

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 9.
TRANSPORTATION SYSTEMS.

CHAPTER 5.
STREET LIGHTING.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 5. STREET LIGHTING.

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CHAPTER 5. STREET LIGHTING.

§ 9-501. RATES; MAINTENANCE.

(a) No more than the following rates shall be paid for lighting avenues, streets, roads, alleys, and public spaces:

- (1) For mantle gas lamps of 60 candlepower, \$18.40 per lamp per annum;
- (2) For mantle gas lamps of not less than 120 candlepower, \$27 per lamp per annum;
- (3) For street designation lamps, using flat-flame burners, consuming not more than two and one-half cubic feet of gas per hour, or 8 candlepower incandescent electric lamps, with posts and lanterns furnished by the District of Columbia, \$10 per lamp per annum;
- (4) For 40 candlepower, 50 watt, incandescent electric lamps on overhead wires, \$15 per lamp per annum;
- (5) For 40 candlepower, 50 watt, incandescent electric lamps on underground wires, \$19.50 per lamp per annum;
- (6) For 60 candlepower, 75 watt, incandescent electric lamps on overhead wires, \$17.50 per lamp per annum;
- (7) For 60 candlepower, 75 watt, incandescent electric lamps on underground wires, \$23 per lamp per annum;
- (8) For 80 candlepower, 100 watt, incandescent electric lamps on underground wires, \$26 per lamp per annum;
- (9) For 100 candlepower, 125 watt, incandescent electric lamps on underground wires, \$27.50 per lamp per annum;
- (10) For 150 candlepower, 187 watt, incandescent electric lamps on underground wires, \$36.50 per lamp per annum;
- (11) For 200 candlepower, 250 watt, incandescent electric lamps on underground wires, \$46.50 per lamp per annum;
- (12) For 4 glower Nernst lamps on underground wires, \$52.50 per lamp per annum;
- (13) For six and six-tenths ampere, 528 watt, direct-current, series-inclosed arc lamps, \$80 per lamp per annum;
- (14) For 5 ampere, 550 watt, direct-current, multiple-inclosed arc lamps, \$80 per lamp per annum;
- (15) For 4 ampere, 320 watt magnetite, or other arc lamps of equal illuminating value acceptable to the Mayor of the District of Columbia, on overhead wires, \$59 per lamp per annum;
- (16) For 4 ampere, 320 watt magnetite, or other arc lamps of equal illuminating value acceptable to the Mayor of the District of Columbia, on underground wires, \$72.50 per lamp per annum;
- (17) For six and six-tenths ampere, 500 watt magnetite, or other arc lamps of equal illuminating value acceptable to the Mayor of the District of Columbia, on overhead wires, \$84 per lamp per annum;
- (18) For six and six-tenths ampere, 500 watt magnetite, or other arc lamps of equal illuminating value acceptable to the Mayor of the District of Columbia, on underground wires, \$97.50 per lamp per annum;
- (19) For flame arc lamps, 500 watt, General Electric type, or other arc lamps of equal illuminating value acceptable to the Mayor of the District of Columbia, \$150 per lamp per annum.

(b)(1) For the rates named in subsection (a) of this section it shall be the duty of each gaslight company and each electric light company doing business in the District of Columbia to erect and maintain such street lamps as the Mayor of said District may direct; and each such company shall furnish, install, and maintain all posts, lamps, lanterns, burners, wires, cable, conduits, gas pipes, street designations, and fixtures necessary for the respective lamps maintained by each of them, including lighting and extinguishing lamps, and repairing, painting, and cleaning.

(2) The cost of each lamppost for incandescent electric lighting furnished by any lighting company under the above rates shall not exceed \$15, except as hereinafter provided, which cost shall include only the lamppost, the globe, the ornamental top, and the street-designation frame and signs. All other fixtures, parts, fittings, lamps, sockets, wires, cables, and appurtenances necessary for the lamps maintained by said lighting company on said posts, including the cost of erection, shall not be included in said cost.

(3) The cost of each lamppost for gaslighting furnished by any lighting company under the above rates shall not exceed \$15, except as hereinafter provided, which cost shall include only the lamppost and the street-designation frame and signs. All other fixtures, parts, fittings, burners, lamps, pipes, and appurtenances necessary for the lamps maintained by said lighting company on said posts, including the cost of erection, shall not be included in said cost.

(4) The cost of each lamppost for arc lighting furnished by any lighting company under the above rates shall not exceed \$50, except as hereinafter provided, which cost shall include only the lamppost, the street-designation frame and signs, and the arm or top from which the lamp is hung. All other fixtures, parts, fittings, lamps, cables, wires, and appurtenances necessary for the lamps maintained by said lighting company on said posts, including the cost of erection, shall not be included in said cost.

