

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Transportation Infrastructure Mitigation Temporary Amendment Act of 2013 and the Department of Transportation Establishment Act of 2002 to clarify the authority of the Director of the District Department of Transportation (“DDOT”) to enter into an agreement pursuant to 49 U.S.C. § 5310 and a payment agreement for services related to DDOT’s review of proposed and existing projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Transportation Infrastructure Mitigation Clarification Congressional Review Emergency Amendment Act of 2014”.

Sec. 2. Section 2(a) of the Transportation Infrastructure Mitigation Temporary Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-68; 60 DCR 19), is amended to read as follows:

“(a) Section 3(f) D.C. Official Code 50-921.02(f) is amended to read as follows:

“(f)(1) The Director may:

“(A) With respect to the program established pursuant to 49 U.S.C. § 5310 (the “5310 Program”):

“(i) Enter into agreements with nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities;

“(ii) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate;

“(iii) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the 5310 Program guidelines and regulations enacted pursuant to this paragraph, including the requirement that the vehicle recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives; and

“(iv) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director;

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“(B) Enter into an agreement with a developer, property owner, utility company, the federal government or other governmental entity, or other person or entity requiring payment for:

”(i) The costs of DDOT’s review of the proposed or existing project on private property or public space that may affect the transportation infrastructure or public space in the District or DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District;

”(ii) The implementation of transportation infrastructure or public improvements or mitigation measures to address the project’s impact on the transportation infrastructure or public space in the District or on DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District; or

”(iii) The cost of both review and the implementation of mitigation measures; and

“(C) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor’s authority under the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

“(2) A payment, improvement, and mitigation measure required under an agreement authorized by paragraph (1)(B) of this subsection shall be reasonably related to:

“(A) The costs incurred by DDOT in reviewing the project;

“(B) The effects of the project on the transportation infrastructure or public space in the District; and

“(C) The effects of the project on DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District.

“(3) A payment made pursuant to an agreement authorized by paragraph (1)(B) of this subsection shall be in addition to, and not in lieu of, a payment required for the temporary use of public space or the use of the public right of way pursuant to the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), or Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*).”

Sec. 3. Section 3(f) 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(f)), is amended to read as follows:

“(f)(1) The Director may:

“(A) With respect to the program established pursuant to 49 U.S.C. § 5310 (the “5310 Program”):

”(i) Enter into agreements with nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities;

”(ii) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate;

”(iii) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the 5310 Program

guidelines and regulations enacted pursuant to this paragraph, including the requirement that the vehicle recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives; and

“(iv) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director;

“(B) Enter into an agreement with a developer, property owner, utility company, the federal government or other governmental entity, or other person or entity requiring payment for:

”(i) The costs of DDOT’s review of the proposed or existing project on private property or public space that may affect the transportation infrastructure or public space in the District or DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District;

”(ii) The implementation of transportation infrastructure or public improvements or mitigation measures to address the project’s impact on the transportation infrastructure or public space in the District or on DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District; or

”(iii) The cost of both review and the implementation of mitigation measures; and

“(C) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor’s authority under the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

“(2) A payment, improvement, and mitigation measure required under an agreement authorized by paragraph (1)(B) of this subsection shall be reasonably related to:

“(A) The costs incurred by DDOT in reviewing the project;

“(B) The effects of the project on the transportation infrastructure or public space in the District; and

“(C) The effects of the project on DDOT’s ability to manage and maintain the transportation infrastructure or public space in the District.

“(3) A payment made pursuant to an agreement authorized by paragraph (1)(B) of this subsection shall be in addition to, and not in lieu of, a payment required for the temporary use of public space or the use of the public right of way pursuant to the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), or Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*)”.

Sec. 4. Applicability.

This act shall apply as of June 12, 2014.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia