

COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

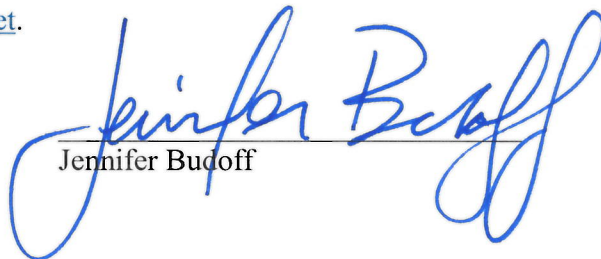
FROM: Jennifer Budoff
Budget Director, Council of the District of Columbia

DATE: May 28, 2019

SUBJECT: Certification of Report and Recommendations of the Committee on
Transportation and the Environment on the Fiscal Year 2020 Budget
and Financial Plan for Agencies Under Its Purview

This is to certify that the Office of the Budget Director has reviewed the Report and Recommendations of the Committee on Transportation and the Environment on the Fiscal Year 2020 Budget and Financial Plan for Agencies Under Its Purview and found it to be balanced and compliant with Council Rule 703(b)(1) and (2).

Additional information on the FY 2020 Budget and Financial Plan can be found at <https://www.dccouncilbudget.com/fiscal-year-2020-budget>.


Jennifer Budoff

COMMITTEE ON
TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

FISCAL YEAR 2020 COMMITTEE BUDGET REPORT

TO: Members of the Council of the District of Columbia
FROM: Councilmember Mary M. Cheh
Chairperson, Committee on Transportation & the Environment
DATE: May 2, 2019
SUBJECT: Report and recommendations of the Committee on Transportation & the Environment on the Fiscal Year 2020 budget for agencies under its purview

The Committee on Transportation & the Environment (Committee), having conducted hearings and received testimony on the Mayor’s proposed operating and capital budgets for Fiscal Year (FY) 2020 for the agencies under its jurisdiction, reports its recommendations for review and consideration by the Committee of the Whole. The Committee also comments on several sections in the Fiscal Year 2020 Budget Support Act of 2019, as proposed by the Mayor, and proposes several of its own subtitles.

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SUMMARY

A. EXECUTIVE SUMMARY

This Report of the Committee on Transportation and the Environment on the Fiscal Year 2020 Proposed Budget for the agencies within its jurisdiction was developed after several months of hearings, testimony, meetings, and other forms of public engagement. The Report reflects the Committee's commitment to ensuring that the District reaches its goals of providing safe, reliable, and equitable transportation options; creating and maintaining high quality infrastructure; investing in sustainability and protecting the environment; protecting the health and well-being of residents through access to recreation spaces and healthy food; investing in public health and education; creating economic mobility; supporting economic development and small businesses; and protecting consumers. These investments are briefly described below.

Creates Safe and High-Quality Transportation and Infrastructure

- Provides **\$1,440,000 over four years for three new public space inspectors** to increase the quantity and quality of public space inspections
- Provides **\$115,000 to create a dockless scooter parking pilot** to improve access to and use of public space
- Accepts from the Committee on Education **\$100,150 to fund a Program Specialist at DDOT to coordinate safe travel routes to school for students, staff, and visitors**
- Accepts from the Committee on Judiciary and Public Safety **\$8,000 to fund the DDOT-related portion of the Repeat Parking Violations Amendment Act**, which improves enforcement of illegal parking
- Provides **\$475,000 for a congestion pricing study to analyze methods to reduce traffic in the District**
- Accepts from the Committee on Facilities and Procurement **\$444,400 for a new streetscape that visually connects the African American Civil War Museum to the African American Civil War Memorial**
- Accepts from the Committee on Human Services **\$130,000 to fund Rectangular Rapid Flashing Beacons to improve pedestrian safety**

Invests in Environmental and Sustainability Initiatives

- Provides **\$498,000 over four years to create an urban agriculture office within the Department of Energy and Environment** to encourage and promote urban, indoor, and other emerging agriculture practices in the District
- Provides through a transfer to the Committee on Judiciary and Public safety **\$602,400 over four years for an environmental attorney at the Office of the Attorney General**
- Provides **\$300,000 to identify and map District springs and streams**, as well as assess whether it would be environmentally beneficial to daylight any such streams
- Allocates **\$55,000 to increase composting participation and awareness about the benefits of composting in areas with low participation in composting programs**

- Accelerates **\$4,000,000 in capital funding to begin earlier construction of the District's new composting facility**
- Provides **\$4,000,000 over four years to partially fund the Lead Pipe Replacement and Disclosure Amendment Act** for lead service line replacements
- Provides through a transfer to the Committee of the Whole **\$582,000 over two years to fund the Leaf Blower Regulation Amendment Act**, which prohibits the sale and usage of gas-powered leaf blowers in 2022

Improves Access to and Quality of District Parks and Recreation Spaces

- Provides through a transfer to the Committee on Facilities and Procurement **\$6,051,000 over four years to fully fund the Ensuring Community Access to Recreational Spaces Act**, which increases public use of school recreational facilities and returns more permit fees back to schools
- Provides through a transfer to the Committee on Facilities and Procurement **\$311,000 for the Department of General Services to gather information on the surface and subsurface material components of the District's recreation spaces**
- Provides **\$100,000 for DOEE to complete a study on the safety of synthetic materials used in District recreational spaces**
- Commits over **\$30,000,000 to the 11th Street Bridge Park project to transform the aged, unused span of the 11th Street Bridge into a signature, elevated park in the District**
- Provides through a transfer to the Committee on Recreation and Youth Affairs **\$260,000 to fund renovations to develop a half-court gym at the Arboretum Community Center**

Supports Meaningful Improvements to Public Health and Education

- Provides through a transfer to the Committee on Education **\$3,538,000 over four years to fully fund the Healthy Students Amendment Act**, which increases school breakfast subsidies and improves quality of and access to school meals
- Provides through a transfer to the Committee on Recreation and Youth Affairs **\$3,659,000 over four years to fully fund the Healthy Parks Amendment Act**, which updates nutrition standards for food and beverages served at Department of Parks and Recreation facilities, and requires DPR to offer supper meals to children at eligible facilities
- Provides through a transfer to the Committee on Health **\$692,000 over four years to the Department of Health to fully implement the Women, Infants, and Children Program Expansion Act**, which aims to increase access to the federal Supplemental Nutrition program for Women, Infants, and Children
- Provides through a transfer to the Committee on Health **\$1,000,000 over four years to fund the Produce Rx Program**, which improves healthy food access to patients with diet-related chronic illnesses
- Provides through a transfer to the Committee on Education **\$130,000 for the State Board of Education to expand its education policy research**
- Provides **\$1,000,000 over four years for DC Water to complete lead service line replacements on private property**

Improves Equity and Economic Mobility

- Accepts from the Committee on Facilities and Procurement **\$188,000 over four years to fund a program to waive the driver's license and identification card fees for returning citizens** released from the Federal Bureau of Prisons within one year of their release or while residing at a halfway house
- Accepts from the Committee on Facilities and Procurement **\$800,000 over four years to fund transit subsidies for adults attending education programs**
- Provides **\$600,000 over four years to fully fund the Rental Housing Affordability Re-establishment Amendment Act**, which closes a loophole that reduced the number of affordable, rent-control units in the District

Supports Economic Development and Small Businesses

- Provides **\$400,000 to foster retail investment and improve economic vitality through new Main Streets programs in both Cleveland Park and Glover Park** through a transfer to the Committee on Business and Economic Development
- Provides **\$20,000 to expand the Van Ness Main Streets program** through a transfer to the Committee on Business and Economic Development
- Provides **\$12,000 to enhance and revitalize the iconic Marilyn Monroe art mural** in Woodley Park through a transfer to the Committee on Business and Economic Development

Protects Consumers from Unfair Business Practices

- Provides through a transfer to the Committee of the Whole **\$434,400 over four years to protect consumers from deceptive or unfair business practices related to free trials and automatic renewal contracts** by implementing Title II of the Structured Settlements and Automatic Renewal Protections Act

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B. OPERATING BUDGET SUMMARY TABLE

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Department of Public Works					
Local Funds	139,780,640	150,029,445	855,643	150,885,088	7.94%
Special Purpose Revenue Funds	7,783,272	9,309,645	0	9,309,645	19.61%
Intra-District	28,322,963	28,347,707	(1,000,642)	27,347,065	-3.45%
GROSS FUNDS	175,886,875	187,686,797	(144,999)	187,541,798	6.63%
District Department of Transportation					
Local Funds	107,582,991	116,879,843	(8,239,293)	108,640,550	0.98%
Special Purpose Revenue Funds	23,532,750	23,508,000	0	23,508,000	-0.11%
Federal Funds	11,474,350	14,509,270	0	14,509,270	26.45%
GROSS FUNDS	142,590,091	154,897,112	(8,239,293)	146,657,820	2.85%
Department of Motor Vehicles					
Local Funds	30,373,427	33,852,777	923,572	34,776,349	14.50%
Special Purpose Revenue Funds	10,080,452	9,955,114	0	9,955,114	-1.24%
Intra-District	6,206,972	35,000	0	35,000	-99.44%
GROSS FUNDS	46,660,850	43,842,891	923,572	44,766,463	-4.06%
District Department of the Environment					
Local Funds	28,950,760	25,944,248	522,000	26,466,248	-8.58%
Special Purpose Revenue Funds	83,274,008	116,277,100	0	116,277,100	39.63%
Federal Funds	28,519,651	30,094,807	0	30,094,807	5.52%
Intra-District	1,974,748	2,414,314	0	2,414,314	22.26%
Private Grant Fund	91,371	3,486,305		3,486,305	3715.54%
GROSS FUNDS	142,810,539	178,216,775	522,000	178,738,775	25.16%
Deputy Mayor for Operations and Infrastructure					
Local Funds	0	1,303,632		1,303,632	N/A
GROSS FUNDS	0	1,303,632	0	1,303,632	N/A
Highway Transportation Fund					
Dedicated Taxes	25,425,811	26,298,000	0	26,298,000	3.43%
Special Purpose Revenue Funds	2,750,000	0	0	0	N/A
GROSS FUNDS	28,175,811	26,298,000	0	26,298,000	-6.66%
DC Water					
Enterprise and Other Funds	582,781,000	614,523,000	1,000,000	615,523,000	5.62%
GROSS FUNDS	582,781,000	614,523,000	1,000,000	615,523,000	5.62%
Washington Aqueduct					
Enterprise and Other Funds	64,060,562	68,712,123	0	68,712,123	7.26%
GROSS FUNDS	64,060,562	68,712,123	0	68,712,123	7.26%
Net Committee Action					
Local Funds	306,687,818	328,009,945	(5,938,078)	322,071,867	5.02%
Dedicated Taxes	25,425,811	26,298,000	0	26,298,000	3.43%
Special Purpose Revenue Funds	127,420,482	159,049,859	0	159,049,859	24.82%
Enterprise and Other Funds	646,841,562	683,235,123	1,000,000	684,235,123	5.78%
Federal Funds	39,994,002	44,604,077	0	44,604,077	11.53%
Intra-District	36,504,683	30,797,021	(1,000,642)	29,796,379	-18.38%
Private Grant Fund	91,371	3,486,305	0	3,486,305	3715.54%
GROSS FUNDS	1,182,965,728	1,275,480,330	(5,938,720)	1,269,541,610	7.32%

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C. FULL-TIME EQUIVALENT SUMMARY TABLE

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Department of Public Works					
Local Funds	1,251.0	1,284.0	7.0	1,291.0	3.20%
Special Purpose Revenue Funds	27.0	29.0	0.0	29.0	7.41%
Intra-District	158.0	159.0	0.0	159.0	0.63%
GROSS FUNDS	1,436.0	1,472.0	7.0	1,479.0	2.99%
District Department of Transportation					
Local Funds	596.4	618.4	(26.0)	592.4	-0.67%
Special Purpose Revenue Funds	3.0	3.0	9.0	12.0	300.00%
Federal Funds	20.0	20.0	0.0	20.0	0.00%
GROSS FUNDS	619.4	641.4	(17.0)	624.4	0.81%
Department of Motor Vehicles					
Local Funds	213.0	226.0	4.0	230.0	7.98%
Special Purpose Revenue Funds	39.0	39.0	0.0	39.0	0.00%
Intra-District	14.0	0.0	0.0	0.0	-100.00%
GROSS FUNDS	266.0	265.0	4.0	269.0	1.13%
District Department of the Environment					
Local Funds	111.1	126.0	1.0	127.0	14.27%
Special Purpose Revenue Funds	178.4	195.1	0.0	195.1	9.35%
Federal Funds	109.8	106.8	0.0	106.8	-2.73%
Intra-District	14.7	15.1	0.0	15.1	2.59%
Private Grant Fund	1.1	3.2	0.0	3.2	N/A
GROSS FUNDS	415.0	446.0	1.0	447.0	7.71%
Deputy Mayor for Operations and Infrastructure					
Local Funds	0.0	8.0	0.0	8.0	N/A
GROSS FUNDS	0.0	8.0	0.0	8.0	N/A
Net Committee Action					
Local Funds	2,171.5	2,262.4	(14.0)	2,248.4	3.54%
Special Purpose Revenue Funds	247.4	266.1	9.0	275.1	11.19%
Federal Funds	129.8	126.8	0.0	126.8	-2.31%
Intra-District	186.7	174.1	0.0	174.1	-6.76%
Private Grant Fund	1.1	3.2	0.0	3.2	189.09%
GROSS FUNDS	2,736.4	2,832.4	(5.0)	2,827.4	3.33%

