

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

**TITLE 9.**  
**TRANSPORTATION SYSTEMS.**

**CHAPTER 4.**  
**STREET REPAIR AND CONSTRUCTION.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 4. STREET REPAIR AND CONSTRUCTION.

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# CHAPTER 4. STREET REPAIR AND CONSTRUCTION.

## SUBCHAPTER I. GENERAL.

### § 9-401.01. COST OF CONSTRUCTION AND REPAIRS; PAYMENTS.

The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit: The United States shall pay one-half of the cost of all work done under the provisions of this section, except as hereinafter provided, which payment shall be credited as part of the 50 per centum which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the Mayor of the District of Columbia, in such amounts and at such times they may deem safe and proper in view of the progress of the work; provided, that the Capital Transit Company herein provided for shall bear the entire cost of paving, repairs, or replacements incident to track repairs, replacements, or changes made at a time when the street or bridge is not being paved, and shall bear one-half the cost of other paving, repaving, or maintenance of paving between its track and for 2 feet outside the outer rails, and shall bear the excess cost of construction and maintenance of public bridges due to the existence or installation of its tracks on such bridges; provided further, that nothing herein contained shall relieve said Capital Transit Company from liability for street paving as owner of real estate apart from right-of-way occupied by its tracks as provided by § 9-401.10; and if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District, the Mayor of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued together with the franchise of said company; and if the said certificates are not paid within 1 year, the said Mayor of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for 1 week in some newspaper published in the City of Washington, and to be at public auction to the highest bidder. When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section.

(June 11, 1878, 20 Stat. 106, ch. 180, § 5; Jan. 14, 1933, 47 Stat. 759, ch. 10, § 3.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-604.

1973 Ed., § 7-604.

##### *References in Text*

The Capital Transit Company, referred to twice near the middle of this section, has been succeeded by the D.C. Transit System, Inc.

##### *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.

## **§ 9-401.02. REMOVAL OF STREET RAILWAY TRACKS.**

On and after July 1, 1941, when any Capital Transit Company street railway operation shall have been ordered abandoned by the Public Service Commission of the District of Columbia and the Council of the District of Columbia shall have ordered the removal of abandoned tracks, the Capital Transit Company shall pay the entire cost of removing such abandoned tracks and regrading the track area, and, if the street or bridge in which the said tracks have been ordered abandoned is not being paved, the Capital Transit Company shall pay the entire cost of paving the abandoned track areas, which cost, however, shall not exceed the cost of repaving such abandoned track areas with the type, character, and thickness of the paving of the adjacent roadway left in place, and, if the roadway of the street or bridge is being paved at the time of removal of said abandoned tracks, the Capital Transit Company shall pay one-half of the actual cost of paving the abandoned track areas, irrespective of whether the paving is of the type, character, and thickness as that existing at the time of said removal. The Council of the District of Columbia is authorized to settle in conformity with the principles herein set forth, any claims it now has, or in the future may have, for the paving of abandoned track areas, upon such terms and conditions as to time of payment or payments as the Council may determine.

(July 1, 1941, 55 Stat. 533, ch. 271; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-605.

1973 Ed., § 7-604a.

#### *References in Text*

The Capital Transit Company, referred to throughout this section, has been succeeded by the D.C. Transit System, Inc.

#### *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(170) 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.

## **§ 9-401.03. WATER AND GAS MAINS, SERVICE PIPES, AND SEWER CONNECTIONS.**

It shall be the duty of the Mayor of the District of Columbia to see that all water and gas mains, service pipes, and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down; and the Washington Gas Light Company, under the direction of said Mayor, shall at its own expense take up, lay, and replace all gas mains on any street or avenue to be paved, at such time and place as said Mayor shall direct, except as provided in §§ 6-301.04(c), 6-301.06(h), and 9-107.02.

(June 11, 1878, 20 Stat. 107, ch. 180, § 5; Oct. 14, 1972, 86 Stat. 813, Pub. L. 92-495, § 5.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-606.

1973 Ed., § 7-605.

## **§ 9-401.04. ASSESSMENTS FOR SIDEWALKS AND CURBING.**

When new sidewalks, alleys, or curbing are required to be laid on streets being improved, no cost shall be assessed against abutting property.

(Aug. 7, 1894, 28 Stat. 250, ch. 232; May 21, 2002, D.C. Law 14-136, § 2, 49 DCR 3441.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-607.

1973 Ed., § 7-606.

##### *Effect of Amendments*

D.C. Law 14-136 rewrote the section which had read as follows:

"When new sidewalks or curbing are required to be laid on streets being improved, one-half the total cost shall be assessed against abutting property, in like manner and under the law governing in the case of assessment and permit work; provided, that abutting property shall not be liable to such assessment when sidewalk and curbing have been laid by the District authorities in front of the same under the assessment and permit system within 2 years prior to such assessment."

##### *Legislative History of Laws*

Law 14-136, the "Sidewalk and Curbing Assessment Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-279, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on February 5, 2002, and March 5, 2002, respectively. Signed by the Mayor on 25, 2002, it was assigned Act No. 14-312 and transmitted to both Houses of Congress for its review. D.C. Law 14-136 became effective on May 21, 2002.

