

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 9.
TRANSPORTATION SYSTEMS.

CHAPTER 12.
MISCELLANEOUS PROVISIONS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 12. MISCELLANEOUS PROVISIONS.

TABLE OF CONTENTS

Subchapter I. General.

- § 9-1201.01. Jurisdiction over MacArthur Boulevard.
- § 9-1201.02. Railroads prohibited on certain streets.
- § 9-1201.03. Further laying of street railroads prohibited.
- § 9-1201.04. Removal of paving stones; permit required; obstruction on streets.
- § 9-1201.05. Denomination of streets as "business streets."
- § 9-1201.06. Portion of streets may be set aside as parks.
- § 9-1201.07. Removal of obstructions from streets.
- § 9-1201.08. Penalty for failure to replace paving stones.
- § 9-1201.09. Improper appropriation or occupation of streets.
- § 9-1201.10. Railroad sidings south of Virginia and Maryland Avenues authorized.
- § 9-1201.11. Railroad sidings into lots for business uses authorized.
- § 9-1201.12. Railroad tracks and additional stations authorized.
- § 9-1201.13. Railroads may use Union Station and terminals.
- § 9-1201.14. Streets to be under or over railroad tracks.
- § 9-1201.15. Subways and viaducts to eliminate grade crossings authorized.

Subchapter II. Railroad Track Extensions--Navy Yard.

- § 9-1203.01. Track extensions for development of Buzzards Point authorized.
- § 9-1203.02. Sale or lease of track connection with Navy Yard authorized.
- § 9-1203.03. Branch tracks, spurs, or sidings authorized.
- § 9-1203.04. Extensions through public grounds authorized.
- § 9-1203.05. Authority of Mayor under § 9-1201.15 not affected.
- § 9-1203.06. Condemnation proceedings by railroad company.
- § 9-1203.07. Company to pay portion of cost of paving or repairing streets.
- § 9-1203.08. Use of track extensions by other carriers.
- § 9-1203.09. Right to alter, amend, or repeal this subchapter.

Subchapter III. Railroad Track Extensions--New York Ave.

- § 9-1205.01. Construction of switch connections--Authorized.
- § 9-1205.02. Construction of switch connections--Plans to be approved by Mayor.
- § 9-1205.03. Construction of switch connections--Grade crossings.
- § 9-1205.04. Construction of switch connections--Authority of Mayor not abridged.
- § 9-1205.05. Right to amend, alter or repeal subchapter.

Subchapter IV. Electrification of Railroad Lines.

- § 9-1207.01. Electrification of existing steam railroad lines.
- § 9-1207.02. Submarine cables at drawbridge openings.
- § 9-1207.03. Construction of electrical conduit systems authorized.
- § 9-1207.04. Jurisdiction of Department of Army, Mayor, and Interstate Commerce Commission not limited.

- § 9-1207.05. Liability of railroad companies for injuries.

Subchapter IV-A. Streetcars.

- § 9-1208.01. Streetcar plan.

Subchapter V. Employment for Purposes of Road Work.

- § 9-1209.01. Employment of temporary special and technical employees.
- § 9-1209.02. Employment of temporary laborers and mechanics.
- § 9-1209.03. Employment of horses, horse-drawn vehicles, and motortrucks.
- § 9-1209.04. Employment of personnel and equipment to execute work payable from miscellaneous trust fund deposits.

Subchapter VI. Helicopter Landing Pads.

- § 9-1211.01. Helicopter landing pads.

Subchapter VII. Barbed-Wire Fences.

- § 9-1213.01. Construction or maintenance within fire limits.
- § 9-1213.02. Construction or maintenance outside fire limits.
- § 9-1213.03. Notice to remove; service.
- § 9-1213.04. Penalties.
- § 9-1213.05. Failure to remove.

Subchapter VIII. Make a Difference Selection Committee.

- § 9-1215.01. Establishment of the Make a Difference Selection Committee.
- § 9-1215.02. Committee duties.
- § 9-1215.03. Selection criteria.
- § 9-1215.04. Special trust fund.
- § 9-1215.05. Marker design and installation.
- § 9-1215.06. Marker locations.
- § 9-1215.07. Make a Difference Foundation.
- § 9-1215.08. Mayor to issue rules.

Subchapter IX. Street Closings and Acquisitions.

- Part A. Cost of Street Extensions.
 - § 9-1217.01. Cost of street extension assessed as benefits; assessments for parkways.
- Part B. Repealed Provisions.
 - § 9-1217.11. Council authorized to open, extend, or widen streets; damages and costs.[Repealed]
 - §§ 9-1217.12 to 9-1217.24. Condemnation proceedings authorized; contents of condemnation petition; public notice of proceedings; service; appointment of guardian ad litem; condemnation jury--Selection; composition; oath; objections to members; hearings; verdict; condemnation of part of plot; assessment of benefits and damages; excess damages and costs; objections to verdict; vacation of verdict; confirmation of verdict; payment of award; assessments made liens; payments; amendment of proceedings; appeal; deposit of award in registry; transfer of title.[Repealed]
 - §§ 9-1217.25, 9-1217.26. Condemnation for streets through unsubdivided part of plot--Authorized; procedures; appropriations.[Repealed]
 - §§ 9-1217.27, 9-1217.28. Dismissal of proceedings; appropriations authorized.[Repealed]
 - § 9-1217.29. Assessments for benefits.[Repealed]

Subchapter X. Alleys and Minor Streets.

- Part A. Condemnation of Materials for Public Roads.
 - § 9-1219.01. Condemnation of materials for making or repairing public roads.
- Part B. Repealed Provisions.
 - §§ 9-1219.11 to 9-1219.18. Mayor authorized to open, extend, widen, or straighten alleys and minor

streets; conditions; width of minor streets; closing of alleys rendered useless or unnecessary; closing of existing alley upon dedication of new alley; closing of alley less than 10 feet wide; closing of alley upon erection of building covering two-thirds of square; change of alleyway--Petition; recordation of order and plat; title to closed alley; closing of alley upon new use of square.[Repealed]

- §§ 9-1219.19 to 9-1219.22. Closing of alley upon acquisition by District of abutting property; land owned by District may be set aside for alley purposes; notice of order; hearing; maps.[Repealed]
- §§ 9-1219.23 to 9-1219.28. Condemnation to open, widen, or straighten alleys or minor streets; plats; notice of condemnation; service; condemnation jury; appointment; oath; objection to jurors; hearing; verdict; assessment of benefits where only part of parcel is condemned; objections to verdict; modification or vacation; benefits assessed must equal damages and costs.[Repealed]
- § 9-1219.29. Assessment on all lots, pieces or parcels benefited by opening of alley or minor street or by establishment of building line.[Repealed]
- §§ 9-1219.30, 9-1219.31. Awards paid by Treasurer of United States; benefits deducted from damages; assessments made liens; payments; amendments of property description.[Repealed]
- § 9-1219.32. Appeal from confirmation of assessment.[Repealed]
- § 9-1219.33. Benefit assessments from condemnation for alleys or minor streets.[Repealed]
- §§ 9-1219.34 to 9-1219.39. Proceeds of sale of lands paid into Treasury; plats to be made by Surveyor; costs; correcting defects in certain prior proceedings; certain alleys previously opened made valid; certain alleys closed prior to March 3, 1901, unaffected; surplus from sale of land in which United States is interested to be paid into Treasury.[Repealed]
- § 9-1219.40. Costs paid from alley appropriations when proceedings fail.[Repealed]
- § 9-1219.41. Mayor to employ assistant to Corporation Counsel for condemnation proceedings.[Repealed]

CHAPTER 12. MISCELLANEOUS PROVISIONS.

SUBCHAPTER I. GENERAL.

§ 9-1201.01. JURISDICTION OVER MACARTHUR BOULEVARD.

Jurisdiction and control over MacArthur Boulevard for its full width in the District of Columbia between Foxhall Road and the District line, excepting a strip 19 feet wide within the lines of said road, the center of which is coincident with the center of the water supply conduit, is hereby transferred from the Secretary of the Army to the Council of the District of Columbia, and property abutting thereon shall be subject to any and all lawful assessments which may be levied by the said Council for public improvements, the same as other private property in the District of Columbia; provided, that all municipal laws and regulations shall apply to the entire width of the said road in the District of Columbia in the same degree that they apply to other streets and highways in the said District.

(May 22, 1926, 44 Stat. 627, ch. 372; Mar. 4, 1942, 56 Stat. 123, ch. 129.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1401.

1973 Ed., § 7-1201.

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(172) 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.

§ 9-1201.02. RAILROADS PROHIBITED ON CERTAIN STREETS.

All railroads are prohibited on the I Street and K Street fronts of Farragut, Scott, and Franklin Squares.

(R.S., D.C., § 223.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1402.

1973 Ed., § 7-1202.

§ 9-1201.03. FURTHER LAYING OF STREET RAILROADS PROHIBITED.

No further street railroads shall be laid down in the City of Washington without the consent of Congress.

(R.S., D.C., § 224.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1403.

1973 Ed., § 7-1203.

§ 9-1201.04. REMOVAL OF PAVING STONES; PERMIT REQUIRED; OBSTRUCTION ON STREETS.

Whenever any person desires to remove the paving stones, or to displace any other work done by the authority of the United States, for the purpose of laying gas pipes, or for any other purpose, it shall be the duty of such person to obtain a written permit from the Director of the National Park Service, and such person shall oblige themselves to replace the said work to the satisfaction of said officer, and within such time as he may prescribe. If any person shall place any obstruction on the streets, avenues, or sidewalks, so improved by the United States, such person shall pay the costs of removing the same, and shall be subject to a penalty of \$10, to be recovered as other debts are recovered in said District, for each and every day the obstruction may remain after the Director of the National Park Service shall have given notice for its removal.

(R.S., D.C., §§ 228, 229; Feb. 26, 1925, 43 Stat. 983, ch. 339, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1404.

1973 Ed., § 7-1204.

§ 9-1201.05. DENOMINATION OF STREETS AS "BUSINESS STREETS."

The Council of the District of Columbia is authorized and directed to denominate portions of streets in the District of Columbia as "business streets" and to authorize the use, on such portions of streets, for business purposes by abutting property owners, under such general regulations as said Council may prescribe, of so much of the sidewalk and parking as may not be needed, in the judgment of said Council, by the general public, under the following conditions, namely:

- (1) Wherein a portion of a street not already denominated a business street a majority of a frontage not less than 3 blocks in length is occupied and used for business purposes; and
- (2) Where a portion of a street has already been denominated a business street, and there exists adjoining such portion a block or more whose frontage is occupied and used for business purposes.

(Feb. 2, 1904, 33 Stat. 10, ch. 89.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1405.

1973 Ed., § 7-1205.

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(173) 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.

§ 9-1201.06. PORTION OF STREETS MAY BE SET ASIDE AS PARKS.

The proper authorities of the District are authorized to set apart from time to time, as parks, to be adorned

with shade trees, walks, and inclosed with curbstones, not exceeding one-half the width of any and all avenues and streets in the said City of Washington, except Pennsylvania Avenue, leaving a roadway of not less than 35 feet in width in the center of said avenues and streets or 2 such roadways on each side of the park in the center of the same; but such inclosures shall not be used for private purposes.

(R.S., D.C., § 225; Mar. 3, 1881, 21 Stat. 462, ch. 134.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1406.

1973 Ed., § 7-1206.

§ 9-1201.07. REMOVAL OF OBSTRUCTIONS FROM STREETS.

It shall be the duty of the Director of the National Park Service to cause obstructions of every kind to be removed from such streets, avenues, and sidewalks in the City of Washington as have been, or may be, improved in whole or in part by the United States, and to keep the same, at all times, free from obstructions. For the purpose of carrying out the provisions of this section, the Director of the National Park Service shall have power to institute suits in any court having competent jurisdiction, and it shall be the duty of the United States Attorney for the District to prosecute the same.

(R.S., D.C., §§ 226, 227; Feb. 26, 1925, 43 Stat. 983, ch. 339, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1407.

1973 Ed., § 7-1207.

§ 9-1201.08. PENALTY FOR FAILURE TO REPLACE PAVING STONES.

If any person removing the paving stones or other work done by the authority of the United States shall fail to replace the same to the satisfaction of the Director of the National Park Service, within the time prescribed by him, he shall be subject to a penalty of \$25 for each and every failure, and shall pay the costs of replacing the same, the whole to be recovered before any court in said District having competent jurisdiction.

(R.S., D.C., § 230.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1408.

1973 Ed., § 7-1208.

§ 9-1201.09. IMPROPER APPROPRIATION OR OCCUPATION OF STREETS.

The Secretary of the Interior is directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the City of Washington, belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress, and to report to Congress at the commencement of each session his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of such property, by lawful authority, for the legitimate purposes of the United States.

(R.S., § 1818.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1409.

1973 Ed., § 7-1209.

§ 9-1201.10. RAILROAD SIDINGS SOUTH OF VIRGINIA AND MARYLAND AVENUES AUTHORIZED.

It shall be the duty of the Council of the District of Columbia, and it is hereby authorized and empowered, whenever it considers it a public benefit, to grant the Baltimore and Potomac Railroad Company permission to lay, maintain, and use sidetracks and sidings from the main line or lines of said railroad into any real estate in the said city abutting on the streets or avenues on which such line of such company is or may be situated, east of Four-and-a-half Street and south of Virginia and Maryland Avenues, which may be used or occupied for manufacturing, commercial, or other business purposes by parties desiring the use of such facilities. Such sidetracks or sidings shall be laid and maintained under the direction of the Mayor of the District of Columbia and in such manner as shall least obstruct the use of the public streets for ordinary purposes: Provided, that the right to revoke the use of said sidetracks or sidings is reserved to Congress.

(Jan. 19, 1891, 26 Stat. 719, ch. 76, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1410.

1973 Ed., § 7-1210.

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(174) 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.

§ 9-1201.11. RAILROAD SIDINGS INTO LOTS FOR BUSINESS USES AUTHORIZED.

It shall be lawful for the Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized hereunder, into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purpose of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises; provided, however, that no grade crossing of any street or avenue within the City of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks shall in every case be first filed with and approved by the Mayor of the District of Columbia.

(Feb. 12, 1901, 31 Stat. 772, ch. 353, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1411.

1973 Ed., § 7-1211.

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.

§ 9-1201.12. RAILROAD TRACKS AND ADDITIONAL STATIONS AUTHORIZED.

In addition to the main or terminal station or depot, the Baltimore and Ohio Railroad Company, or the Washington Terminal Company may from time to time construct, establish, and maintain such additional stations or depots, for passengers or freight, as the company may deem necessary or useful in the conduct of its business, or for the accommodation of the freight and passenger traffic passing over the lines of railroad authorized by this Act, at such point or points within said District as the Council of the District of Columbia shall approve; provided, that no such station or depot within the city limits shall be located east of 2nd Street east, and west of North Capitol Street, and it shall be lawful for either of said companies to acquire, by gift, purchase, or condemnation, any land adjacent to any street or avenue along or upon which the lines of railroad and works hereby authorized shall be located, and hold and improve the same in such manner as it may deem necessary or beneficial to accommodate or promote the traffic on said railroad, and to extend and construct tracks of railroad into and upon any lands so acquired and connect the same with the tracks on such adjacent street or avenue; provided, however, that no grade crossing of any street or avenue within the City of Washington shall be thereby created, but such connecting tracks shall be elevated and carried over the portion of such street or avenue crossed in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks and elevated structure shall in every case be first filed with and approved by the Council of the District of Columbia. And it shall be lawful for said companies, or either of them, subject to the same conditions and restrictions, to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized hereunder into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises.

(Feb. 12, 1901, 31 Stat. 777, ch. 354, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1412.

1973 Ed., § 7-1212.

References in Text

"This Act," referred to in the first sentence of this section, means the Act of February 12, 1901, 31 Stat. 777, ch. 354.

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(175) 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.

§ 9-1201.13. RAILROADS MAY USE UNION STATION AND TERMINALS.

Any railroad company lawfully existing and authorized to extend a line of railroad into the District of Columbia, or having secured the right to operate over the lines of any other then existing railroad, to a point of connection with the tracks of the Washington Terminal Company, shall have the right to the joint use of said station and terminals authorized in the Act approved February 28, 1903 (32 Stat. 909), upon the payment of a reasonable compensation for the use of the same; and if the parties be unable to agree upon such terms, then the same shall be prescribed by the United States District Court for the District of Columbia, upon petition of either party in interest, under such rules of procedure as the said Court shall prescribe.

(Feb. 28, 1903, 32 Stat. 918, ch. 856, § 11; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 109, ch. 139, § 127.)

Prior Codifications

1981 Ed., § 7-1413.

1973 Ed., § 7-1213.

§ 9-1201.14. STREETS TO BE UNDER OR OVER RAILROAD TRACKS.

(a) Any and all streets or highways within the District of Columbia now or hereafter planned or projected to cross any line of railroad, other than a street railway, in the District of Columbia, which may be hereafter opened to public use, shall be located, constructed, and maintained either beneath such railroad by a suitable subway, or above the same by a suitable viaduct bridge at such altitude as will not interfere with the free and safe operation thereof; provided, however, that nothing herein contained shall require the location, construction, or maintenance of any such street or highway under or above any spur, industrial, switching or sidetrack, or branch line of any railroad unless the Mayor of the District of Columbia shall find the same is necessary in the public safety.

(b) The cost and expense of any project for opening any such street or highway within the limits of such railroad company's right-of-way, including the cost of constructing the portion of any viaduct bridge, within said limits, shall be borne and paid as follows:

(1) The District of Columbia shall apply to the payment of such cost and expense all federal-aid highway-railway grade separation funds available for use by the District of Columbia at the time any such project is programmed and all such funds which become available for use on such projects by the District of Columbia during the construction of such project;

(2) If such federal-aid highway-railway grade separation funds are insufficient to pay the cost and expense of any such project, the portion not so covered shall be paid one-half by the railroad company, its successors and assigns, whose tracks are crossed and one-half by the District of Columbia; provided, that in no case shall the obligation of the railroad company affected exceed 10 per centum of the total cost and expense of such project;

(3) After construction, the cost of maintenance shall be wholly borne and paid in the case of highway overpasses by the District of Columbia, and in the case of highway underpasses by the railroad company, its successors and assigns, whose tracks are crossed; and

(4) The portions of such streets planned or projected as above which lie within a right-of-way belonging to such railroad company shall be dedicated by such company as a public thoroughfare when the portions of such street adjoining such right-of-way have been similarly dedicated or otherwise acquired.

(Feb. 28, 1903, 32 Stat. 918, ch. 856, § 10; May 9, 1941, 55 Stat. 182, ch. 93, § 1; July 25, 1956, 70 Stat. 638, ch. 720, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1414.

1973 Ed., § 7-1214.

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.

§ 9-1201.15. SUBWAYS AND VIADUCTS TO ELIMINATE GRADE CROSSINGS AUTHORIZED.

(a) The Mayor of the District of Columbia be, and he is hereby, authorized and directed to construct viaducts and approaches thereto, to carry Fern and Varnum Streets over the tracks and right-of-way of the Baltimore and Ohio Railroad Company and to construct a viaduct and approaches thereto to carry Eastern

Avenue over the tracks and rights-of-way of The Philadelphia, Baltimore, and Washington Railroad Company and the Baltimore and Ohio Railroad Company, in accordance with plans and profiles of said works to be approved by the said Mayor; provided, that one-half of the total cost of constructing the viaduct and approaches thereto at Varnum Street and one-half of the total cost of constructing the viaduct and approaches thereto at Fern Street shall be borne and paid by the said Baltimore and Ohio Railroad Company, its successors and assigns, and that one-half of the total cost of constructing the viaduct and approaches thereto at Eastern Avenue shall be borne and paid by the said Philadelphia, Baltimore and Washington Railroad Company and the said Baltimore and Ohio Railroad Company, their successors and assigns, in proportion to the widths of their respective land holdings, to the Collector of Taxes of the District of Columbia for deposit to the credit of the District of Columbia, and the said half cost shall be valid and subsisting liens against the franchises and property of the railroad companies concerned and shall constitute a legal indebtedness against the said railroad companies in favor of the District of Columbia, and said liens may be enforced in the name of the District of Columbia by a bill in equity brought by the said Mayor in the Superior Court of the District of Columbia, or by any other legal proceeding against the said railroad companies; provided, that no street railway company shall use the said viaduct or any approaches thereto herein authorized for its tracks until said companies shall have paid to the Collector of Taxes of the District of Columbia, a sum equal to one-fourth of the total cost of constructing said viaducts and approaches, to be applied to the credit of the District of Columbia. No limitation shall run against claims made by the District of Columbia under the provisions of this section.

(b) For the purpose of carrying into effect the provisions of this section, the sum of \$405,000 is hereby authorized to be appropriated, payable in like manner as other appropriations, for the expenses of the government of the District of Columbia, and the said Mayor is authorized to expend such sum or sums as may be necessary for personal services, engineering, and incidental expenses. The said Mayor is further authorized to acquire, out of the appropriation herein authorized, the necessary land, or any portion of the same, by purchase at such price or prices as in his judgment he may deem reasonable and fair, or, in his discretion, by condemnation in accordance with the provisions of §§ 9-1217.12 to 9-1217.24, under a proceeding or proceedings in rem instituted in the Superior Court of the District of Columbia; provided, that of the entire amount found to be due and awarded by the jury as damages for, and in respect of, the land to be condemned to carry the provisions of this section into effect, plus the costs and expenses of the proceeding or proceedings taken pursuant hereto, not less than one-half thereof shall be assessed by the jury as benefits, the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the District of Columbia.

(c) Hereafter, the Mayor of the District of Columbia is authorized, whenever in his judgment it may be necessary for the public safety, and subject to appropriations to be made therefor by Congress, to construct subways or viaducts and approaches thereto, in accordance with plans and profiles of said works to be approved by him, to carry any street or highway crossing at grade any line of railroad track or tracks in the District of Columbia, or any street or highway within the District of Columbia now or hereafter planned or projected to cross any such line of railroad, under or over said track or tracks; provided, that the total cost of constructing any project for such viaduct or subway and approaches thereto shall be borne and paid as follows:

(1) The District of Columbia shall apply to the payment of the cost of such project all federal-aid highway-railway grade separation funds available for use by the District of Columbia at the time any such project is programmed and all such funds which become available for use on such project by the District of Columbia during the construction of such projects; and

(2) If such federal-aid highway-railway grade separation funds are insufficient to pay the cost of any such project, the portion not so covered shall be paid one-half by the railroad company, its successors and assigns, whose tracks are crossed and one-half by the District of Columbia; provided further, that in no case shall the obligation of the railroad company affected exceed 10 per centum of the total cost of such project; provided further, that in the event the rights-of-way of 2 or more railroad companies are so crossed said half cost as herein provided shall be paid by the said railroad companies, their successors and assigns, in proportion to the widths of their respective landholdings, but the obligations of such companies shall not, in the aggregate, exceed 10 per centum of the cost of such project; provided further, that after construction the cost of maintenance shall be wholly borne and paid in the case of highway overpasses by the District of Columbia, and in the case of highway underpasses by the railroad company, its successors and assigns, whose tracks are crossed; provided further, that in the event the rights-of-way of 2 or more railroad companies are so crossed, the cost of maintenance shall be borne and paid in the case of highway underpasses by the said railroad companies, their successors and assigns, in proportion to the widths of their respective landholdings. All provisions in respect to the method of payment and credit of said half cost, creation of a lien in respect thereto and enforcement thereof, conditions of use thereof by street railway companies, and every other kind of condition provided in subsection (a) of this section, and the authorization and every condition in respect thereto for the acquisition of any necessary land provided in subsection (b) of this section, in relation to the viaducts and their approaches therein authorized, are hereby made applicable to the subways, viaducts, and approaches authorized in this section the same as if enacted at length herein.

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1415.

1973 Ed., § 7-1215.

References in Text

"Sections 9-1217.12 to 9-1217.24," referred to in the second sentence of subsection (b), have been repealed by § 704 of D.C. Law 7-201, effective March 10, 1983 and by § 16 of D.C. Law 5-24, effective August 2, 1983.

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.

Miscellaneous Notes

Office of Collector of Taxes abolished: The Office of the Collector of Taxes was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Collector of Taxes including the functions of all officers, employees and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 3, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, transferred the functions of the Collector of Taxes to the Finance Office. The same Order provided for the Office of the Collector of Taxes headed by a Collector in the Finance Office, and abolished the previously existing Office of the Collector of Taxes. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, which provided that the Finance Office (consisting of the Office of the Finance Officer, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) would continue under the direction and control of the Director of General Administration, and that the Treasury Division would perform the function of collecting revenues of the District of Columbia and depositing the same with the Treasurer of the United States. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 13, 1967, Part IVC of which prescribed the functions of the Finance Office within a newly established Department of General Administration. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Finance Office as stated in Part IVC of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969. The collection functions of the Director of the Department of Finance and Revenue were transferred to the District of Columbia Treasurer by § 47-316 on March 5, 1981.

SUBCHAPTER II. RAILROAD TRACK EXTENSIONS-- NAVY YARD.

§ 9-1203.01. TRACK EXTENSIONS FOR DEVELOPMENT OF BUZZARDS POINT AUTHORIZED.

The Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to establish a switch connection with an existing track in its New Jersey Avenue yard, at a point north of the north curb line of I Street Southeast; thence southward on 1st Street Southeast to and connecting with the existing track on 1st Street Southeast at or about N Street, with a switch connection at or about Quander Street and spur track running over, across, and through square 743 to and into the United States Navy Yard; thence southward on 1st Street Southeast to and thence along Potomac Avenue to the west line of 2nd Street Southwest, with all necessary switches, extensions, turnouts, and sidings and such other track extensions through and along One-half Street Southwest, and 2nd Street Southwest, south of Potomac Avenue and north of Potomac Avenue to P Street, and One-half Street Southeast, south of Potomac Avenue and north of Potomac Avenue to O Street, as may be or become necessary for the establishment of adequate

railroad facilities in connection with the development of Buzzards Point as an industrial area in the District of Columbia.

(June 18, 1932, 47 Stat. 322, ch. 269, § 1; June 20, 1939, 53 Stat. 849, ch. 229; June 5, 1942, 56 Stat. 326, ch. 353.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1416.

1973 Ed., § 7-1216.

§ 9-1203.02. SALE OR LEASE OF TRACK CONNECTION WITH NAVY YARD AUTHORIZED.

The Secretary of the Navy is authorized to sell and transfer or to lease to The Philadelphia, Baltimore, and Washington Railroad Company, its successors and/or assigns, upon such terms and for such amount as he may deem to be both just and reasonable, the existing railroad track connection with the United States Navy Yard as constructed and established under authority conferred by an Act of Congress approved August 29, 1916, entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes"; provided, that the title to any right of way or property provided by the United States for the purposes of such construction and occupied by said track connection on June 18, 1932, shall remain in the United States; and provided further, that said track connection, insofar as the requirements of the United States Navy Yard may be affected, at all times shall be maintained and operated by said railroad company, its successors or assigns, to the satisfaction of the Secretary of the Navy.

(June 18, 1932, 47 Stat. 322, ch. 269, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1417.

1973 Ed., § 7-1217.

References in Text

The Act approved August 29, 1916, referred to near the middle of this section, means the Act of August 29, 1916, 39 Stat. 556, ch. 417.

§ 9-1203.03. BRANCH TRACKS, SPURS, OR SIDINGS AUTHORIZED.

Said railroad company is hereby authorized to construct, maintain, and operate branch tracks, spurs, or sidings into any lot or square zoned or thereafter zoned for industrial or 2nd commercial use abutting upon any street or avenue over and along which said railroad company is hereby specifically authorized to lay and operate tracks, and also to construct tracks to serve any wharf which may be established on the Anacostia River; provided, that the construction of all such railroad tracks and appurtenant turnouts, branch tracks, and sidings, in all respects and things, shall be subject to the prior approval of the Council of the District of Columbia after report by the National Capital Planning Commission, such approval to be noted upon identical copies of a suitably prepared plat or chart, 1 copy to be kept on file in the Office of the Mayor of the District of Columbia and the other thereof to be kept on file in the office of the National Capital Planning Commission.

(June 18, 1932, 47 Stat. 322, ch. 269, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1418.

1973 Ed., § 7-1218.

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(176) 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.

Transfer of Functions

The functions, powers and duties of the National Capital Park and Planning Commission were transferred to the National Capital Planning Commission by the Act of June 6, 1924, ch. 270, § 9, as added by the Act of July 19, 1952, 66 Stat. 790, ch. 949, § 1.

§ 9-1203.04. EXTENSIONS THROUGH PUBLIC GROUNDS AUTHORIZED.

Subject always to the approval of the Council of the District of Columbia, all such railroad tracks, turnouts, branch tracks, spurs, and sidings may be located and constructed in, upon, along, and through public grounds, space, and streets of the United States and/or of the District of Columbia as same are now or may hereafter be located and established; provided, that except as in §§ 9-1203.01 to 9-1203.09 expressly authorized no tracks, turnouts, branches, spurs, or sidings shall be constructed along or through South Capitol Street or 1st Street Southwest in the north and south direction, at grade or otherwise, but each of said streets, with prior approval of said Council of the District of Columbia, may be crossed to such extent as may be necessary for the establishment of adequate railroad facilities; provided further, that no permit for the construction of tracks, turnouts, branches, spurs, or sidings shall be issued with respect to squares 600, 602, 604, 606, 608, 610, and 612, or any of said squares, until the particular square or squares for which a permit is sought shall have been zoned industrial; and provided further, that the plans for any building fronting on Canal Street from the Anacostia River to P Street Southwest shall have the approval of the Fine Arts Commission as to height and design.

(June 18, 1932, 47 Stat. 323, ch. 269, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1419.

1973 Ed., § 7-1219.

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(177) 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.

§ 9-1203.05. AUTHORITY OF MAYOR UNDER § 9-1201.15 NOT AFFECTED.

Nothing contained in this subchapter shall be construed as limiting or abridging the authority of the Mayor of the District of Columbia under § 9- 1201.15.

(June 18, 1932, 47 Stat. 323, ch. 269, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1420.

1973 Ed., § 7-1220.

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.

§ 9-1203.06. CONDEMNATION PROCEEDINGS BY RAILROAD COMPANY.

The Philadelphia, Baltimore, and Washington Railroad Company, its successors or assigns, is authorized to acquire any land or property other than public grounds, space, or streets of the United States or the District of Columbia necessary or expedient for right-of-way for said track extensions, turnouts, branch tracks, spurs, sidings, and connections by purchase or condemnation. In event that said company, its successors or assigns, shall be unable to acquire any piece or parcel of land necessary or expedient for any of the purposes indicated in this subchapter, at a price deemed by it to be reasonable, then, and in such event The Philadelphia, Baltimore, and Washington Railroad Company, its successors and assigns, is authorized to acquire the same by condemnation proceedings to be instituted in its own name by petition filed in the United States District Court for the District of Columbia for the ascertainment of its value, in accordance with the provisions of §§ 16-1301 and 16-1311 to 16-1321.

(June 18, 1932, 47 Stat. 323, ch. 269, § 6; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1421.

1973 Ed., § 7-1221.

§ 9-1203.07. COMPANY TO PAY PORTION OF COST OF PAVING OR REPAIRING STREETS.

If and when the Mayor of the District of Columbia shall decide to pave or repave any of the streets over or along which tracks are authorized to be constructed, the railroad company shall be required to bear the expense of the paving and/or repairs to pavements between the rails and on either side of the tracks for a distance of 2 feet.

(June 18, 1932, 47 Stat. 323, ch. 269, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1422.

1973 Ed., § 7-1222.

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.

§ 9-1203.08. USE OF TRACK EXTENSIONS BY OTHER CARRIERS.

The authority to establish, construct, acquire, maintain, and operate the tracks, switch connections, extensions, turnouts, sidings, branches, spurs, and other facilities provided for in this subchapter is given upon the following conditions, to wit: The said facilities shall be open to any and all freight traffic by rail whether originating within or without the District of Columbia either on the said The Philadelphia, Baltimore, and Washington Railroad Company or any other common carrier railroad, upon such just,

reasonable, and nondiscriminatory rates, terms, and conditions as may be embraced in public tariffs, subject to the jurisdiction of the Interstate Commerce Commission as provided for other rates under the provisions of the Interstate Commerce Act; provided, that no greater charge shall be made for deliveries to be made upon said facilities than is or are or may be made for delivery of like traffic consigned for delivery at any other delivery point on The Philadelphia, Baltimore, and Washington Railroad Company in the District of Columbia; special, free, or reduced rates or charges for deliveries of property consigned to the United States or any of its departments, bureaus, or subordinate branches or to or for use of the municipality of the District of Columbia not included; and provided further, that any common carrier by railroad now or hereafter authorized to operate in the District of Columbia shall, upon application to and approval by the Interstate Commerce Commission, be permitted to use jointly all such facilities as provided in this subchapter on such terms and for such compensation as may be prescribed by the said Interstate Commerce Commission in accordance with the provisions of the Interstate Commerce Act, as amended.

(June 18, 1932, 47 Stat. 324, ch. 269, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1423.

1973 Ed., § 7-1223.

References in Text

The Interstate Commerce Act, referred to throughout this section, is codified throughout Chapters 1, 8, 12, 13 and 19 of Title 49, United States Code.

§ 9-1203.09. RIGHT TO ALTER, AMEND, OR REPEAL THIS SUBCHAPTER.

The right to alter, amend, or repeal this subchapter is reserved without regard to any payments required or agreements established under their terms.

(June 18, 1932, 47 Stat. 324, ch. 269, § 9.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1424.

1973 Ed., § 1224.

SUBCHAPTER III. RAILROAD TRACK EXTENSIONS-- NEW YORK AVE.

§ 9-1205.01. CONSTRUCTION OF SWITCH CONNECTIONS--AUTHORIZED.

The Pennsylvania Railroad Company, operating lessee of all of the railroads and appurtenant properties of The Philadelphia, Baltimore, and Washington Railroad Company in the District of Columbia, be, and it is hereby, authorized to establish switch and siding connections with its existing siding tracks in square no. 4263 (also shown as parcel 154/44) to cross West Virginia Avenue into and through square no. 4105 along and adjacent to the existing main line tracks, thence into and through square nos. 4104 and 4099, crossing New York Avenue by means of a suitable overhead bridge, thence to and through square no. 4099 and the parcels of land known and identified on the Plat Books of the Surveyor's Office of the District of Columbia as parcels 153/44, 143/25, 142/25, and 142/28, to and through the square known as and no. 4038 (portions of which are included in parcel 142/28), 4093, south of 4093, and 4098, with all switches, crossings, turnouts, extensions, spurs, and sidings, as may be or become necessary for the development of the squares and parcels of land above indicated for such uses as may be permitted in the use district or districts in which said squares and parcels of land are now or may hereafter be included as defined in the zoning regulations of the District of Columbia and shown in the official atlases of the Zoning Commission.

(Aug. 6, 1935, 49 Stat. 537, ch. 449, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1425.

1973 Ed., § 7-1225.

§ 9-1205.02. CONSTRUCTION OF SWITCH CONNECTIONS--PLANS TO BE APPROVED BY MAYOR.

Before any of the work authorized in § 9-1205.01 shall be begun on the ground, a plan or plans thereof shall be prepared and submitted to the Mayor of the District of Columbia for his approval and only to the extent that such plans shall be so approved shall said work or any portion thereof be permitted or undertaken.

(Aug. 6, 1935, 49 Stat. 537, ch. 449, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1426.

1973 Ed., § 7-1226.

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.

§ 9-1205.03. CONSTRUCTION OF SWITCH CONNECTIONS--GRADE CROSSINGS.

Subject only to the approval of the Mayor of the District of Columbia the crossing of any public street or alley other than New York Avenue, within the limits of the total area noted in § 9-1205.01 may be at or on grade. The said railroad shall, when and as directed by the Mayor of the District of Columbia, construct at its entire cost and expense, an additional overhead bridge for the track hereby authorized to be established over such other street located between Montello Avenue and New York Avenue as such street may now or may hereafter be shown on the Plan of the Permanent System of Highways.

(Aug. 6, 1935, 49 Stat. 537, ch. 449, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1427.

1973 Ed., § 7-1227.

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.

§ 9-1205.04. CONSTRUCTION OF SWITCH CONNECTIONS--AUTHORITY OF MAYOR NOT ABRIDGED.

Nothing contained in this subchapter shall be construed as limiting or abridging the authority of the Mayor of the District of Columbia under §§ 9-315, 9-316 and 9-1201.15.

(Aug. 6, 1935, 49 Stat. 537, ch. 449, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1428.

1973 Ed., § 7-1228.

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.

§ 9-1205.05. RIGHT TO AMEND, ALTER OR REPEAL SUBCHAPTER.

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

(Aug. 6, 1935, 49 Stat. 537, ch. 449, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1429.

1973 Ed., § 7-1229.

SUBCHAPTER IV. ELECTRIFICATION OF RAILROAD LINES.

§ 9-1207.01. ELECTRIFICATION OF EXISTING STEAM RAILROAD LINES.

Steam railroad companies now operating within the District of Columbia are hereby authorized, after approval of their detailed plans and issuance of a permit by the Mayor of the District of Columbia, to electrify their lines within the District of Columbia and across the Anacostia and Potomac Rivers with an alternating current overhead catenary or other type of electrification system, with all necessary transmission, signal, and communication conductors and equipment, poles, conduits, underground and overhead construction, substations, and any other structures necessary in such electrification, the provisions of any law or laws to the contrary notwithstanding.

(Mar. 27, 1934, 48 Stat. 506, ch. 97, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1430.

1973 Ed., § 7-1230.

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.

§ 9-1207.02. SUBMARINE CABLES AT DRAWBRIDGE OPENINGS.

Submarine cables may be used at drawbridge openings, provided previous approval shall have been obtained from the Department of the Army.

(Mar. 27, 1934, 48 Stat. 506, ch. 97, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1431.

1973 Ed., § 7-1231.

§ 9-1207.03. CONSTRUCTION OF ELECTRICAL CONDUIT SYSTEMS AUTHORIZED.

Where necessary for such electrification, the Mayor of the District of Columbia may issue permits to construct conduit systems through or under the surfaces of public streets or other District of Columbia or United States property; provided, however, that 3 ducts therein shall be reserved for the use of the United States and the District of Columbia.

(Mar. 27, 1934, 48 Stat. 507, ch. 97, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1432.

1973 Ed., § 7-1232.

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.

§ 9-1207.04. JURISDICTION OF DEPARTMENT OF ARMY, MAYOR, AND INTERSTATE COMMERCE COMMISSION NOT LIMITED.

Nothing contained in this subchapter shall be construed as limiting or abridging the authority of the Department of the Army, the Mayor of the District of Columbia, or of the Interstate Commerce Commission.

(Mar. 27, 1934, 48 Stat. 507, ch. 97, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1433.

1973 Ed., § 7-1233.

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.

§ 9-1207.05. LIABILITY OF RAILROAD COMPANIES FOR INJURIES.

The said railroad companies shall be liable for any accident to, or injuries sustained by, any person by reason of any act or omission of the railroad companies or by their agents or servants during the construction, installation, maintenance, or operation of the electrical equipment and apparatus of the railroad trains.

(Mar. 27, 1934, 48 Stat. 507, ch. 97, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1434.

1973 Ed., § 7-1234.

SUBCHAPTER IV-A. STREETCARS.

§ 9-1208.01. STREETCAR PLAN.

The Mayor shall submit to the Council a comprehensive plan for financing, operations, and necessary capital facilities of the Streetcar Project, along with a proposed resolution for approval of the plan, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the plan, in whole or in part, by resolution, within this 45-day review period, the proposed plan shall be deemed approved.

(Sept. 24, 2010, D.C. Law 18-223, § 7065(a), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 7065(a) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

Law 18-223, the "Fiscal Year 2011 Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

Resolutions

Resolution 18-680, the "Streetcar Project Comprehensive Plan Approval Resolution of 2010", was approved effective December 7, 2010.

SUBCHAPTER V. EMPLOYMENT FOR PURPOSES OF ROAD WORK.

§ 9-1209.01. EMPLOYMENT OF TEMPORARY SPECIAL AND TECHNICAL EMPLOYEES.

The services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, water, street, street-cleaning, or road work, or construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect District of Columbia appropriations when ordered by the Mayor of the District of Columbia in writing, and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Mayor in his budget estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation; provided, that the expenditures hereunder shall not exceed \$42,000 during any 1 fiscal year; provided further, that, excluding inspectors in the Sewer Department, 1 inspector in the

Electrical Department, and 1 Inspector in the Repair Shop, no person shall be employed in pursuance of the authority contained in this section for a longer period than 9 months in the aggregate during any 1 fiscal year.

(June 28, 1944, 58 Stat. 530, ch. 300, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1435.

1973 Ed., § 7-1235.

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.

§ 9-1209.02. EMPLOYMENT OF TEMPORARY LABORERS AND MECHANICS.

The Mayor of the District of Columbia, or his duly designated representatives, are authorized to employ temporarily such laborers, skilled laborers, drivers, hostlers, and mechanics as may be required exclusively in connection with sewer, water, street, and road work, and street cleaning, or the construction and repair of buildings and bridges, furniture and equipment, and any general or special engineering or construction or repair work, at per diem rates of pay to be fixed and adjusted from time to time by a wage board and approved by the Council of the District of Columbia, and to incur all necessary engineering and other expenses, exclusive of personal services, incidental to carrying on such work and necessary for the proper execution thereof, said laborers, skilled laborers, drivers, hostlers, and mechanics to be employed to perform such work as may not be required by law to be done under contract, and to pay for such services and expenses from the appropriations under which such services are rendered and expenses incurred.

(June 28, 1944, 58 Stat. 531, ch. 300, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1436.

1973 Ed., § 7-1236.

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(178) 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.

§ 9-1209.03. EMPLOYMENT OF HORSES, HORSE-DRAWN VEHICLES, AND MOTORTRUCKS.

All horses, harness, horse-drawn vehicles necessary for use in connection with construction and supervision of sewer, street, street lighting, road work, and street-cleaning work, including maintenance of said horses and harness, and maintenance and repair of said vehicles, and purchase of all necessary

articles and supplies in connection therewith, or on construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by District of Columbia appropriations, may be purchased, hired, and maintained, and motortrucks may be hired exclusively to carry into effect said appropriations, when ordered by the Mayor of the District of Columbia in writing; and all such expenditures necessary for the proper execution of said work, exclusive of personal services, shall be paid from and equitably charged against the sums appropriated for said work; and the Mayor in the budget estimates shall report the number of horses, vehicles, and harness purchased, and horses and vehicles hired, and the sums paid for same, and out of what appropriation; and all horses owned or maintained by the District shall, so far as may be practicable, be provided for in stables owned or operated by said District; provided, that such horses, horse-drawn vehicles, and carts as may be temporarily needed for hauling and excavating material in connection with works authorized by appropriations may be temporarily employed for such purposes under the conditions named in § 9- 1209.02 in relation to the employment of laborers, skilled laborers, and mechanics.

(June 28, 1944, 58 Stat. 531, ch. 300, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1437.

1973 Ed., § 7-1237.

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.

§ 9-1209.04. EMPLOYMENT OF PERSONNEL AND EQUIPMENT TO EXECUTE WORK PAYABLE FROM MISCELLANEOUS TRUST FUND DEPOSITS.

The Mayor of the District of Columbia is authorized to employ in the execution of work, the cost of which is payable from the appropriation account created in the District of Columbia Appropriation Act, approved April 27, 1904, and known as the miscellaneous trust fund deposits, District of Columbia, necessary personal services, horses, carts, and wagons, and to hire therefor motortrucks when specifically and in writing authorized by the Mayor, to establish and fix fees to be charged for such work, maintain operating balances, and to incur all necessary expenses incidental to carrying on such work, and necessary for the proper execution thereof, including the purchase, exchange, maintenance, and operation of motor vehicles for inspection and transportation purposes; such services and expenses to be paid from said appropriation account or operating balances; provided, that the Mayor may delegate to his duly authorized representatives the employment under this section of laborers, mechanics, and artisans.

(June 28, 1944, 58 Stat. 531, ch. 300, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1438.

1973 Ed., § 7-1238.

References in Text

The "District of Columbia Appropriation Act, approved April 27, 1904," referred to near the beginning of this section, means the Act of April 27, 1904, 33 Stat. 363, ch. 1628.

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.

Miscellaneous Notes

Deposit of moneys in General Fund: Section 7(d) of the Act of June 14, 1980, D.C. Law 3-70, provides that moneys maintained in miscellaneous trust funds pursuant to § 7-1438 shall hereafter be deposited in the General Fund.

SUBCHAPTER VI. HELICOPTER LANDING PADS.

§ 9-1211.01. HELICOPTER LANDING PADS.

(a) The operation of a helicopter landing pad, which was not in operation prior to July 14, 1987, in any residential district in the District of Columbia, identified in the Zoning Regulations of the District of Columbia and shown in the official atlases of the Zoning Commission for the District of Columbia, shall constitute a public nuisance.

(b) The Corporation Counsel or affected members of the public may maintain an action in the Superior Court of the District of Columbia to abate and enjoin perpetually the nuisance.

(Oct. 9, 1987, D.C. Law 7-40, § 2, 34 DCR 5333.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1439.

Legislative History of Laws

Law 7-40, the "Helicopter Landing Pad Public Nuisance Act of 1987," was introduced in Council and assigned Bill No. 7-191, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 30, 1987, and July 14, 1987, respectively. Signed by the Mayor on July 23, 1987, it was assigned Act No. 7-68 and transmitted to both Houses of Congress for its review.

SUBCHAPTER VII. BARBED-WIRE FENCES.

§ 9-1213.01. CONSTRUCTION OR MAINTENANCE WITHIN FIRE LIMITS.

No fence, barrier, or obstruction consisting or made, in whole or in part, of what is commonly called barbed wire shall be erected, constructed, or maintained along the line of or in or upon any street, avenue, alley, road, or other public walk, driveway, or public or private parking within the fire limits of the District of Columbia.

(July 8, 1898, 30 Stat. 724, ch. 640, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-801.

1973 Ed., § 7-1101.

§ 9-1213.02. CONSTRUCTION OR MAINTENANCE OUTSIDE FIRE LIMITS.

No fence, barrier, or obstruction made, in whole or in part of what is commonly called barbed wire shall be erected, constructed, or maintained within the said District of Columbia, outside of the fire limits, along the line of or in or upon any street, avenue, alley, road, or other public walk, driveway, or public or private parking without a permit therefor from the Mayor of the District of Columbia.

(July 8, 1898, 30 Stat. 724, ch. 640, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-802.

1973 Ed., § 7-1102.

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.

§ 9-1213.03. NOTICE TO REMOVE; SERVICE.

Whenever, under the provisions of §§ 9-1213.01 and 9-1213.02 any barbed wire in use in whole or in part on July 8, 1898, for a fence, barrier, or obstruction, along the line of or in or upon any street, avenue, alley, road, or other public walk, driveway, or public or private parking within the District of Columbia is required to be removed, said wire shall be removed by the owner of the building or other property upon which such fence, barrier, or obstruction exists, or his or her agent, within 30 days from the service by the Inspector of Buildings of said District of a notice, served in like manner as notices in regard to assessment and permit work are required by law to be served, directing the owner, agent, or other person or persons owning or controlling the land, structure, or other property upon which such fence or barrier exists to remove the same.

(July 8, 1898, 30 Stat. 724, ch. 640, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-803.

1973 Ed., § 7-1103.

§ 9-1213.04. PENALTIES.

Any person violating any of the provisions of this chapter shall, upon conviction thereof in the Superior Court of the District of Columbia be fined not more than \$10 for each day such violation shall continue. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or any rules and regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

(July 8, 1898, 30 Stat. 725, ch. 640, § 4; Apr. 1, 1942, 56 Stat. 190, ch 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Oct. 5, 1985, D.C. Law 6- 42, § 473, 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-804.

1973 Ed., § 7-1104.

Legislative History of Laws

Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985," was introduced in Council and assigned Bill No. 6-187, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6- 60 and transmitted to both Houses of Congress for its review.

§ 9-1213.05. FAILURE TO REMOVE.

In case the owner, agent, or other person or persons in control of the property along which such fence, barrier, or obstruction unlawfully exists cannot be found within 5 days after the issue of such notice, the Mayor of the District of Columbia shall publish such notice twice a week for 2 successive weeks in 1 daily

newspaper of general circulation published in the District of Columbia. If within 5 days after the last publication of said notice the fence, barrier, or obstruction therein described be not removed, the Inspector of Buildings of said District shall immediately cause such fence, barrier, or obstruction to be removed, and the expense of such removal shall be paid out of the Assessment and Permit Fund; and the cost of such removal, together with the cost of said advertising, shall be assessed against said property and collected as general taxes in said District are assessed and collected; and the funds from which said payments are made shall be reimbursed from such collections.

(July 8, 1898, 30 Stat. 725, ch. 640, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-805.

1973 Ed., § 7-1105.

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.

Miscellaneous Notes

Department of Inspections abolished: The Department of Inspections was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. Reorganization Order No. 55 of the Board of Commissioners, dated June 30, 1953, and amended August 13, 1953, and December 17, 1953, established under the direction and control of a Commissioner, a Department of Licenses and Inspections headed by a Director. The Order set out the purpose, organization, and functions of the new Department. The Order provided that all of the functions and positions of the following named organizations were transferred to the new Department of Licenses and Inspections: The Department of Inspections including the Engineering Section, the Building Inspection Section, the Electrical Section, the Elevator Inspection Section, the Fire Safety Inspection Section, the Plumbing Inspection Section, the Smoke and Boiler Inspection Section, and the Administrative Section, and similarly the Department of Weights, Measures and Markets, the License Bureau, the License Board, the License Committee, the Board of Special Appeals, the Board for the Condemnation of Dangerous and Unsafe Buildings, and the Central Permit Bureau. The Order provided that in accordance with the provisions of Reorganization Plan No. 5 of 1952 the named organizations were abolished. Functions vested in the Department of Licenses and Inspection by Reorganization Order No. 55 were transferred to the Director of the Department of Economic Development by Commissioner's Order No. 69-96, dated March 7, 1969. The Department of Economic Development was replaced by the Department of Licenses, Investigation and Inspections by Mayor's Order No. 78-42, dated February 17, 1978.

SUBCHAPTER VIII. MAKE A DIFFERENCE SELECTION COMMITTEE.

§ 9-1215.01. ESTABLISHMENT OF THE MAKE A DIFFERENCE SELECTION COMMITTEE.

- (a) There is established in the District of Columbia the Make a Difference Selection Committee ("Committee") constituted for the purpose of selecting nominees for recognition as humanitarians working in the public interest.
- (b) The Committee shall consist of 9 members, with 3 ex-officio members and 6 members appointed by the Mayor.
- (c) Members of the Committee shall serve for as long as they continue to satisfy the qualifications for membership. The composition of the Committee shall be as follows:
 - (1) The Director of the District of Columbia Office of Planning, or his or her designee;
 - (2) The Director of the Department of Public Works, or his or her designee;

- (3) The Chairperson of the Board of Directors or the President of the Make a Difference Foundation;
- (4) Three members of the Board of Directors of the Make a Difference Foundation who reside or work in the District of Columbia; and
- (5) Three residents of the District of Columbia of which 2 shall be Mayoral appointees and the remaining member shall be appointed by the Council.

(d) The Mayor shall choose a chairperson of the Committee, and the members of the Committee shall elect from their membership a vice-chairperson and other officers as deemed necessary.

(e) Members of the Committee shall serve without compensation and shall not be reimbursed for expenses incurred while carrying out their duties pursuant to this subchapter.

(f) The Mayor shall submit the names of a majority of the nominees of the Committee to the Council within 60 days April 30, 1998.

(g) Vacancies on the Committee shall be filled in the same manner as the original appointments were made.

(h) A majority of the Committee shall constitute a quorum for the purpose of conducting business.

(Apr. 30, 1998, D.C. Law 12-98, § 2, 45 DCR 1519; June 12, 1999, D.C. Law 12-285, § 4(g), 46 DCR 1355; Apr. 12, 2000, D.C. Law 13-91, § 141, 47 DCR 520.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-231.

Effect of Amendments

D.C. Law 13-91, in subsec. (b), substituted "consist" for "consists".

Emergency Act Amendments

For temporary amendment of section, see § 4(g) of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

For temporary (90-day) amendment of section, see § 4(g) of the Confirmation Act Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-92, June 4, 1999, 46 DCR 5330).

Legislative History of Laws

Law 12-98, the "Make a Difference Selection Committee Establishment Act of 1998," was introduced in Council and assigned Bill No. 12-90, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on November 4, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 26, 1998, it was assigned Act No. 12-272 and transmitted to both Houses of Congress for its review. D.C. Law 12-98 became effective on April 30, 1998.

Law 12-285, the "Confirmation Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-261. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Vetoed by the Mayor on December 29, 1998, Council overrode the veto on January 5, 1999, and the Bill was assigned Act No. 12-622 and transmitted to both Houses of Congress for its review. D.C. Law 12-285 became effective on June 12, 1999.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

§ 9-1215.02. COMMITTEE DUTIES.

(a) The Committee shall accept nominations for honorees from the District of Columbia and any state or territory of the United States.

(b) The Committee shall select from the nominations received, persons to be recognized with commemorative markers in sidewalks designated in § 9-1215.06.

(Apr. 30, 1998, D.C. Law 12-98, § 3, 45 DCR 1519.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-232.

For legislative history of D.C. Law 12-98, see Historical and Statutory Notes following § 9-1215.01.

§ 9-1215.03. SELECTION CRITERIA.

(a) No person shall be selected by the Commission to be honored unless that person meets the following criteria:

(1) The person's contribution must have been made in the public interest, must have materially improved American society, or the environment and must have had a positive effect on a significant number of people in the United States.

(2) The person must have been acting as a private citizen and not as an appointed or elected government official for the acts for which the person is to be recognized.

(3) The person must have undertaken the achievement for which the person is to be recognized outside of his or her normal work assignment, and not for profit.

(4) The person must have been born in the United States or naturalized as a United States citizen.

(b) No person shall be selected for recognition until a minimum of 5 years after the achievement for which the individual is being nominated has elapsed.

(c) The Committee shall not consider the race, color, religion, national origin, sex, or political affiliation of any nominee in making its decision on whether to honor an individual's accomplishments.

(d) There shall be no limit on the number of annual nominees that the Committee may consider for recognition. However, no more than 25 persons may be selected for recognition with a marker in any calendar year.

(e) A nominee must receive a two-thirds majority vote of the Committee members present and voting at a meeting of the Committee.

(f) Nominees approved by the Committee shall be submitted to the Mayor. The Mayor shall transmit the names of nominees by resolution to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays and days of Council recess. If the Council does not approve or disapprove the nominees, in whole or in part, by resolution within this 30-day review period, the nominees shall be deemed disapproved.

(Apr. 30, 1998, D.C. Law 12-98, § 4, 45 DCR 1519; Dec. 9, 2003, D.C. Law 15-51, § 2, 50 DCR 8982.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-233.

Effect of Amendments

D.C. Law 15-51, in subsec. (d), substituted "25" for "10".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Make a Difference Temporary Amendment Act of 2000 (D.C. Law 13-230, April 3, 2001, law notification 48 DCR 3472).

For temporary (225 day) amendment of section, see § 2 of Make a Difference Temporary Amendment Act of 2001 (D.C. Law 14-93, March 19, 2002, law notification 49 DCR 2998).

For temporary (225 day) amendment of section, see § 2 of Make a Difference Temporary Amendment Act of 2002 (D.C. Law 14-265, March 27, 2003, law notification 50 DCR 2942).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of the Make a Difference Emergency Amendment Act of 2000 (D.C. Act 13-484, December 18, 2000, 48 DCR 17).

For temporary (90 day) amendment of section, see § 2 of Make a Difference Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-19, March 16, 2001, 48 DCR 2697).

For temporary (90 day) amendment of section, see § 2 of Make a Difference Emergency Amendment Act of 2001 (D.C. Act 14-178, November 19, 2001, 48 DCR 11060).

For temporary (90 day) amendment of section, see § 2 of Make a Difference Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-307, March 25, 2002, 49 DCR 3410).

For temporary (90 day) amendment of section, see § 2 of Make a Difference Emergency Amendment Act of 2002 (D.C. Act 14-542, December 2, 2002, 49 DCR 11662).

For temporary (90 day) amendment of section, see § 2 of Make a Difference Congressional Review

Emergency Amendment Act of 2003 (D.C. Act 15-233, November 25, 2003, 50 DCR 10732).

Legislative History of Laws

For legislative history of D.C. Law 12-98, see Historical and Statutory Notes following § 9-1215.01.

Law 15-51, the "Make a Difference Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-71, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on July 8, 2003, and September 16, 2003, respectively. Signed by the Mayor on October 6, 2003, it was assigned Act No. 15-164 and transmitted to both Houses of Congress for its review. D.C. Law 15-51 became effective on December 9, 2003.

§ 9-1215.04. SPECIAL TRUST FUND.

(a) There is established a special trust fund to be known as the Make a Difference Trust Fund ("Fund") to receive all money from whatever source derived to carry out the purposes of this subchapter. The Fund shall be operated by the Committee in accordance with generally accepted accounting principles. At no time shall any amount credited to the Fund be transferred to, or lapse into, or be commingled with the General Fund of the District of Columbia, or any other funds or accounts of the District of Columbia.

(b) Monies in the fund may derive from any of the following sources:

- (1) Private donations;
- (2) Federal grants;
- (3) Other funds received by the Committee; and
- (4) Interest or investments earnings on monies deposited in the Fund.

(c) An amount equal to 10% of the cost of each installed marker shall be held in a separate account earmarked for the perpetual maintenance and repair of the commemorative markers.

(d) The Committee shall maintain liability insurance in the amount of \$1,000,000 for markers installed pursuant to this subchapter. The District shall be held harmless for any acts or omissions in the performance of its duties pursuant to the provisions of this subchapter.

(Apr. 30, 1998, D.C. Law 12-98, § 5, 45 DCR 1519.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-234.

Legislative History of Laws

For legislative history of D.C. Law 12-98, see Historical and Statutory Notes following § 9-1215.01.

§ 9-1215.05. MARKER DESIGN AND INSTALLATION.

(a) Markers recognizing individuals pursuant to this subchapter shall be made of granite or of another material approved by the Mayor.

(b) The markers shall be of consistent size, no larger than 4 feet by 4 feet and installed at approximately 50 foot intervals according to specifications of the Make a Difference Foundation and approved by the Department of Public Works.

(c) Markers shall be placed flush with the surface of the adjoining sidewalk and shall present no obstacle or danger to pedestrian traffic. The design shall comply with the requirements of 24 DCMR Chapter 11, Downtown Streetscape and shall be consistent with the Comprehensive Plan.

(Apr. 30, 1998, D.C. Law 12-98, § 6, 45 DCR 1519.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-235.

Legislative History of Laws

For legislative history of D.C. Law 12-98, see Historical and Statutory Notes following § 9-1215.01.

Delegation of Authority

Delegation of authority under D.C. Law 12-98, the "Make A Difference Selection Committee Establishment Act of 1998", see Mayor's Order 99-193, November 23, 1999 (46 DCR 9972).

Approval to Install Bronze Commemorative Markers Pursuant to Section 6 of DC Law 12-98, the "Make a Difference Selection Committee Establishment Act of 1998", see Mayor's Order 2001-160, October 23, 2001 (48 DCR 10775).

§ 9-1215.06. MARKER LOCATIONS.

Commemorative markers constructed pursuant to this subchapter may be placed in, including, but not limited to, the following locations:

- (1) The North and South sidewalks of G Street, N.W., between 15th Street and 11th Street, N.W.;
- (2) The North and South sidewalks of F Street, N.W., between 15th Street and 11th Street, N.W.;
- (3) The North sidewalks of E Street, N.W., between 14th Street and 11th Street, N.W. and the South sidewalks of E Street, N.W., between 13th Street and 11th Street, N.W.;
- (4) The East sidewalks of 15th Street, N.W., between Pennsylvania Avenue, N.W. and G Street, N.W.;
- (5) The East and West sidewalks of 14th Street, N.W., between Pennsylvania Avenue, N.W., and G Street, N.W.;
- (6) The East sidewalks of 13th Street, N.W., between Pennsylvania Avenue, N.W. and E Street, N.W. and the East and West sidewalks of 13th Street, N.W., between E Street, N.W., and G Street, N.W.;
- (7) The East and West sidewalks of 12th Street, N.W., between Pennsylvania Avenue, N.W., and G Street, N.W.; and
- (8) The East and West sidewalks of 11th Street, N.W., between Pennsylvania Avenue, N.W., and G Street, N.W.

(Apr. 30, 1998, D.C. Law 12-98, § 7, 45 DCR 1519.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-236.

Legislative History of Laws

For legislative history of D.C. Law 12-98, see Historical and Statutory Notes following § 9-1215.01.

§ 9-1215.07. MAKE A DIFFERENCE FOUNDATION.

(a) The Make a Difference Foundation ("Foundation") is a non-profit corporation founded in 1993, incorporated in the Commonwealth of Virginia. The purpose of the Make a Difference Foundation is to promote and encourage the practice of humanitarianism and public interest advocacy by recognizing the achievements of private citizens who work in the public interest.

(b) Notwithstanding the provisions of subchapter IV of Chapter 2 of this title, the Make a Difference Foundation is authorized to install markers of granite or some other suitable material approved by the Mayor in the sidewalks in the District of Columbia designated in § 9-1215.06. The authority granted pursuant to this subsection is conditioned on the Make a Difference Foundation registering and maintaining registration as a foreign corporation in the District of Columbia.

(c) The Foundation shall pay all costs associated with constructing, installing, and maintaining the markers installed pursuant to this subchapter.

(d) Markers shall be inscribed with a profile likeness of the individual, a description of the individual's achievements, the date of the individual's birth (and death if then deceased), and may include a quote attributed to the individual.

(e) The Make a Difference Foundation shall have the exclusive right to install markers in sidewalks designated in § 9-1215.06.

(f) Nothing in this subchapter shall be construed to limit the ability of the District of Columbia government to install other monuments within any public space in the District including the region in which the Make a Difference Foundation has the exclusive right to install sidewalk markers.

(Apr. 30, 1998, D.C. Law 12-98, § 8, 45 DCR 1519.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-237.

For legislative history of D.C. Law 12-98, see Historical and Statutory Notes following § 9-1215.01.

§ 9-1215.08. MAYOR TO ISSUE RULES.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this subchapter.

(Apr. 30, 1998, D.C. Law 12-98, § 9, 45 DCR 1519.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-238.

Legislative History of Laws

For legislative history of D.C. Law 12-98, see Historical and Statutory Notes following § 9-1215.01.

Delegation of Authority

Delegation of authority under D.C. Law 12-98, the "Make A Difference Selection Committee Establishment Act of 1998", see Mayor's Order 99-193, November 23, 1999 (46 DCR 9972).

SUBCHAPTER IX. STREET CLOSINGS AND ACQUISITIONS.

PART A. COST OF STREET EXTENSIONS.

§ 9-1217.01. COST OF STREET EXTENSION ASSESSED AS BENEFITS; ASSESSMENTS FOR PARKWAYS.

The United States shall not bear any part of the cost of the acquisition of land for street extensions, but when the condemnation of any land for such purposes is authorized by law the total cost of the land and the expenses of the condemnation proceedings shall be assessed as benefits; in any case where land is condemned for a parkway, including a street or streets, where such parkway is of considerable length with relation to its width, not less than one-half of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits; and in any case where land is condemned for a public park, not less than one-third of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits.

(June 26, 1912, 37 Stat. 178, ch. 182.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-217.

1973 Ed., § 7-218.

PART B. REPEALED PROVISIONS.

§ 9-1217.11. COUNCIL AUTHORIZED TO OPEN, EXTEND, OR WIDEN STREETS; DAMAGES AND COSTS.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 704, 30 DCR 148 and Aug. 2, 1983, D.C. Law 5-24, § 16, 30 DCR 3341.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-201.

Legislative History of Laws

Law 4-201, the "Street and Alley Closing and Acquisition Procedures Act of 1982," was introduced in Council

and assigned Bill No. 4-341, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-285 and transmitted to both Houses of Congress for its review.

Law 5-24, the "Technical and Clarifying Amendments Act of 1983," was introduced in Council and assigned Bill No. 5-169, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 10, 1983, and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-41 and transmitted to both Houses of Congress for its review.

§§ 9-1217.12 TO 9-1217.24. CONDEMNATION PROCEEDINGS AUTHORIZED; CONTENTS OF CONDEMNATION PETITION; PUBLIC NOTICE OF PROCEEDINGS; SERVICE; APPOINTMENT OF GUARDIAN AD LITEM; CONDEMNATION JURY--SELECTION; COMPOSITION; OATH; OBJECTIONS TO MEMBERS; HEARINGS; VERDICT; CONDEMNATION OF PART OF PLOT; ASSESSMENT OF BENEFITS AND DAMAGES; EXCESS DAMAGES AND COSTS; OBJECTIONS TO VERDICT; VACATION OF VERDICT; CONFIRMATION OF VERDICT; PAYMENT OF AWARD; ASSESSMENTS MADE LIENS; PAYMENTS; AMENDMENT OF PROCEEDINGS; APPEAL; DEPOSIT OF AWARD IN REGISTRY; TRANSFER OF TITLE.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 719, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 7-202 to 7-214.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1217.11.

§§ 9-1217.25, 9-1217.26. CONDEMNATION FOR STREETS THROUGH UNSUBDIVIDED PART OF PLOT--AUTHORIZED; PROCEDURES; APPROPRIATIONS.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 721, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 7-215, 7-216.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1217.11.

§§ 9-1217.27, 9-1217.28. DISMISSAL OF PROCEEDINGS; APPROPRIATIONS AUTHORIZED.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 723, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 7-218, 7-219.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1217.11.

§ 9-1217.29. ASSESSMENTS FOR BENEFITS.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 724, 30 DCR 148.)

1981 Ed., § 7-220.

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1217.11.

SUBCHAPTER X. ALLEYS AND MINOR STREETS.

PART A. CONDEMNATION OF MATERIALS FOR PUBLIC ROADS.

§ 9-1219.01. CONDEMNATION OF MATERIALS FOR MAKING OR REPAIRING PUBLIC ROADS.

In any case where materials of any kind shall be deemed necessary for making or repairing a public road, if the proper authorities cannot agree with the owner as to their purchase, such materials may be condemned in the same manner as provided for in this chapter in cases of condemnation of land for the purposes of a public road.

(R.S., D.C., § 267.)

1981 Ed., § 7-331.

1973 Ed., § 7-332.

PART B. REPEALED PROVISIONS.

§§ 9-1219.11 TO 9-1219.18. MAYOR AUTHORIZED TO OPEN, EXTEND, WIDEN, OR STRAIGHTEN ALLEYS AND MINOR STREETS; CONDITIONS; WIDTH OF MINOR STREETS; CLOSING OF ALLEYS RENDERED USELESS OR UNNECESSARY; CLOSING OF EXISTING ALLEY UPON DEDICATION OF NEW ALLEY; CLOSING OF ALLEY LESS THAN 10 FEET WIDE; CLOSING OF ALLEY UPON ERECTION OF BUILDING COVERING TWO-THIRDS OF SQUARE; CHANGE OF ALLEYWAY--PETITION; RECORDATION OF ORDER AND PLAT; TITLE TO CLOSED ALLEY; CLOSING OF ALLEY UPON NEW USE OF SQUARE.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 714, 30 DCR 148.)

1981 Ed., §§ 7-301 to 7-308.

Law 4-201, the "Street and Alley Closing and Acquisition Procedures Act of 1982," was introduced in Council and assigned Bill No. 4-341, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-285 and transmitted to both Houses of Congress for its review.

§§ 9-1219.19 TO 9-1219.22. CLOSING OF ALLEY UPON ACQUISITION BY DISTRICT OF ABUTTING PROPERTY; LAND OWNED BY DISTRICT MAY BE SET ASIDE FOR ALLEY PURPOSES; NOTICE OF ORDER; HEARING; MAPS.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 706, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 7-309 to 7-312.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.

§§ 9-1219.23 TO 9-1219.28. CONDEMNATION TO OPEN, WIDEN, OR STRAIGHTEN ALLEYS OR MINOR STREETS; PLATS; NOTICE OF CONDEMNATION; SERVICE; CONDEMNATION JURY; APPOINTMENT; OATH; OBJECTION TO JURORS; HEARING; VERDICT; ASSESSMENT OF BENEFITS WHERE ONLY PART OF PARCEL IS CONDEMNED; OBJECTIONS TO VERDICT; MODIFICATION OR VACATION; BENEFITS ASSESSED MUST EQUAL DAMAGES AND COSTS.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 715, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 7-313 to 7-318.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.

§ 9-1219.29. ASSESSMENT ON ALL LOTS, PIECES OR PARCELS BENEFITED BY OPENING OF ALLEY OR MINOR STREET OR BY ESTABLISHMENT OF BUILDING LINE.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 705, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-319.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.

§§ 9-1219.30, 9-1219.31. AWARDS PAID BY TREASURER OF UNITED STATES; BENEFITS DEDUCTED FROM DAMAGES; ASSESSMENTS MADE LIENS; PAYMENTS; AMENDMENTS OF PROPERTY DESCRIPTION.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 716, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 7-320, 7-321.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.

§ 9-1219.32. APPEAL FROM CONFIRMATION OF ASSESSMENT.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 717, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-322.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.

§ 9-1219.33. BENEFIT ASSESSMENTS FROM CONDEMNATION FOR ALLEYS OR MINOR STREETS.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 727, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-323.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.

§§ 9-1219.34 TO 9-1219.39. PROCEEDS OF SALE OF LANDS PAID INTO TREASURY; PLATS TO BE MADE BY SURVEYOR; COSTS; CORRECTING DEFECTS IN CERTAIN PRIOR PROCEEDINGS; CERTAIN ALLEYS PREVIOUSLY OPENED MADE VALID; CERTAIN ALLEYS CLOSED PRIOR TO MARCH 3, 1901, UNAFFECTED; SURPLUS FROM SALE OF LAND IN WHICH UNITED STATES IS INTERESTED TO BE PAID INTO TREASURY.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 718, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 7-324 to 7-329.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.

§ 9-1219.40. COSTS PAID FROM ALLEY APPROPRIATIONS WHEN PROCEEDINGS FAIL.[REPEALED]

(Mar. 9, 1983, D.C. Law 4-201, § 703, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-330.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.

§ 9-1219.41. MAYOR TO EMPLOY ASSISTANT TO CORPORATION COUNSEL FOR CONDEMNATION PROCEEDINGS.[REPEALED]

(Mar. 10, 1983, D.C. Law 4-201, § 720, 30 DCR 148.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-332.

Legislative History of Laws

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 9-1219.11.