(5) Each lamppost and its equipment shall be of a design and quality acceptable to the Mayor of the District of Columbia.

(6) For each such lamppost furnished by a lighting company by direction of the District Mayor which shall cost in excess of \$15 for gas or electric incandescent lamps, or which shall cost in excess of \$50 for electric arc lamps, the company furnishing the same shall receive, in addition to the above rates, 11 per centum per annum on such additional or excess cost.

(c) The Mayor of the District of Columbia is authorized, in his discretion, to purchase or construct from street-lighting appropriations made in the Act of June 26, 1912 (37 Stat. 181), posts, lanterns, street designations, and all necessary fixtures or appurtenances for any of the systems of lighting above named; provided, that whenever the said Mayor shall furnish a lamppost including only the globe, the ornamental top, and the street-designation frame and signs for the electric incandescent lamps, or including only the street-designation frame and signs for gas lamps, or including only the street-designation frame and signs and the arm or top for arc lamps, \$1.65 per lamp per annum for gas or electric incandescent lamps and \$4.40 per lamp per annum for electric arc lamps shall be deducted from the rates above fixed.

(d) The Mayor of the District of Columbia is further authorized, in his discretion, to adopt other forms of electric street lighting than those named, in which event payments under appropriations made in the Act of June 26, 1912 (37 Stat. 181), shall be made for the lighting service rendered at not to exceed \$.03 per kilowatt-hour for current consumed, and, in addition thereto, 11 per centum per annum of the cost to the lighting company of furnishing and installing lamps, posts, street designations, fixtures, and the cable from lamps to the nearest point of current supply, and a fair sum for the cost of maintenance.

(e) When ordered to do so by the said Mayor, lighting companies shall move and readjust any lamps maintained by them at the following rates:

(1) For each electric arc lamp, \$10;

(2) For each electric incandescent lamp, \$5;

(3) For each gas lamp moved not more than 6 feet, \$2.50;

(4) For each gas lamp moved more than 6 feet, \$4;

(5) For each gas lamp raised or lowered to new grade, \$1.50.

(f) When ordered by the Mayor to do so, lighting companies in the District of Columbia shall discontinue any public lamps maintained by them without further payment therefor, and shall remove from the streets, at their own expense, all posts, lanterns, and fixtures connected therewith.

(g) The funds received under this section and § 9-502 shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia.

(Mar. 2, 1911, 36 Stat. 1008, ch. 192, § 7; June 26, 1912, 37 Stat. 181, ch. 182, § 7; Sept. 14, 2011, D.C. Law 19-21, § 9096, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-701.

1973 Ed., § 7-701.

Effect of Amendments

D.C. Law 19-21 added subsec. (g).

For history of Law 19-21, see notes under § 9-111.01.

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

Payment for street lighting and traffic signal costs: Section 130(a) of Pub. L. 98-125 provided that payment for street lighting and traffic signal costs shall be made by the Mayor monthly for each calendar month during fiscal year 1984, except for any month covered by a program (1) which provides for such expenses to be borne by the ratepayers of the electric utility involved and (2) for which all final administrative and judicial determinations have been made. Section 130(b) of Pub. L. 98-125 provided that except for funds set apart exclusively for, or administratively apportioned for, eliminating the cash portion of the General Fund accumulated deficit, appropriations under the District of Columbia Appropriation Act, 1984, shall be available to the Mayor for purposes of § 130(a).

§ 9-502. ELECTRIC LAMPS ON OVERHEAD WIRES PROHIBITED.

No public electric lamp shall be maintained by means of overhead wires within either the city limits of Washington or the existing fire limits of the District of Columbia as existing March 2, 1911.

(Mar. 2, 1911, 36 Stat. 1011, ch. 192, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-702.

1973 Ed., § 7-702.

§ 9-503. FAILURE TO PROVIDE REQUIRED ILLUMINATION; TESTING FACILITIES.

Proportionate deductions shall be made from the amounts due lighting companies for failure to furnish the illumination required by law for public lighting in the District of Columbia, and each company shall furnish, at its own expense, when and as required by the Mayor of the District of Columbia, all proper and necessary facilities, testing places, and apparatus at its plant, and such help at points on its mains or circuits as to enable the said Mayor to determine whether the required illumination is being furnished. For each and every lamp which shall be extinguished or not lighted during any portion of the scheduled time of lighting, a pro rata deduction, based upon the period of nonillumination and the price per lamp, shall be made from said amounts.