### **§ 9-401.05. MAYOR TO SUBMIT SCHEDULES OF STREETS TO BE IMPROVED.**

The Mayor of the District of Columbia, in submitting the schedules of streets and avenues to be improved, shall each year arrange said streets and avenues in the order of their importance, as determined by him after personal examination of said streets and avenues.

(Mar. 3, 1903, 32 Stat. 962, ch. 992.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-608.

1973 Ed., § 7-607.

##### *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.

### **§ 9-401.06. IMPROVEMENT AND REPAIRS OF ALLEYS AND SIDEWALKS; CONSTRUCTION OF SEWERS AND SIDEWALKS.**

(a) The Mayor of the District of Columbia is authorized and empowered, whenever in his judgment the public health, safety, or comfort require it, or whenever application shall be made therefor, accompanied by a deposit equal to one-half the estimated cost of the work, to improve and repair alleys and sidewalks, and to construct sewers and sidewalks in the District of Columbia of such form and materials as he may determine, and to pay the total cost of such work from appropriations for assessment and permit work.

(b) Said Mayor shall give notice by advertisement, twice a week for 2 weeks in some newspaper published in the City of Washington, of any assessment work proposed to be done by him under this section, designating the location and the kind of work to be done, specifying the kind of materials to be

used, the estimated cost of the improvement, and fixing a time and place when and where property owners to be assessed can appear and present objections thereto, and for hearing thereof. One-half of the total cost of the assessment work herein provided for, including the expenses of the assessment, shall be charged against and become a lien upon abutting property, and an assessment therefor shall be levied pro rata according to the linear frontage of said property; provided, that no such assessment shall be levied against abutting property for the cost of repairing alleys or sidewalks when the damage requiring such repair is caused by the growth of roots of trees on public space or the cause of such damage is otherwise beyond the control of the owner of such property. One-half of the cost of the assessment work done under the provisions of this section shall be paid to the Director of the Department of Finance and Revenue of the District of Columbia, as follows: one-third of the amount within 60 days after service of notice of such assessment, without interest; one-third within 1 year, and the remainder within 2 years from the date of such service of notice, and interest shall be charged at the rate of 6 per centum per annum from the date of service of such notice on all amounts which shall remain unpaid at the expiration of 60 days after service of notice of such assessment, which in all cases shall be served upon each lot owner, if he or she be a resident of the District, and his or her residence known, and if he or she be a nonresident of the District, or his or her residence unknown, such notice shall be served on his or her tenant or agent, as the case may be, and if there be no tenant or agent known to the Mayor, then he shall give notice of such assessment by advertisement twice a week for 2 weeks in some newspaper published in said District. The service of such notice, where the owner or his tenant or agent resides in the District of Columbia, shall be either personal or by leaving the same with some person of suitable age at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in writing and filed in the office of said Mayor; provided, that the cost of publication of the notice herein provided for, and the service of such notices shall be paid out of the appropriations for assessment and permit work. Any property upon which such assessment and accrued interest thereon, or any part thereof, shall remain unpaid at the expiration of 2 years from the date of service of notice of such assessment shall be subject to sale therefor under the same conditions and penalties which are imposed by existing laws for the nonpayment of general taxes; and if any property assessed as herein provided for shall become liable to sale for any other assessment or tax whatever, then the assessments levied under this section shall become immediately due and payable, and the property against which they are levied may be sold therefor, together with the accrued interest thereon, and the cost of advertising, to the date of such sale. Property owners who request improvements under the permit system shall deposit in advance with the Director of the Department of Finance and Revenue of the District of Columbia an amount equal to one-half the estimated cost of such improvements, and in such cases it shall not be necessary to give the notice hereinbefore provided for. All moneys received by the Director of the Department of Finance and Revenue of the District of Columbia for work done upon the request of property owners, as herein provided for, shall be deposited by him in the United States Treasury to the credit of the Permit Fund. Upon the completion of work done as aforesaid at the request of property owners, the Mayor shall repay to the then current appropriation for assessment and permit work, out of the Permit Fund, a sum equivalent to one-half of the cost of the work, and shall return to the depositors, from the same fund, as application may be made therefor, any surplus that may remain over and above one-half of the cost of the work. All sums received by the Director under the provisions of this section on account of assessment work, and in payment of assessments heretofore made prior to August 7, 1894, for compulsory permit work, shall be credited to the appropriation for assessment and permit work for the fiscal years in which they are collected; provided further, that the costs of service connections with water mains and sewers shall be assessed against the lots for which said connections are made, and shall be collected in the same manner and upon the same conditions as to notice as herein provided for assessment work.

(Aug. 7, 1894, 28 Stat. 247, ch. 232; Feb. 20, 1931, 46 Stat. 1198, ch. 246, § 9; Sept. 25, 1962, 76 Stat. 598, Pub. L. 87-700, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-609.

1973 Ed., § 7-608.

##### *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.

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 are 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, and 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.

### **§ 9-401.07. REPAYMENTS FROM PERMIT FUND.**

Repayments from the Permit Fund to the appropriation for assessment and permit work shall be credited to the appropriation for the fiscal year in which the repayment is made.

(Mar. 2, 1907, 34 Stat. 1127, ch. 2510.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-610.

1973 Ed., § 7-609.

### **§ 9-401.08. SERVICE CONNECTIONS WITH WATER MAINS AND SEWER.**

The Mayor of the District of Columbia is hereby authorized whenever the roadway of a street is about to be paved or macadamized to make service connections in such street for all abutting lots and premises with the water mains and sewer provided for the service of said lots and premises. The entire cost of the said connections shall be paid from the current appropriations respectively for the extension of the sewer and water-supply systems and shall be assessed against the abutting property and collected in like manner as assessments which are levied under the compulsory permit system; the sums so collected shall be credited to the respective appropriations for the extension of the sewer and water-supply systems for the fiscal year during which said collections are made.

(Mar. 14, 1894, 28 Stat. 44, ch. 40.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-611.

1973 Ed., § 7-610.

##### *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.



## **§ 9-401.09. PAVING OR RESURFACING ROADWAY OF STREETS, AVENUES, AND ROADS.**

(a) Whenever under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or completely resurfacing the same not less than 1 square in extent, from curb to curb, or from gutter to gutter where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all expenses of the assessment, to be made as prescribed by § 9-401.10, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement or resurfacing is laid; provided, that there shall be excepted from such assessment the cost of paving the roadway space included within the intersection of streets, avenues, and roads, as said intersections are included within the building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

(b) All of the expenses of maintenance and repairs shall be paid from the revenues of the District of Columbia and in addition, such sums as may be appropriated out of any money in the Treasury of the United States not otherwise appropriated. Nothing contained in this section shall be construed as relieving street railway companies from bearing one-half the expense of paving streets or avenues between the exterior rails of the tracks of their roads in the District of Columbia and for a distance of 2 feet from and exterior to such tracks on each side thereof and of keeping the same in repair, as required by § 9-401.01.

(July 21, 1914, 38 Stat. 524, ch. 191; July 29, 1914, 38 Stat. 565, ch. 215; Jan. 14, 1933, 47 Stat. 759, ch. 10, § 3.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-612.

1973 Ed., § 7-611.

## **§ 9-401.10. ASSESSMENTS FOR COSTS OF PAVING STREETS.**

(a) The half cost of the paving or repaving of a roadway between the side thereof and the center thereof with sheet asphalt, asphalt block, granite block, vitrified block, cement concrete, bituminous concrete, macadam, or other form of pavement shall be assessed against the property abutting the side of the street so improved, such assessments to be levied and collected as provided on September 1, 1916, as to alleys and sidewalks; provided, that the advertisement by publication of the intention of the Mayor of the District of Columbia to do such work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway improvements.

(b) There shall be included in the area the cost of which is assessable hereunder only the roadway area abutting the property between lines normally projected from the building line of the street being improved at the points of intersection with the building lines of intersecting streets.

(c) There shall be excluded from the cost of the roadway work to be assessed hereunder:

(1) The cost of all such work beyond a line 20 feet from the side thereof;

(2) The cost of all such work within the space within which street railway companies are required to pave by law, and nothing herein contained shall be construed as relieving street railway companies from bearing one-half the cost of paving and repairing streets and avenues between lines 2 feet exterior to the outer rails of their tracks, as required by § 9-401.01;

(3) That no frontage of abutting property, on which a legal assessment for paving or repaving has been levied and paid hereunder, shall be liable to any further assessment hereunder on account of the replacement of such pavement.

(Sept. 1, 1916, 39 Stat. 716, ch. 433, § 8; Feb. 9, 1927, 44 Stat. 1064, ch. 87; Jan. 14, 1933, 47 Stat. 759, ch. 10, § 3.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-613.

1973 Ed., § 7-612.

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.

#### **§ 9-401.11. WIDTH OF PAVEMENT OF STREETS.**

No street or avenue in the District of Columbia shall be paved less in width than the width provided by law except by express authority of Congress upon estimates to be submitted to Congress by the Mayor of the District of Columbia.

(Mar. 2, 1907, 34 Stat. 1127, ch. 2510.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 7-618.

1973 Ed., § 7-613.

###### *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.

#### **§ 9-401.12. MINOR CHANGES IN ROADWAY WIDTH.**

The Mayor of the District of Columbia is authorized to change any roadway width by an amount not in excess of 1 foot whenever hereafter he considers the same necessary and advisable in connection with the resurfacing or other improvement of the street.

(May 18, 1910, 36 Stat. 387, ch. 248, § 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 7-619.

1973 Ed., § 7-613a.

###### *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.

#### **§ 9-401.13. USE OF BITUMINOUS MACADAM AUTHORIZED.**

The use of bituminous macadam is authorized on streets, avenues, and roads to be improved or paved.  
(June 26, 1912, 37 Stat. 150, ch. 182.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-622.

1973 Ed., § 7-617.

**§ 9-401.14. USE OF PORTABLE ASPHALT PLANT.**

The portable asphalt plant purchased under the appropriation for repairs of streets, avenues, and alleys for the fiscal year 1913, may be operated under the immediate direction of the Mayor of the District of Columbia in doing such work of resurfacing and repairs to asphalt pavements, in the repair of macadam streets by constructing on such macadam streets and asphalt macadam wearing surface and in the construction of asphaltic macadam surfaces on concrete base, as in his judgment may be economically performed by the use of said plant; provided, that at no time shall more work of resurfacing and repairs be done with the portable asphalt plant than can be accomplished with the single portable plant owned on March 4, 1913, by the District of Columbia.

(Mar. 4, 1913, 37 Stat. 948, ch. 150.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-623.

1973 Ed., § 7-618.

*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.

**§ 9-401.15. UNEXPENDED ALLOTMENTS FOR STREET PAVING MADE AVAILABLE FOR SUCCEEDING YEAR.**

When as many streets and entire blocks of streets in any section have been paved as the amount allotted to that section will permit, and there still remains a balance insufficient to pave an entire block of the street provided for pavement upon the schedule, such balance shall remain available and be added to the allotment for that section for the next succeeding year.

(June 6, 1900, 31 Stat. 559, ch. 789.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-624.

1973 Ed., § 7-619.

**§ 9-401.16. LIMITATION ON CONTRACTS OF MAYOR.**

The Mayor of the District of Columbia is prohibited from incurring or contracting liabilities on behalf of the United States in the improvement of streets, avenues, and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress.

(R.S., § 1813; June 20, 1874, 18 Stat. 116, ch. 337.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 7-625.

1973 Ed., § 7-620.

### *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.

## **§ 9-401.17. CONTRACTS FOR REPAIRS NOT TO EXCEED 5 YEARS.**

Contracts for repairs to pavements may be made for periods not exceeding 5 years, and subject to annual appropriation therefor by Congress.

(July 18, 1888, 25 Stat. 319, ch. 676.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 7-626.

1973 Ed., § 7-621.

## **§ 9-401.18. EXEMPTIONS OF ABUTTING PROPERTY FROM DEPOSITS AND ASSESSMENTS.**

(a) Notwithstanding any other provision of law, owners of property abutting streets, avenues, roads, or alleys to be improved, or to have curbs, gutters, sewers, or sidewalks constructed thereon, shall not be required to make any deposit, nor shall the abutting property be assessed any part of the cost, for the improvement of the streets, avenues, roads, or alleys, or the construction of curbs, gutters, sewers, or sidewalks if the following conditions exist:

- (1) The abutting property is Class 1 Property; and
- (2) The abutting Class 1 Property, as evidenced by the most current certificates of tax assessment, is less than 80% of the median assessed value of all Class 1 real property in the District as reported by the Mayor; or
- (3) The real property is exempt from the real property tax in the District pursuant to § 47-1002; or
- (4) The Mayor determines that circumstances exist that threaten the health and safety of the public and that improvement of the streets, avenues, roads, and alleys, or the construction of curbs, gutters, sewers, or sidewalks thereon, is necessary to protect the health and safety of the public.

(b) The Mayor has sole discretion in the determination of which streets, avenues, roads, and alleys are to be improved, or which streets, avenues, roads, and alleys are to have curbs, gutters, sewers, or sidewalks constructed thereon where the exemption in subsection (a) of this section would be granted to owners of abutting property.

(Sept. 24, 1994, D.C. Law 10-186, § 2, 41 DCR 5225.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 7-640.

### *Legislative History of Laws*

Law 10-186, the "Roadway, Alley and Sidewalk Improvement Act of 1994," was introduced in Council and assigned Bill No. 10-295, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the

Mayor on July 26, 1994, it was assigned Act No. 10-312 and transmitted to both Houses of Congress for its review. D.C. Law 10-186 became effective on September 24, 1994.

*Miscellaneous Notes*

Submission of 5-year plan for improvements: Section 3 of D.C. Law 10-186 provided that within 6 months of September 24, 1994, the Mayor shall submit to the Council a 5-year plan for the improvement of all unimproved streets, avenues, roads, and alleys and the construction of curbs, gutters, sewers, and sidewalks thereon in the District.

## **SUBCHAPTER II. SPECIAL ASSESSMENTS.**

### **§ 9-411.01. SPECIAL ASSESSMENTS FOR CURBS AND GUTTERS LEVIED.**

When any curb or gutter is laid, or any curb and gutter are laid, on any street, avenue, or road in the District of Columbia which said curb shall be constructed of concrete, stone, or other permanent type of construction, or which said gutter shall be constructed of concrete, brick, granite block, asphalt on a concrete base, or other permanent type of construction, one-half of the total cost thereof shall be charged against and become a lien upon the property abutting the side of the street, avenue, or road, or portion thereof, so improved, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the side of the street, avenue, or road, or portion thereof, so improved; provided, however, that no assessments shall be levied hereunder on account of the replacement of any curb or gutter or curb and gutter of a permanent type of construction. When any gutter shall be constructed, in whole or in part, as an integral portion of a permanent type of roadway of any street, avenue, or road, so much of said roadway as lies within 2 feet of the curb line shall be considered as a gutter for the purposes of this subchapter.

(May 25, 1943, 57 Stat. 83, ch. 98, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-614.

1973 Ed., § 7-612a.

### **§ 9-411.02. COMPUTATION.**

The total assessment levied hereunder against any abutting property shall not exceed the number of square feet of area of said property multiplied by 1 per centum of the linear front-foot assessment and shall not exceed 10 per centum of the value of the said abutting property, exclusive of improvements thereon, as assessed for the purpose of taxation at the time of the laying of the curb or gutter or curb and gutter for which said assessment is levied. In computing assessments hereunder against unsubdivided land according to the assessed valuation, there shall be excluded from the computation land lying back more than 100 feet from the street, avenue, or road being improved where the depth is even, and where the depth is uneven the average depth shall be taken in computation but not to exceed more than 100 feet.

(May 25, 1943, 57 Stat. 83, ch. 98, § 2.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-615.

1973 Ed., § 7-612b.

### **§ 9-411.03. PROPERTY ABUTTING 2 OR MORE STREETS, AVENUES, OR ROADS.**

When any property abuts 2 or more streets, avenues, or roads, the assessments against said property levied hereunder shall not exceed in the aggregate, together with any legal assessments heretofore levied and paid for paving, curbing, and guttering of or on said streets, avenues, or roads, under the authority of §§ 9-401.09, 9-401.10, relating to assessments for the paving of streets, avenues, and roads, or under § 9-401.04, relating to assessments for laying curbs, or under §§ 9-421.01 to 9-421.04, 3 1/2 cents per square foot of area of said property, or 20 per centum of the value of said property, exclusive of improvements thereon, as assessed for the purpose of taxation at the time of the laying of the curb or gutter or curb and gutter for which said assessment is levied.

(May 25, 1943, 57 Stat. 83, ch. 98, § 3.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-616.

1973 Ed., § 7-612c.

**§ 9-411.04. ROADWAY IMPROVEMENTS AND CURBS AND GUTTERS COMPLETED AFTER MAY 25, 1943.**

No assessments shall be levied under §§ 9-421.01 to 9-421.04, for any roadway improvement completed subsequent to May 25, 1943, but for curbs or gutters, or curbs and gutters, completed subsequent to May 25, 1943, assessments shall be levied against the abutting property in accordance with the provisions of this subchapter.

(May 25, 1943, 57 Stat. 83, ch. 98, § 4.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-617.

1973 Ed., § 7-612d.

**SUBCHAPTER III. ASSESSMENT WHEN ROADWAY PAVED.**

**§ 9-421.01. AMOUNT ASSESSED; LEVIED PRO RATA.**

Whenever under the appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is paved or repaved with sheet asphalt, asphalt block, asphaltic or bituminous concrete (except penetration macadam), cement concrete, granite block, vitrified brick, or other form of permanent pavement, one-half of the total cost thereof shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof, upon the roadway of which said new pavement or repaving is laid; provided, however, that when such new pavement or repaving is laid solely on 1 side of the centerline of such roadway, the one-half cost thereof shall be assessed, as herein provided, against the property abutting the side of the street, avenue, or road, or portion thereof, so improved.

(Feb. 20, 1931, 46 Stat. 1197, ch. 246, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-627.

1973 Ed., § 7-622.

**§ 9-421.02. ASSESSMENT FOR GUTTERS AND CURBS.**

For the purposes of computing the assessments under this subchapter, the term "roadway" shall be construed to include the gutters and curbs; provided, however, that where any permanent and new construction of curb, or curb and gutter, is laid, and the roadway of the street is not paved or repaved, or is not paved or repaved with a pavement of the character specified in § 9-421.01, the half cost of such curb, or curb and gutter, shall be assessed against the abutting property in the manner provided in this subchapter.

(Feb. 20, 1931, 46 Stat. 1197, ch. 246, § 2.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 7-628.

1973 Ed., § 7-623.

### **§ 9-421.03. CERTAIN ROADWAY IMPROVEMENTS EXCEPTED.**

There shall be excepted from such assessments the cost of paving the roadway in excess of 40 feet in width where the new pavement or repaving is laid on both sides of the centerline of such roadway; the cost of paving the roadway in excess of 20 feet in width where the new pavement or repaving is laid solely on 1 side of the centerline of such roadway; the cost of paving the roadway space included within the intersection of streets, avenues, and roads, as said intersections are limited by lines normally projected from the building lines of the street, avenue, or road being improved at its point of intersection with the building lines of the intersecting streets, avenues, or roads and also the cost of paving or repaving the space within such roadways for which street railway companies are responsible under their charters or under law, on streets, avenues, or roads where such railways have been or shall be constructed.

(Feb. 20, 1931, 46 Stat. 1197, ch. 246, § 3.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-629.

1973 Ed., § 7-624.

### **§ 9-421.04. LIMITATIONS ON ASSESSMENTS; COMPUTATION.**

The maximum linear front foot assessment levied hereunder shall not exceed \$3.50 per linear front foot. The total assessment levied hereunder against any abutting property shall not exceed the number of square feet of area of said property multiplied by 1 per centum of the linear front-foot assessment, and shall not exceed 20 per centum of the value of the said abutting property, exclusive of improvements thereon, as assessed for the purpose of taxation at the time of the paving or repairing of the street, avenue, or road for which said assessment is levied. In computing assessments hereunder against unsubdivided land by the square foot or according to the assessed valuation, there shall be excluded from the computation land lying back more than 100 feet from the street, avenue, or road being improved where the depth is even; where the depth is uneven, the average depth shall be taken in computation, but not to exceed 100 feet.

(Feb. 20, 1931, 46 Stat. 1197, ch. 246 § 4.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-630.

1973 Ed., § 7-625.

### **§ 9-421.05. PROPERTY EXEMPT WHERE PRIOR ASSESSMENT PAID.**

No property on which a legal assessment has been levied and paid for paving or repaving, curbing or curbing and guttering, on the roadway of any street, avenue, or road, shall be liable for any further assessment under this subchapter on account of the replacement of such pavement, curbing, or curbing and guttering.

(Feb. 20, 1931, 46 Stat. 1198, ch. 246, § 5.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-631.

1973 Ed., § 7-626.

### **§ 9-421.06. PROPERTY EXEMPT WHERE PRIOR ROADWAY IMPROVEMENT MADE AT OWNER'S EXPENSE.**

No assessments shall be levied for repaving where the original pavement was laid at the whole cost of the owner or owners of the abutting property if the said original pavement was constructed under a permit issued by the District of Columbia and under the supervision and direction of an authorized engineer and inspector of the Department of Transportation of said District, in strict accordance with the then current specifications and design for pavements of the type for which permit was issued; provided, that where

curb, or curb and gutter, or a part of the roadway has or have been paved under proper permit, subject to engineering and inspection as above stated, the assessment for paving other parts of the roadway, placing curb, or curb and gutter, when the same is done at public expense, shall be made against property abutting on the highway as provided in this subchapter, credit being given in such assessment for the half cost of the pavement laid by the owner under permit as above, estimated on the basis of the contract rates for such work at the date of the performance of the assessable work, so that the total cost to the owner for such improvements shall not exceed the amount of assessments which would have been made under this subchapter, had the improvements been all made at public expense.

(Feb. 20, 1931, 46 Stat. 1198, ch. 246, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-632.

1973 Ed., § 7-627.

##### *Transfer of Functions*

Reorganization Order No. 53 of the Board of Commissioners, dated June 30, 1953, established under the direction and control of the Engineer Commissioner, a Department of Highways, headed by a Director. The Department of Highways was established to perform highway services and operations for the District including the planning, design, engineering, operation, maintenance and repair of highway and bridge facilities. The Order sets out the purposes and organization of the new Department. The Order abolished the previously existing Department of Highways, the Street Division, the Bridge Division, the Electrical Division, the Trees and Parking Division and the Central Garage and Shops, and transferred all of their functions and positions to the new Department of Highways. Reorganization Order No. 53, as redesignated Organization Order No. 122, dated January 8, 1959, and amended to establish a new Department of Highways and Traffic, headed by a Director. The Order set forth the purpose, organization, and functions of the new Department. The Department of Highways and Traffic was replaced by the Department of Transportation by Reorganization Plan No. 2 of 1975, dated July 24, 1975.

The functions of the Department of Transportation were transferred to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984.

### **§ 9-421.07. EXEMPTION FOR RESURFACING BY HEATER METHOD.**

No assessment shall be levied for the cost of resurfacing asphalt pavements by the heater method -- stripping the surface from a rigid type base, and replacing surface thereon -- or covering an existing hard surface or macadam pavement or base with bituminous material; provided, that where an entire pavement is removed and replaced with a pavement of the character specified in § 9-421.01, the cost of the latter pavement shall be assessed as provided in this subchapter, if no previous legal assessment has been levied and paid therefor.

(Feb. 20, 1931, 46 Stat. 1198, ch. 246, § 7.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-633.

1973 Ed., § 7-628.

### **§ 9-421.08. PROPERTY ABUTTING 2 OR MORE STREETS.**

When any property abuts 2 or more streets, avenues, or roads, the assessments against said property levied under this subchapter shall not exceed in the aggregate, together with any legal assessments levied and paid prior to February 20, 1931, for the paving, curbing, or curbing and guttering of or on said streets, avenues, or roads, 3 1/2 cents per square foot of area of said property, or 20 per centum of the value of said property, exclusive of improvements thereon, as assessed for purposes of taxation at the time of the paving or repaving, curbing, or curbing and guttering for which the assessment is levied.

(Feb. 20, 1931, 46 Stat. 1198, ch. 246, § 8.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-634.

1973 Ed., § 7-629.



## **§ 9-421.09. COLLECTION; INTEREST; EXCEPTION TO REQUIREMENT OF ADVERTISING.**

The assessments provided for in §§ 9-421.01 to 9-421.12 shall be made and collected as provided in § 9-401.06, relating to alleys and sidewalks. The rate of interest to be charged upon any assessment, levied under § 9-401.06 relating to alleys and sidewalks, or any instalment thereof, is reduced hereby from 8 per centum per annum to 6 per centum per annum; provided, however, that any instalment of any such assessment not paid within the time provided in § 9-401.06 shall thereafter bear interest at the rate of 12 per centum per annum; and provided further, that the advertisement by publication of the intention of the Mayor of the District of Columbia to perform the work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway, curbing, and gutter improvements.

(Feb. 20, 1931, 46 Stat. 1198, ch. 246, § 9.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-635.

1973 Ed., § 7-630.

#### *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.

## **§ 9-421.10. PROTEST BY PROPERTY OWNER.**

Any property owner, aggrieved by any assessment levied under this subchapter, may, within 60 days after service of notice of such assessment, file with the Mayor of the District of Columbia a protest in writing against such assessment, accompanied by affidavits if he so desires, and if said Mayor finds that the property of such owner so protesting is not benefited by the improvement for which said assessment is levied, or is benefited less than the amount of such assessment, or is unequally or inequitably assessed with relation to other property abutting such improvement, said Mayor shall abate, reduce, or adjust such assessment in accordance with such finding. In computing the 60 days provided in § 9-401.06, within which such assessment may be paid without interest, there shall be excluded therefrom the time between the date of the filing of any such protest and the date of action thereon by the Mayor.

(Feb. 20, 1931, 46 Stat. 1199, ch. 246, § 10.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-636.

1973 Ed., § 7-631.

#### *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.

## **§ 9-421.11. CANCELLATION OF PRIOR ASSESSMENTS; REASSESSMENTS; REFUNDS.**

The Mayor of the District of Columbia is directed to cancel all assessments for improvements completed within 3 years prior to February 20, 1931, levied under the authority of this subchapter, relating to assessments for the paving of streets, avenues, and roads, or under § 9-401.04, relating to assessments for laying curbs; and the Mayor is further directed to reassess the cost of such improvements against the abutting property in accordance with the provisions of this subchapter, which assessments shall become a lien upon the abutting property and be collected in the manner provided under this subchapter. Where assessments for such improvements have been paid in whole or in part the Mayor shall refund, within the limits of appropriations by Congress therefor, to the persons paying the same, the excess, if any, of such payments over the amounts of the reassessments levied under §§ 9-421.01 to 9-421.12.

(Feb. 20, 1931, 46 Stat. 1199, ch. 246, § 11.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-637.

1973 Ed., § 7-632.

#### *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.

## **§ 9-421.12. ASSESSMENT WHEN ROADWAY PAVED--SEVERABILITY.**

Should any provision of this subchapter be decided by the courts to be unconstitutional or invalid, the validity of §§ 9-421.01 to 9-421.12 as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected.

(Feb. 20, 1931, 46 Stat. 1199, ch. 246, § 12.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-638.

1973 Ed., § 7-633.

## **§ 9-421.13. APPLICABILITY TO ASSESSMENTS LEVIED PRIOR TO 1885.**

(a) The provisions of §§ 9-421.05, 9-421.06, and 9-421.07 shall not preclude the levying of assessments hereunder if the improvement for which such prior assessment was levied, or, if the original paving, curbing, or curbing and guttering, laid at the whole cost of the owner, were completed prior to January 1, 1885.

(b) The provision of § 9-421.08, relating to legal assessments heretofore levied, shall not be applicable where said prior assessments were levied for any improvement completed prior to January 1, 1885.

(Feb. 20, 1931, ch. 246, § 14; June 28, 1935, 49 Stat. 430, ch. 331, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 7-639.

1973 Ed., § 7-634.

# **SUBCHAPTER III-A. SIDEWALK INSTALLATION, SAFETY, AND ACCESSIBILITY.**

## **§ 9-425.01. SIDEWALK INSTALLATION REQUIREMENTS.**

(a) For road segments that lack sidewalks on both sides of the street, road reconstruction or curb and gutter replacement shall include installation of a sidewalk on at least one side of the street.

(b) For roadways that are missing sidewalks, but are not undergoing major construction, sidewalk installation shall be prioritized for the following areas:

- (1) Missing sidewalks in school areas;
- (2) Routes that provide access to parks and recreational facilities;
- (3) Transit stops;
- (4) Locations where the absence of a sidewalk creates substantial pedestrian safety risks; and
- (5) Roadway segments for which residents petitioned to have sidewalks.

(c) The Mayor shall continue to accept and consider sidewalk petition requests from residents.

(Sept. 24, 2010, D.C. Law 18-227, § 2, 57 DCR 6923.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

Law 18-227, the "Priority Sidewalk Assurance Act of 2010", was introduced in Council and assigned Bill No. 18-191, which was referred to the Committee on Public Works and Transportation. The Bill was adopted on first and second readings on June 1, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 7, 2010, it was assigned Act No. 18-471 and transmitted to both Houses of Congress for its review. D.C. Law 18-227 became effective on September 24, 2010.

## **§ 9-425.02. NOTICE AND DESIGN REQUIREMENTS.**

(a) The Mayor shall provide notice to affected parties, the affected Advisory Neighborhood Commissions, and the Councilmembers of the affected Wards, prior to designing and constructing new sidewalks. At a minimum, this notice shall include:

- (1) A statement of intent to design and construct a new sidewalk no less than 60 days before construction is scheduled, including a 30-day period for public comment on the proposed design;
- (2) A statement of how affected parties can comment on the proposed sidewalk, including a statement on how Advisory Neighborhood Commissions can submit resolutions on the potential impact of the proposed sidewalk; and
- (3) A construction schedule.

(b) The Mayor shall maintain for public review comments from affected parties received pursuant to subsection (a)(2) of this section and responses thereto.

(c) The Mayor shall design sidewalks in a manner that preserves the health of existing trees wherever possible.

(d) The recommendations of the affected Advisory Neighborhood Commission shall be given great weight, as that term is described in § 1-309.10(d)(3)(A).

(e) Whenever feasible, the Mayor shall consider previous materials for the design and installation of sidewalks.

(f) For the purposes of this subchapter, the term "affected parties" means residents with property abutting the road segment under consideration.

(Sept. 24, 2010, D.C. Law 18-227, § 3, 57 DCR 6923.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For Law 18-227, see notes following § 9-425.01.

## **§ 9-425.03. EXEMPTIONS.**

(a) The District Department of Transportation may be exempted from the requirements of this subchapter

upon a written determination by the Director of the District Department of Transportation ("Director") that it is impractical or unnecessary to install a sidewalk because:

- (1) The physical site conditions would make it unduly expensive to construct the sidewalk;
- (2) The sidewalk would not be used by pedestrians;
- (3) The Director certifies that, due to the specific nature or design of the road segment under consideration, pedestrian travel can be safely accommodated without sidewalks, including travel by children and people with disabilities; or
- (4) There would be damage to park land by the construction of the sidewalk on park land, or the District would be required to acquire an easement or property interest to establish the sidewalk.

(b) The written determination required in subsection (a) of this section shall be posted on the District Department of Transportation website and made available to the Council and the affected Advisory Neighborhood Commissions.

(Sept. 24, 2010, D.C. Law 18-227, § 4, 57 DCR 6923.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 18-227, see notes following § 9-425.01.

## **SUBCHAPTER IV. CUTTING OF TRENCHES.**

### **PART A. CUTTING TRENCHES IN HIGHWAYS, 1898.**

#### **§ 9-431.01. PERMIT REQUIRED; EXCEPTIONS.**

It shall be unlawful for any person to make any cut or trench in any highway, reservation, or public space in the District of Columbia, or to disturb or remove any public work or material therein, without a permit so to do from the Mayor of the District of Columbia. The person obtaining such a permit shall abide by all conditions and provisions of the permit; provided, that nothing in this section shall be construed to apply to public buildings of the United States, or to diminish the authority of the officer in charge of public buildings and grounds, or the Architect of the Capitol.

(June 18, 1898, 30 Stat. 477, ch. 467, § 7; Sept. 13, 1978, D.C. Law 2-105, § 2, 25 DCR 1982.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-620.

1973 Ed., § 7-615.

##### *Legislative History of Laws*

Law 2-105, the "Underground Excavation Enforcement Act of 1978," was introduced in Council and assigned Bill No. 2-246, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on May 30, 1978 and June 13, 1978, respectively. Signed by the Mayor on July 5, 1978, it was assigned Act No. 2-217 and transmitted to both Houses of Congress for its review.

##### *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.

#### **§ 9-431.02. PENALTY; PROSECUTION.**

Any person violating any of the provisions of § 9-431.01 shall on conviction thereof in the Superior Court of the District of Columbia be punished by a fine of not less than \$100 nor more than \$1,000; and in default of

payment of such fine such person shall be confined in the workhouse of the District of Columbia for a period not exceeding 6 months; and all prosecutions shall be in the Superior Court of the District of Columbia, in the name of the District of Columbia.

(June 18, 1898, 30 Stat. 477, ch. 467, § 8; 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); Sept. 13, 1978, D.C. Law 2-105, § 3, 25 DCR 1982.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 7-621.

1973 Ed., § 7-616.

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-105, see Historical and Statutory Notes following § 9-431.01.

## **PART B. CUTTING TRENCHES IN HIGHWAYS, 2000.**

### **§ 9-433.01. PERMIT REQUIRED; EXCEPTIONS.**

It shall be unlawful for any person to make any cut or trench in any highway, reservation, or public space in the District of Columbia, or to disturb or remove any public work or material therein, without a permit so to do from the Mayor of the District of Columbia. The person obtaining such a permit shall abide by all conditions and provisions of the permit; provided, that nothing in this section shall be construed to apply to public buildings of the United States, or to diminish the authority of the officer in charge of public buildings and grounds, or the Architect of the Capitol.

(Apr. 12, 2000, D.C. Law 13-91, § 202, 47 DCR 520.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

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.

### **§ 9-433.02. PENALTY; PROSECUTION.**

Any person violating any of the provisions of § 9-433.01 shall on conviction thereof in the Superior Court of the District of Columbia be punished by a fine of not less than \$100 nor more than \$1,000; and in default of payment of such fine such person shall be confined in the workhouse of the District of Columbia for a period not exceeding 6 months; and all prosecutions shall be in the Superior Court of the District of Columbia, in the name of the District of Columbia.

(Apr. 12, 2000, D.C. Law 13-91, § 203, 47 DCR 520.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 13-91, see notes following § 9-433.01.

## **SUBCHAPTER V. REPEALED PROVISIONS.**

### **§§ 9-451.01 TO 9-451.03. CONTRACTS FOR REPAIR OR CONSTRUCTION OF STREETS, AVENUES, ALLEYS, OR SEWERS--ADVERTISEMENT; LOWEST RESPONSIBLE BIDDER ACCEPTED; CONSENT OF MAYOR REQUIRED; CONTRACTS COPIED INTO BOOK; PAVEMENT MATERIAL; CONTRACTORS' BONDS AND PAYMENTS.[REPEALED]**

(Feb. 21, 1986, D.C. Law 6-85, § 1103(b), 32 DCR 7396.)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., §§ 7-601 to 7-603.

*Legislative History of Laws*

Law 6-85, the "District of Columbia Procurement Practices Act of 1985," was introduced in Council and assigned Bill No. 6-191, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 5, 1985 and November 19, 1985, respectively. Signed by the Mayor on December 3, 1985, it was assigned Act No. 6-110 and transmitted to both Houses of Congress for its review.