, enacted on November 13, 2024 (D.C. Act 25-0624; 71 DCR 14108) (“temporary act”). The temporary act is now pending congressional transmittal. This congressional review emergency legislation is therefore necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

- Driver License and Identification Card Renewal Emergency Declaration Resolution of 2024”
- “Driver License and Identification Card Renewal Emergency Amendment Act of 2024”
- “Driver License and Identification Card Renewal Temporary Amendment Act of 2024”

Proof of identity is regularly required to obtain housing, employment, or education. The Council, therefore, recognizes the need for residents to quickly and easily obtain and renew identification documents such as driver licenses and identification cards. However, District regulations currently restrict and place conditions on driver license and identification card holders’ ability to renew their identifying documents before their expiration date, creating an unnecessary barrier to the timely renewal of these identifying documents. This emergency legislation is necessary to ensure that District residents maintain access to driver licenses and identification cards. Please note that an earlier version of this package was circulated last week but withdrawn to give the Executive an opportunity to provide feedback.

- “DC Circulator Transition Congressional Review Emergency Declaration Resolution of 2024”
- “DC Circulator Transition Congressional Review Emergency Amendment Act of 2024”

The Mayor’s FY25 Proposed Budget included a proposal to completely wind-down the DC Circulator over the fiscal year, and service cuts began on October 1, 2024. To support former Circulator workers who relied on the service for their livelihoods, the Council passed the DC Circulator Transition Emergency Amendment Act of 2024, effective October 29, 2024 (D.C. Act 25-0621; 71 DCR 13555) (“emergency act”), and the DC Circulator Transition Temporary Amendment Act of 2024, enacted November 14, 2024 (D.C. Act 25-0626; 71 DCR 14126) (“temporary act”). Both the emergency and temporary acts set aside money derived from the disposition of the DC Circulator’s assets so that it can be used to support DC Circulator workers—many of whom have several years of service to the District—while they seek employment. The temporary act is now pending congressional transmittal.

This congressional review emergency legislation is therefore necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

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

On April 2, 2024, the Council passed the Comprehensive Policing and Justice Reform Technical Temporary Amendment Act of 2024, effective June 1, 2024 (D.C. Law 25-0173; 71 DCR 7004) (“temporary act”). The temporary act is set to expire on January 12, 2025. This emergency legislation is therefore necessary to prevent a gap in the law between following the expiration of the emergency act.

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