

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2011 Summer  
Supp.

To authorize the Mayor to install aerial wires solely for the purpose of powering transportation infrastructure projects, to designate wire-free zones, to require the Mayor to submit to the Council a plan for each phase of the streetcar transit system subsequent to the H Street/Benning Road streetcar transit line, to require a periodic report on the technology and the feasibility of converting to non-overhead wire propulsion for streetcar; and to amend the Department of Transportation Establishment Act of 2002 to clarify that the District Department of Transportation has authority to plan, coordinate, regulate, and operate the DC Streetcar program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Transportation Infrastructure Amendment Act of 2010".

Sec. 2. Aerial wires for streetcars.

(a) Notwithstanding any other law, the Mayor is authorized to install aerial wires in accordance with this act for the sole purpose of powering or supporting wires that power streetcar transit where aerial wire power is necessary or, in the Mayor's determination, is more feasible than other currently available forms of propulsion.

(b) The installation of aerial wires authorized by this section is limited to the H Street/Benning Road streetcar transit line, between the intersection of North Capitol Street and H Street, N.E. on the west and the Anacostia River on the east until the requirements of section 4 are met.

Sec. 3. Wire-free zones.

No aerial wires for streetcar transit shall be installed in the following areas:

(1) Along the National Mall in the cross-axis area that extends from the U.S. Capitol on the east to the Lincoln Memorial on the west and from the White House on the north to the Jefferson Memorial on the south, including federal properties abutting this cross-axis area; and

(2) Along Pennsylvania Avenue between the Capitol and the White House.

Sec. 4. Aerial wire planning requirements.

(a) Prior to the expansion or construction of aerial wire-powered streetcar transit beyond the H Street/Benning Road line, authorized pursuant to section 2, the Mayor shall develop a plan for the use of aerial wires for each phase or extension of the streetcar transit system and submit the plan to the Council, along with a written report that includes:

(1) An evaluation of the impact of aerial wires on federal property, including federal buildings and infrastructure; commemorative works of art, as that term is defined in 40 U.S.C. § 8902(1); congressionally mandated historic districts; historic properties as defined in section 301(5) of the National Historic Preservation Act, approved December 12, 1980 (94 Stat. 3001; 16 U.S.C. § 470w(5)); and the vistas, streets, avenues, and public reservations identified as contributing elements of the L'Enfant Plan of the City of Washington.

(2) The possible effect, including the visual effect, of aerial wires on the character of any historic district, including comments, if any, from the State Historic Preservation Officer;

(3) All applicable review requirements pursuant to District and federal law; and

(4) The feasibility of using non-aerial power as a means of propulsion for the phase or extension.

(b) The Mayor shall submit each proposed plan to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not approve or disapprove of a proposed plan, by resolution, within the 45-day review period, the plan shall be deemed disapproved.

(c) The Council shall hold a hearing on each plan before the plan shall be approved or disapproved.

Sec. 5. Comprehensive assessment.

(a) By January 1, 2014, and by that date every 3 years thereafter, the Mayor shall submit to the Council an assessment on the:

(1) Advances in propulsion technology;

(2) Feasibility, including cost, of converting to non-aerial motive power where aerial wiring has been installed;

(3) Feasibility, including cost, of using non-aerial motive power on such segments of the streetcar system where construction has yet to be initiated;

(4) Designation of any additional wire-free zones within the proposed phase or extension, as identified in coordination with impacted agencies and authorities; and

(5) Any recommended amendments to this act, including a potential sunset date.

(b) The Council shall hold a public hearing on this report.

Sec. 6. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

**ENROLLED ORIGINAL**

(a) Section 2 (D.C. Official Code § 50-921.01) is amended by striking the phrase "title III," and inserting the phrase "title III and the DC Streetcar," in its place. **Amend § 50-921.01**

(b) Section 5(2) (D.C. Official Code § 50-921.04(2)) is amended as follows: **Amend § 50-921.04**

(1) Subparagraph (H) is amended by striking the phrase "light rail" and inserting the phrase "light rail streetcar transit" in its place.

(2) Subparagraph (L) is amended by striking the phrase"; and".

(3) Subparagraph (M) is amended by striking the phrase "requirements." and inserting the phrase "requirements; and" in its place.

(4) A new subparagraph (N) is added to read as follows:

"(N) Operate, develop, regulate, and finance the DC Streetcar."

**Sec. 7. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report 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)).

**Sec. 8. 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat.813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia