



Councilmember Charles Allen

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend Chapter 26 of Title 18 of the District of Columbia Municipal Regulations to reduce fines for driving and parking in a bus lane from \$200 to \$100.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Clear Lanes Bus Priority Enforcement Regulation Emergency Declaration Resolution of 2023”.

Sec. 2. (a) On May 2, 2023, the Council approved the Contract No. DCKA-2022-C-0071 with American Traffic Solutions, Inc d/b/a Verra Mobility Emergency Approval Resolution of 2023, effective May 2, 2023 (Res. 25-129; 70 DCR 6797) (“Emergency Contract Resolution”). Approval of the Emergency Contract Resolution included automated enforcement, that is enforcement by camera, of, among other violations, “bus-arm violations,” which the Council understood to mean that the District Department of Transportation (“DDOT”) would provide the Washington Metropolitan Area Transit Authority (“WMATA”) busses with cameras to identify vehicles blocking bus lanes and issue citations. This collaboration between DDOT and WMATA is referred to as the “Clear Lanes Project”.

34 (b) The Emergency Contract Resolution was introduced at the request of the Mayor, and
35 the accompanying emergency declaration resolution, also drafted by and introduced at the
36 request of the Mayor, noted that “[a]pproval [of the Emergency Contract Resolution was]
37 necessary to allow the District to receive the benefit of this vital service in a timely manner”.

38 (c) On its website describing the Clear Lanes Project, WMATA notes that dedicated bus
39 lanes “speed up bus service and enhance reliability,” but that “[w]hen vehicles block bus lanes,
40 this slows down everyone”. On its Clear Lanes Project website, DDOT says that the Clear Lanes
41 Project “aims to improve bus travel times and enhance bus stop safety”. This is why it was
42 important to start “this vital service in a timely manner”.

43 (d) On July 24, 2023, DDOT began issuing warning citations to vehicles that the cameras
44 purchased through the contract approved in the Emergency Contract Resolution recorded driving
45 or parking in a bus lane. DDOT and WMATA had announced that only warning citations would
46 be given until September 18, 2023, consistent with the District’s policy for new automated
47 parking or traffic enforcement. For example, section 302a(c) of the District of Columbia Traffic
48 Adjudication Act of 1978, effective August 15, 2008 (D.C. Law 17-217; D.C. Official Code §
49 50-2303.02a(c)), provides that warning citations may only be issued during the first 45 days of
50 the enforcement on a street sweeper route.

51 (e) On September 18, 2023, Councilmembers and the general public learned via the
52 online application referred to as “X” that WMATA and DDOT would be delaying enforcement
53 indefinitely. WMATA released a statement that day claiming that “the additional warning period
54 will give us all more time to educate drivers” about the citations.

55 (f) On September 22, 2023, Councilmember Charles Allen, as Chair of the Committee on
56 Transportation and the Environment, sent a letter to DDOT and WMATA requesting additional

57 explanation for the delay, noting that both DDOT and WMATA had done extensive outreach
58 about the Clear Lanes Project, including maintaining websites with information about the Clear
59 Lanes Project and noting the planned 45-day warning period, and that bus lanes are typically
60 painted red with signs indicating the prohibition on blocking a bus lane. Councilmember Allen
61 requested a response by September 29, 2023.

62 (g) On November 1, 2023, DDOT sent Councilmember Allen a response to his
63 September 22, 2023, letter, asserting that the \$200 fine for driving or parking in a bus lane is
64 inequitable and noting that DDOT can begin issuing fines once the amount of the fine is reduced
65 to \$100. The DDOT letter noted that a rulemaking changing the amount of the fine would require
66 a 45-day passive review period by the Council before the new rules can take effect, and DDOT
67 suggested that if the Council were to expedite the review of DDOT regulations, DDOT could
68 begin enforcement of driving or parking in a bus lane by January 2, 2024. The letter also states
69 that DDOT will begin using the cameras already installed to enforce separate violations that
70 include parking or stopping in a bus *stop* on November 15, 2023, because that fine is already set
71 at \$100.

72 (h) DDOT believes it cannot adopt an emergency rule to change the fine for bus lane
73 violations to \$100, because section 105(a)(1) of the District of Columbia Traffic Adjudication
74 Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-
75 2301.05(a)(1)), requires that proposed rules to amend the schedule of fines must be submitted to
76 the Council for a 45-day period of review. Therefore, the additional delay to January 2, 2024,
77 includes time for DDOT to publish a permanent rulemaking and provide a 30-day public
78 comment period for the rule change.

79 (i) However, in addition to approving a rulemaking initiated by an agency, the Council
80 can also directly amend regulations by statute. To support DDOT’s interest in quickly beginning
81 enforcement of driving and parking in a bus lane, the Council will make the change to the fine
82 amount by emergency legislation on November 7, 2023, giving DDOT an opportunity to begin
83 issuing \$100 fines for bus *lane* violations on November 15, 2023, alongside the planned
84 enforcement of parking in a bus *stop*, if the Mayor signs the emergency measure in time.

85 (j) The Council will also begin the process of approving identical temporary legislation
86 on November 7, 2023, which will be in effect for 225 after its effective date, in addition to the 90
87 days that the emergency legislation would be effective. In combination, the emergency and
88 temporary measures would give DDOT nearly one year to complete the rulemaking process that
89 would permanently change the amount of the fine for driving and parking in a bus lane, while
90 also enabling DDOT to enforce bus lane violations in the meantime.

91 Sec. 3. The Council of the District of Columbia determines that the circumstances
92 enumerated in section 2 constitute emergency circumstances making it necessary that the Clear
93 Lanes Bus Priority Enforcement Regulation Emergency Amendment Act of 2023 be adopted
94 after a single reading.

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