

COUNCIL OF THE DISTRICT OF COLUMBIA

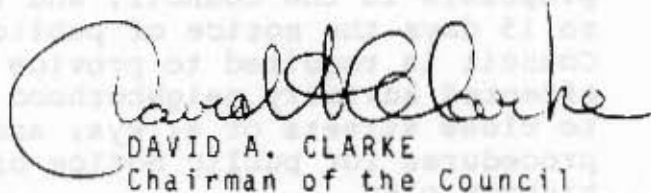
NOTICE

D.C. LAW 7-106

"New Streets or Alleys Amendment Act  
of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-100 on first and second readings, February 16, 1988, and March 1, 1988, respectively. Following the signature of the Mayor on March 16, 1988, this legislation was assigned Act No. 7-148, published in the March 25, 1988, edition of the D.C. Register, (Vol. 35 page 2170) and transmitted to Congress on March 21, 1988 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-106, effective May 10, 1988.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

March 21,22,23,24,25,28,29,30,31

April 11,12,13,14,15,18,19,20,21,22,25,26,27,28,29

May 2,3,4,5,6,9

EFFECTIVE  
DATE MAY 10 1988

AN ACT

D.C. ACT 7 - 148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAR 16 1988

To amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to require Council review of proposals to construct new streets that have not been constructed within 10 years of acquisition by the District of Columbia, to require promulgation by the Mayor of standards governing the acquisition and construction of new streets and alleys in the District of Columbia, to require publication by the Mayor of a map delineating all acquired and unacquired streets that are functioning or planned as streets in the District of Columbia, to require the Mayor to submit a report to the Council on the highway plan for the District of Columbia, to require solicitation by the Mayor of comments from affected advisory neighborhood commissions on any proposals to acquire or improve land for street or alley purposes, to require solicitation by the Mayor of comments from affected advisory neighborhood commissions on any proposals to close streets or alleys prior to submission of these proposals to the Council, and to shorten from 30 days to 15 days the notice of public hearing that the Council is required to provide the public and the affected advisory neighborhood commission on proposals to close streets or alleys; and to revise the procedures for public notice of proposed changes to the highway plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Streets or Alleys Amendment Act of 1988".

Sec. 2. The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Code, sec. 7-411 et seq.), is amended as follows:

(a) By adding new sections 306 to 309 at the end of subchapter III to read as follows:

"Sec. 306.

New,  
D.C. Code,  
sec. 7-446  
(1989 supp.)

"(a) Prior to the improvement or issuance of a permit to improve a street that has been acquired for street purposes by the District but has neither been improved nor used as a public right-of-way for vehicles within 10 years of its acquisition, the Mayor shall submit a proposed street improvement, a proposed resolution to consider the proposed improvement, and supporting documents regarding the proposed improvement 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 the proposed improvement, in whole or in part, by resolution within this 45-day review period, the proposed improvement shall be deemed approved, and the Mayor may improve or issue a permit to improve the street.

"(b) Prior to submitting the resolution to the Council required in subsection (a) of this section, the Mayor shall solicit comments on the proposed improvement from appropriate executive branch agencies and public utilities, the advisory neighborhood commission within whose area the street is located, and each owner of property within the squares adjacent to the street to be improved.

"(c) The supporting documents required to be submitted to the Council by subsection (a) of this section shall include at a minimum:

"(1) A Surveyor's plat showing the street proposed to be improved; a listing by name, address, and lot and square numbers of each owner of property within the squares adjacent to the street to be improved; and the date and method of acquisition by the District of the street;

"(2) Comments on the proposed improvement from appropriate District agencies and public utilities, including information regarding:

"(A) Any building or development plans and any filed zoning cases related to the proposed improvement;

"(B) The conformity of the proposed improvement and any associated development with the policies and land use designations set forth in the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; 31 DCR 1049 and 32 DCR 873);

"(C) The present and future traffic needs to be served by the proposed improvement, any alternative means of serving those needs that have been considered, and an assessment of the impact of the proposed improvement and any associated development on traffic circulation, parking availability, and environmental conditions in the surrounding area;

"(D) The total costs associated with the proposed improvement, including the costs of the proposed improvement and future maintenance of the street, and whether those costs are to be borne by the District or by a private party;

"(E) The probable assessed value of the land to be improved for street purposes, and the existing condition and use of this land;

"(F) The assessed values of the land and buildings on property within the squares that abut the street to be improved; and

"(G) Any requirements or easements to be established as conditions to approval of the proposed improvement; and

"(3) Certification by the Mayor or the Mayor's agent that the affected advisory neighborhood commission and each owner of property within the squares adjacent to the street to be improved has been notified about the proposed improvement, and copies of any comments on the proposed improvement that have been received by the executive branch from the advisory neighborhood commission, property owners, or any other persons.

"(d) This section shall not apply to a proposal that consists of:

"(1) Rehabilitation, repair, or reconstruction of a street that is already being used as a public right-of-way for vehicles at the time of the proposal; or

"(2) Widening, realignment, or extension by 10 feet or less of the pavement of a street that is already being used as a public right-of-way for vehicles at the time of the proposal.

"Sec. 307.

"(a) Within 6 months of the effective date of the New Streets or Alleys Amendment Act of 1988, the Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to govern the procedures and standards for acquiring and improving streets and alleys in the District of Columbia. These rules shall include the establishment of:

"(1) Procedures by which notification and opportunity to comment shall be provided to the advisory neighborhood commission within whose area the street or alley is located;

"(2) Procedures by which notification and opportunity to comment shall be provided to each owner of property within the squares adjacent to the street to be acquired or improved and within the square in which an alley is to be acquired or improved; and

New,  
D.C. Code,  
sec. 7-447  
(1989 supp.)



"(3) Standards for making a determination that the acquisition or improvement of a street or alley would be in the public interest, for evaluating the comments received from the affected advisory neighborhood commission and property owners within whose area the street or alley is located, and for assessing the criteria set forth in section 306(c)(2).

"(b) This section shall not apply to a proposal that consists of:

"(1) Rehabilitation, repair, or reconstruction of a street or alley that is already being used as a public right-of-way for vehicles at the time of the proposal; or

"(2) Widening, realignment, or extension by 10 feet or less of the pavement of a street or alley that is already being used as a public right-of-way for vehicles at the time of the proposal.

"Sec. 308.

"(a) Within 1 year of the effective date of the New Streets or Alleys Amendment Act of 1988, the Mayor shall submit a report to the Council on the highway plan for the District of Columbia.

New,  
D.C. Code,  
sec. 7-448  
(1989 supp.)

"(b) The report shall include:

"(1) An updated list of each street that has been acquired but has not been improved and does not function as a public right-of-way for vehicles, including the location of the street, the date and method of approval of the street on the highway plan if applicable, and the date and method of acquisition of the street by the District;

"(2) An updated list of each street on the highway plan that has not been acquired by the District, including the location of the street and the date and method of approval of the street on the highway plan; and

"(3) A list of each unimproved acquired street and of each unacquired street on the highway plan determined by the Mayor to be no longer necessary for present or future street purposes, accompanied by proposed legislation and supporting documents to close these unimproved acquired streets and to remove these unacquired streets from the highway plan.

"Sec. 309.

"(a) Within 2 years of the effective date of the New Streets or Alleys Amendment Act of 1988, and every 5 years thereafter, the Mayor shall publish an official street map that delineates each street and property square in the District of Columbia.

New,  
D.C. Code,  
sec. 7-449  
(1989 supp.)

"(b) This map shall distinguish between:

"(1) Streets that have been improved, constructed, or paved;

"(2) Streets that have been acquired but have not been improved, constructed, or paved; and

"(3) Streets that are on the highway plan but have not been acquired and have not been improved, constructed, or paved.

"(c) This map shall be available for review in every public library in the District and be available for sale by the District of Columbia Office of Documents."

(b) By amending section 202 (D.C. Code, sec. 7-422) by adding a new paragraph (5) to read as follows:

"(5) Refer the application to the advisory neighborhood commission in whose area the street or alley to be closed is located for its review, and provide the Council with a copy of any comments submitted by the affected advisory neighborhood commission."; and

(c) By amending section 207 (D.C. Code, sec. 7-427) by striking the number "30" and inserting the number "15" in its place.

D.C. Code,  
sec. 7-427  
(1989 supp.)

Sec. 3. (a) Section 6 of An Act to amend an Act of Congress approved March second, eighteen hundred and ninety-three, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Code, sec. 7-115), is amended to read as follows:

D.C. Code,  
sec. 7-115  
(1989 supp.)

"Sec. 6. (a) At least 30 days prior to the submissions by the Mayor of the District of Columbia to the National Capital Planning Commission and to the Council of the District of Columbia for approvals of a proposed modification to the permanent system of highways, the Mayor shall provide written notice of an opportunity to submit comments on the proposed modification to:

"(1) Each owner of land within the squares in which or adjacent to which the proposed modification is located, by registered mail to the address to which taxation notifications are sent by the District of Columbia Department of Finance and Revenue;


"(2) Each advisory neighborhood commission within whose commission area the proposed modification is located; and

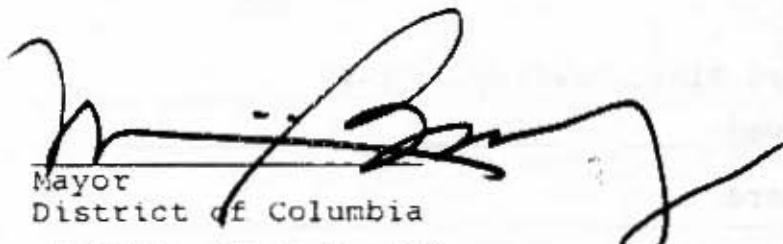
"(3) The public, by publishing the proposed modification in the District of Columbia Register.

"(b) Copies of comments received by the Mayor shall be included in any subsequent submission by the Mayor to the Council of the District of Columbia of a resolution to consider the proposed modification to the permanent system of highways."

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the

Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: March 16, 1988



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Seven

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO B7-100

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 2-16-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Jarvis and Schwartz

ROLL CALL VOTE — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

3/2/88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 3-1-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Crawford

ROLL CALL VOTE — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

3/2/88  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD