

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 34.**  
**PUBLIC UTILITIES.**

**CHAPTER 19.**  
**TELEGRAPH AND TELEPHONE COMPANIES.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 19. TELEGRAPH AND TELEPHONE**  
**COMPANIES.**

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# **CHAPTER 19. TELEGRAPH AND TELEPHONE COMPANIES.**

## **SUBCHAPTER I. ADDITIONAL POLES, WIRES, AND CONDUITS, 1888.**

### **§ 34-1901.01. ADDITIONAL TELEGRAPH AND TELEPHONE WIRES PROHIBITED ON STREETS; EXTENSIONS.**

The Mayor of the District of Columbia shall not permit or authorize any additional telegraph, telephone, electric lighting or other wires to be erected or maintained on or over any of the streets or avenues of the City of Washington; provided, that the Mayor of the District may, under such reasonable conditions as he may prescribe, authorize the wires of any electric light company existing on July 18, 1888, and then operating in the District of Columbia, to be laid under any street, alley, highway, footway or sidewalk in the District, whenever in his judgment the public interest may require the exercise of such authority, such privileges as may be granted hereunder to be revocable at the will of Congress without compensation and no such authority to be exercised after the termination of the 50th Congress.

(July 18, 1888, 25 Stat. 323, ch. 676, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-1401.

1973 Ed., § 43-1401.

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2 of the Moratorium on the Construction of Certain Telecommunications Towers Temporary Act of 2001 (D.C. Law 14-17, July 10, 2001, law notification 48 DCR 6593).

##### *Emergency Act Amendments*

For temporary (90 day) moratorium on construction of telecommunications towers, see § 2 of Moratorium on the Construction of Certain Telecommunications Towers Emergency Act of 2001 (D.C. Act 14-32, April 2, 2001, 48 DCR 3344).

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **SUBCHAPTER II. TELEPHONE POLES, WIRES, AND CONDUITS, 1902.**

## **§ 34-1911.01. REMOVAL OF TELEPHONE POLES AND WIRES; AREA OF REMOVAL; DUTIES OF MAYOR; EXTENSION OF CONDUITS.**

All telephone poles and wires attached thereto not the property of the United States or the District of Columbia existing June 20, 1902, upon the streets and avenues within the section of the District of Columbia bounded by a line beginning at 2nd and B Streets Southeast and running thence along B Street south, 3rd Street west, Missouri Avenue, 6th Street west, B Street north, 23rd Street west, Rock Creek, Cincinnati Street, Columbia Road, 16th Street west (extended), Park Street, Whitney Avenue, 11th Street west, R Street north, New Jersey Avenue, C Street north, and 2nd Street east to the point of beginning, except as hereinafter provided, shall from time to time, as may be prescribed by the Mayor of said District, be taken down and removed. The work of taking down and removing said poles and wires shall be done under the direction of said Mayor, and it is hereby made the duty of said Mayor to enforce compliance with the provisions of this subchapter as expeditiously as may be consistent with the public interests; and the said Mayor is hereby empowered from time to time to authorize any individual, company, or corporation operating on June 20, 1902, and maintaining a telephone plant or system, partly overhead and partly underground, in the District of Columbia, to extend and enlarge its system of underground conduits, subsidiaries, and manholes in or under any or all of the streets, avenues, alleys, lanes, or other public highways in said city and District as may be requisite and necessary for the purposes of this subchapter and for the reception of such other cables and wires as may be reasonably required in the future by the growth of such individual, company, or corporation or to adequately meet the requirements of the public for telephone service.

(June 20, 1902, 32 Stat. 393, ch. 1136, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-1402.

1973 Ed., § 43-1402.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 34-1911.02. PLANS OF CONDUITS TO BE SUBMITTED TO MAYOR; PERMITS; REMOVAL OF POLES; WIRES FOR HOUSE CONNECTIONS; TELEPHONE COMPANIES.**

From time to time any individual, company, or corporation, maintaining and operating on June 20, 1902, a telephone plant or system in said District, partly overhead and partly underground, shall prepare and submit to the said Mayor a plan or plans, or application or applications, in writing, showing the streets, avenues, alleys, lanes, and other public highways in or under which it is proposed to construct conduits, subsidiaries, or manholes, and giving the general dimensions, length, and course thereof, and before any such conduit, subsidiary, or manhole is constructed it shall be necessary to obtain the approval and permission of said Mayor. Said Mayor is empowered to require that all proposed conduits, subsidiaries, and manholes shall be constructed in accordance with the approved plan or permit; and upon the approval by said Mayor of any such plan, or the issuing of any such permit, providing for the construction of underground conduits, subsidiaries, or manholes within the section in said District described in § 34-1911.01 the construction therein provided for shall be proceeded with diligently, and upon the completion thereof, or as soon thereafter as may be, without impairing the efficiency of the telephone service in said District, the individual, company, or corporation constructing such conduits, subsidiaries, or manholes shall place its cables and wires therein and take down and remove from the streets and avenues in which such conduits are constructed all poles and wires except such as said Mayor may, in accordance with the provisions of this subchapter, permit to remain for the purpose of distributing wires for house connections.

(June 20, 1902, 32 Stat. 393, ch. 1136, § 2.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-1403.

1973 Ed., § 43-1403.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 34-1911.03. PENALTIES.**

Any individual, company, or corporation owning and maintaining such poles and wires attached thereto on or over any street or avenue within the section of the District described in § 34-1911.01 who shall willfully neglect or refuse to remove the same, as provided in § 34-1911.02, shall be liable to a penalty of not more than \$25 for each and every day during which such failure to remove said poles and wires shall continue, which amount may be recovered by the District of Columbia in any court of competent jurisdiction.

(June 20, 1902, 32 Stat. 394, ch. 1136, § 3.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1404.

1973 Ed., § 43-1404.

### **§ 34-1911.04. ERECTION AND MAINTENANCE OF TELEPHONE POLES IN ALLEYS; POLES OUTSIDE DESIGNATED LIMIT; TEMPORARY PERMITS.**

Said Mayor is empowered to authorize the erection and maintenance of poles in the alleys of said city and District and the stringing thereon of telephone conductors from alley poles or housetop fixtures in one square to alley poles or housetop fixtures in another square for the purpose of enabling house connections to be made, and also to authorize the erection of telephone poles in the District of Columbia outside the limits of the section of said District described in § 34-1911.01 and the stringing thereon of telephone conductors for house connections or for connection with lines outside the District of Columbia; also to authorize the erection of such poles and the stringing thereon of such wires in the streets and avenues of said city and District in the parts thereof in which there are no public alleys, and in such other places as the public interests do not require that the lines be placed underground, or in places where it shall be deemed by said Mayor impracticable to advantageously place or operate such lines underground. During the progress of the work provided for in § 34-1911.01 said Mayor is also empowered to issue temporary permits for the erection and maintenance of poles and overhead conductors in places where the lines are ultimately to be placed underground, but where the work can not be immediately done because of the greater urgency of work in other localities, or for other reasons satisfactory to said Mayor; but in issuing such temporary permits said Mayor shall bear in mind the purpose and policy of this subchapter, which is to cause to be removed from the streets and avenues within the section of said District described in § 34-1911.01 all poles and wires attached thereto, except as hereinbefore provided, as expeditiously as may be without interfering with or impairing the efficiency of the telephone service in said District and without denying to the public reasonable telephone facilities at all times.

(June 20, 1902, 32 Stat. 394, ch. 1136, § 4.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1405.

1973 Ed., § 43-1405.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia

and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 34-1911.05. REGULATIONS FOR INSPECTION; DUCTS FOR USE OF FIRE AND POLICE WIRES.**

All subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this subchapter shall be subject to such reasonable regulations as the Council of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires; provided, that in all conduits so constructed, such space shall be furnished to the District government as may be necessary for purposes related exclusively to the government and public safety, free of charge; provided further, that the number of ducts so reserved in any one conduit shall not be more than 2.

(June 20, 1902, 32 Stat. 395, ch. 1136, § 5; Apr. 12, 2005, D.C. Law 15-342, § 305, 52 DCR 2346.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-1406.

1973 Ed., § 43-1406.

#### *Effect of Amendments*

D.C. Law 15-342 rewrote this section which had read as follows:

"All subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this subchapter shall be subject to such reasonable regulations as the Council of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires; provided, that in all conduits so constructed such space shall be furnished to the District of Columbia as may be necessary for its fire alarm or police patrol wires or cables, carrying low potential currents of electricity, free of charge; and provided further, that the number of ducts so reserved in any 1 conduit shall not be more than 3."

#### *Legislative History of Laws*

For Law 15-342, see notes following § 34-401.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(321) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 34-1911.06. REPAIRS AND RENEWALS.**

The said Mayor is empowered to authorize any such individual, company, or corporation owning and operating on June 20, 1902, any lines of street poles and wires and any alley poles or alley-pole line within the District of Columbia and outside of the section described in § 34-1911.01 to continue to maintain the same, with such repairs and renewals as may be necessary to keep them in good order and condition of repair, and to add thereto such poles and wires as may be necessary for the purpose of making house connections or for connecting with telephone lines outside the District of Columbia.

(June 20, 1902, 32 Stat. 395, ch. 1136, § 6.)

### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1407.

1973 Ed., § 43-1407.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 34-1911.07. RIGHT TO ALTER, AMEND, OR REPEAL RESERVED.**

Congress reserves the right to alter, amend, or repeal this subchapter.

(June 20, 1902, 32 Stat. 395, ch. 1136, § 7.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1408.

1973 Ed., § 43-1408.

**SUBCHAPTER III. TELEPHONE POLES, WIRES, AND  
CONDUITS, 1905.**

**§ 34-1921.01. REMOVAL OF TELEGRAPH POLES AND WIRES; DUTIES OF  
MAYOR; EXTENSION OF CONDUITS.**

All telegraph poles and the wires attached thereto, not the property of the United States or the District of Columbia, upon the streets, avenues and alleys on March 3, 1905 within the fire limits of the District of Columbia, except as hereinafter provided, shall from time to time, as may be prescribed by the Mayor of said District, be taken down and removed. The work of taking down and removing said poles and wires shall be done under the direction of said Mayor, and it is hereby made the duty of said Mayor to enforce compliance with the provisions of this subchapter as expeditiously as may be consistent with the public interests; and the said Mayor is hereby empowered, from time to time, to authorize any company or corporation on March 3, 1905, or thereafter operating and maintaining a telegraph plant or system in the District of Columbia to locate and construct a system of underground conduits, subsidiaries, and manholes in or under any or all of the streets, avenues, alleys, lanes, or other public highways in said District, as may be requisite and necessary for the purpose of this subchapter and for the reception of such other conduits, cables, and wires as may be reasonably required in the future by the growth of such company or corporation or its assigns, or to adequately meet the requirements of the public for telegraph service.

(Mar. 3, 1905, 33 Stat. 984, ch. 1415, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1409.

1973 Ed., § 43-1409.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and

Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 34-1921.02. PLANS OF CONDUITS TO BE SUBMITTED TO MAYOR; PERMITS; REMOVAL OF POLES; WIRES FOR HOUSE CONNECTIONS; TELEGRAPH COMPANIES.**

From time to time, any company or corporation, or its assigns, on March 3, 1905, or thereafter maintaining and operating a telegraph plant or system in said District, shall prepare and submit to the said Mayor a plan or plans or application or applications, in writing, showing the streets, avenues, alleys, lanes, and other public highways in or under which it is proposed to construct conduits, subsidiaries, or manholes, and giving the general dimensions, length, and course thereof; and before any such conduit, subsidiary, or manhole is constructed it shall be necessary to obtain the approval and permission of said Mayor. Said Mayor is empowered to require that all proposed conduits, subsidiaries, and manholes shall be constructed in accordance with the approved plan or permit; and upon the approval by said Mayor of any such plan, or the issuing of any such permit, providing for the construction of underground conduits, subsidiaries, or manholes within the said limits described in § 34-1921.01, or in such part thereof as said Mayor shall require and direct, the construction therein provided for shall be proceeded with diligently, and upon the completion thereof, or as soon thereafter as may be without impairing the efficiency of the telegraph service in said District, the company or corporation constructing such conduits, subsidiaries, or manholes shall place its cables and wires therein and take down and remove from the streets and avenues in which such conduits are constructed all poles and the wires thereon, except such as said Mayor may, in accordance with the provisions of this subchapter, permit to remain for the purpose of distributing wires for house or other connections.

(Mar. 3, 1905, 33 Stat. 985, ch. 1415, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-1410.

1973 Ed., § 43-1410.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 34-1921.03. PENALTIES.**

Any company or corporation now or hereafter owning and maintaining such poles and wires attached thereto on or over any street or avenue within the said limits described in § 34-1921.01, which shall willfully neglect or refuse to remove the same, as provided in § 34-1921.01, shall be liable to a penalty of not more than \$25 for each and every day during which such failure to remove said poles and wires shall continue, which amount may be recovered by the District of Columbia in any court of competent jurisdiction.

(Mar. 3, 1905, 33 Stat. 985, ch. 1415, § 3.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 43-1411.

1973 Ed., § 43-1411.

### **§ 34-1921.04. ERECTION AND MAINTENANCE OF TELEGRAPH POLES IN**



## **ALLEYS; POLES OUTSIDE DESIGNATED LIMITS; TEMPORARY PERMITS.**

Said Mayor is empowered to authorize the erection and maintenance of poles in the alleys of said District, and the stringing thereon of wires or conductors for telegraph purposes from alley poles or housetop fixtures in one square to alley poles or housetop fixtures in another square for the purpose of enabling house connections to be made, and to authorize the erection of poles and the stringing thereon of wires on and upon the streets and avenues of said District in the parts thereof in which there are no public alleys and in such places as the public interest do not require that the lines be placed underground, or in places where it shall be deemed by said Mayor impracticable to advantageously place or operate such lines underground. During the progress of the work provided for in § 34-1921.01 said Mayor is also empowered to issue temporary permits for the erection and maintenance of poles and overhead conductors in places where the lines are ultimately to be placed underground, where the work cannot be immediately done because of the greater urgency of work in other localities, or for other reasons satisfactory to said Mayor; but in issuing such temporary permits said Mayor shall bear in mind the purpose and policy of this subchapter, which is to cause to be removed from the streets and avenues within the said limits described in § 34-1921.01 all poles and wires attached thereto, except as hereinbefore provided, as expeditiously as may be without interfering with or impairing the efficiency of the telegraph service in said District and without denying to the public reasonable telegraph facilities.

(Mar. 3, 1905, 33 Stat. 985, ch. 1415, § 4.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-1412.

1973 Ed., § 43-1412.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 34-1921.04A. CONDUITS IN PUBLIC PARKS OR RESERVATIONS.**

Any officer of the United States government charged with the care, maintenance, and supervision of any public park or reservation may grant permission to any company or corporation maintaining and operating a telegraph plant or system in said District on March 3, 1905, or thereafter, upon application being made therefor, to construct conduits, subsidiaries, or manholes in said park or reservation, under such reasonable regulations as said officer may prescribe, unless, in the judgment of said officer, said construction will result in injury to the United States or its properties.

(Mar. 3, 1905, 33 Stat. 986, ch. 1415, § 4a.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 43-1413.

1973 Ed., § 43-1413.

## **§ 34-1921.05. REGULATIONS FOR INSPECTION; DUCTS FOR USE OF FIRE AND POLICE WIRES.**

All subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this subchapter shall be subject to such reasonable regulations as the Council of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires; provided, that in all conduits so constructed, such space shall be furnished to the District government and the United States as may be necessary for purposes related exclusively to the government and public safety, free of charge; provided further, that the number of ducts so reserved in any one conduit shall not be more than 2.

(Mar. 3, 1905, 33 Stat. 986, ch. 1415, § 5; Apr. 12, 2005, D.C. Law 15-342, § 306, 52 DCR 2346.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1414.

1973 Ed., § 43-1414.

*Effect of Amendments*

D.C. Law 15-342 rewrote this section which had read as follows:

"All subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this subchapter shall be subject to such reasonable regulations as the Council of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires; provided, that in all underground conduits so constructed such space shall be furnished to the said District of Columbia and the United States as may be necessary for their telegraph, fire alarm, and police patrol wires or cables carrying low potential currents of electricity, free of charge; and provided further, that the number of ducts so reserved in any one conduit shall not be more than 2."

*Legislative History of Laws*

For Law 15-342, see notes following § 34-401.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(322) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 34-1921.06. REPAIRS AND RENEWALS.**

The said Mayor is empowered to authorize any such company or corporation owning and operating lines of street poles and wires on March 3, 1905, or thereafter and any alley poles or alley-pole line or housetop wires within the said District and outside of the limits described in § 34-1921.01 to continue to maintain the same, with such repairs and renewals as may be necessary to keep them in good order and condition of repair, and to add thereto such poles and wires as may be necessary for their telegraphic purposes.

(Mar. 3, 1905, 33 Stat. 986, ch. 1415, § 6.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1415.

1973 Ed., § 43-1415.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 34-1921.07. RIGHT TO ALTER, AMEND, OR REPEAL RESERVED; RIGHTS UNDER UNITED STATES CODE PRESERVED.**

Congress reserves the right to alter, amend, or repeal this subchapter, but nothing herein shall abridge or lessen the rights granted telegraph companies under Title 65, § 5263 and the following, United States Revised Statutes of the Code of the Laws of the United States of America.

(Mar. 3, 1905, 33 Stat. 986, ch. 1415, § 7.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1416.

1973 Ed., § 43-1416.

*References in Text*

Sections 5263 to 5269, inclusive, of the Revised Statutes, referred to in this section, were repealed by the Act of July 16, 1947, 61 Stat. 327, ch. 256, § 1.

**§ 34-1921.08. RIGHTS TO BUILD AND LAY CONDUITS NOT COMPENSABLE IN EVENT OF CONDEMNATION.**

If at any time the District of Columbia or the national government shall acquire, by purchase, condemnation proceedings, or otherwise, the property of any telegraph company in the District of Columbia, nothing shall then be paid for the rights accorded under §§ 34-1921.01 to 34-1921.07, inclusive, to build and lay such conduits.

(Mar. 3, 1905, 33 Stat. 986, ch. 1415, § 8.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 43-1417.

1973 Ed., § 43-1417.