(Mar. 2, 1911, 36 Stat. 1011, ch. 192, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-703.

1973 Ed., § 7-703.

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.

§ 9-504. MAYOR NOT REQUIRED TO EXECUTE CONTRACTS FOR LIGHTING.

The Mayor of the District of Columbia shall not be required to execute contracts for gas and electric lighting.

(Mar. 2, 1911, 36 Stat. 1011, ch. 192, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-704.

1973 Ed., § 7-704.

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.

§ 9-505. FAILURE TO FURNISH, ERECT, MAINTAIN, MOVE, OR DISCONTINUE STREET LAMPS.

Any gaslight company or any electric light company doing business in the District of Columbia, which shall fail or refuse to furnish, erect, maintain, move, or discontinue any street lamp in compliance with the foregoing provisions as the Mayor of the District of Columbia may direct, shall be subject to a penalty of \$25 for each and every day's failure or refusal so to do, to be recovered at law in the name of the District of Columbia in any court of competent jurisdiction.

(Mar. 2, 1911, 36 Stat. 1011, ch. 192, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-705.

1973 Ed., § 7-705.

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.

§ 9-506. EXTENSION OF GAS MAINS FOR MAINTENANCE OF STREET LAMPS.

Each gas company in the District of Columbia shall, at its sole and entire expense, make reasonable extensions of its gas mains whenever the said extensions shall be necessary for maintaining street lamps

for the public safety and comfort, and the Council of the District of Columbia shall regulate the location and depth of the said gas mains in the streets, avenues, roads, alleys, and spaces of the District of Columbia.

(Mar. 3, 1893, 27 Stat. 544, ch. 199; May 29, 1928, 45 Stat. 996, ch. 901, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-706.

1973 Ed., § 7-706.

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(171) 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.

§ 9-507. MAYOR TO REGULATE HOURS OF LIGHTING OF STREET LAMPS.

The Mayor of the District of Columbia, subject to appropriations therefor, is hereby authorized and empowered to require that all public and other lamps under his control be lighted during such hours as in his judgment will most effectively promote the safety and convenience of the public.

(Mar. 6, 1939, 53 Stat. 511, ch. 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-707.

1973 Ed., § 7-707.

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.

§ 9-508. WASHINGTON TERMINAL COMPANY TO PAY FOR CERTAIN STREET LIGHTING.

The Washington Terminal Company, its successors, or transferees shall pay to the District for the lighting of the streets, avenues, alleys, and grounds over and under which its right-of-way may cross, as well as for the lighting of those streets, avenues, alleys, and grounds bordering on its right-of-way, under the direction and control of the Mayor of the District of Columbia and in case of default of payment of such bills, actions at law may be maintained by the District of Columbia against said terminal company or its successors, or transferees therefor; provided, that not more than \$85 per annum shall be paid for any electric arc light burning from 15 minutes after sunset to 45 minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1000 actual candlepower; provided further, that no more than \$18 per annum shall be paid for each gas lamp equipped with a self-regulating flat-flame burner so adjusted as to secure under all ordinary variations of pressure and density a consumption of 5 cubic feet of gas per hour, nor more than \$20.85 per annum for each gas lamp and \$22.80 per annum for each oil lamp equipped with an incandescent mantle burner of not less than 60 candlepower.

(May 26, 1908, 35 Stat. 287, 288, ch. 198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-708.

1973 Ed., § 7-708.

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.

§ 9-509. RAILROADS TO PAY FOR CERTAIN STREET LIGHTING.

All railroads other than street railroads shall pay to the District of Columbia for the lighting, under the direction and control of the Mayor of the District of Columbia, of the public roads, streets, avenues, and alleys, for their full width, through which their tracks may be laid, for the length of the street occupied by the said tracks, whether the said tracks be laid above, below, or at grade; as well as for the lighting of the subways and bridges over or under which the tracks of said railroads pass; and in default of payment of such bills, actions at law may be maintained by the District of Columbia against said railroads or their successors, transferees, or lessees therefor; provided, that nothing herein shall be held to repeal § 9-508.

(Mar. 4, 1913, 37 Stat. 953, ch. 150.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-709.

1973 Ed., § 7-709.

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.

§ 9-510. INCREASE IN NUMBER OF STREET LAMPS AUTHORIZED.

The proper authorities are directed to increase from time to time, as the public good may require, the number of street lamps on any of the streets, lanes, alleys, public ways, and grounds, in the City of Washington, and to do any and all things pertaining to the well lighting of the City.

(R.S., D.C., § 233.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-710.

1973 Ed., § 7-710.