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D. CAPITAL BUDGET SUMMARY TABLE

DEPARTMENT OF TRANSPORTATION (KAO)									
Project No	Project Title	Available Allotments	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Total
ED0D5C	11TH STREET BRIDGE PARK	0.00	0.00	0.00	0.00	5,000,000.00	15,343,000.00	10,000,000.00	30,343,000.00
LMLIGC	STREETLIGHT MANAGEMENT	0.00	(1,500,000.00)	(1,500,000.00)	(1,500,000.00)	(1,500,000.00)	(1,500,000.00)	(1,500,000.00)	(9,000,000.00)
LMBSSC	STREETSCAPES AND BEAUTIFICATION	0.00	1,444,400.00	0.00	0.00	0.00	0.00	0.00	1,444,400.00
LMSAFC	SAFETY & MOBILITY	0.00	130,000.00	0.00	0.00	0.00	0.00	0.00	130,000.00
KAO Total		0.00	74,400.00	(1,500,000.00)	(1,500,000.00)	3,500,000.00	13,843,000.00	8,500,000.00	22,917,400.00
DEPARTMENT OF PUBLIC WORKS (KTO)									
Project No	Project Title	Available Allotments	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Total
CP201C	COMPOSTING FACILITY	0.00	1,000,000.00	1,500,000.00	1,500,000.00	(4,000,000.00)	0.00	0.00	0.00
KTO Total		0.00	1,000,000.00	1,500,000.00	1,500,000.00	(4,000,000.00)	0.00	0.00	0.00

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E. COMMITTEE TRANSFERS

Transfers In						
Sending Committee	Amount	FTEs	Receiving Agency	Program/Activity	Purpose	Funding Type
Education	\$100,149	1.0	DDOT	PD00/PSDV	Safe Routes Program Specialist	Recurring
	\$200,000	0.0	DDOT	PD00/TDDV	Increase to Adult Learner Subsidies	Recurring
Facilities & Procurement	\$444,440	0.0	DDOT	LMBSS - Streetscapes and Beautification	African-American Civil War Museum and Memorial Streetscape Project	Capital
	\$47,000	0.0	DMV	4000/4010	Returning Citizens License and ID Card Fee Waiver	Recurring
Finance & Revenue	\$1,000,000	0.0	DDOT	LMBSS - Streetscapes and Beautification	New York Avenue Medians	Capital
Human Services	\$130,000	0.0	DDOT	LMSAF - Safety & Mobility	Rectangular Rapid Flashing Beacons	Capital
Judiciary	\$8,000	0.0	DDOT	PGDV/OA00	Repeat Parking Violations Amendment Act - Pilot Zone Signs	One-time
TOTAL	\$1,929,589	1.0				

Transfers Out						
Receiving Committee	Amount	FTEs	Receiving Agency	Program/Activity	Purpose	Funding Type
Business & Economic Development	\$200,000	0.0	DSLBD	4000/4030	Cleveland Park Main Street	One-time
	\$200,000	0.0	DSLBD	4000/4030	Glover Park Main Street	One-time
	\$20,000	0.0	DSLBD	4000/4030	Van Ness Main Street	One-time
	\$12,000	0.0	DSLBD	4000/4030	Woodley Park Main Street	One-time
Education	\$130,000	0.0	SBOE	SB00/SB01	Education Research Projects	One-time
	\$844,000	0.0	OSSE	E500/E504	B22-313, Healthy Students Amendment Act	Recurring
Facilities & Procurement	\$311,000	0.0	DGS	3000/3002	Section 3 of B22-946, the Safe Fields and Playground Act	One-time
	\$709,600	0.0	DGS	2000/2101	B22-613, Ensuring Community Access to Recreational Spaces Act	Recurring
	\$355,900	0.0	DGS	3000/3009	B22-613, Ensuring Community Access to Recreational Spaces Act	Recurring
	\$152,500	0.0	DGS	4000	B22-613, Ensuring Community Access to Recreational Spaces Act	Recurring
	\$107,000	2.0	DGS	2000	B22-613, Ensuring Community Access to Recreational Spaces Act	Recurring
Health	\$80,000	0.0	DOH	8500/8513	B22-666, WIC Program Expansion Act	One-time
	\$146,000	2.0	DOH	8500/8513	B22-666, WIC Program Expansion Act	Recurring
	\$250,000	0.0	DOH	8500/8513	Produce Rx Program	Recurring
Housing & Neighborhood Rev.	\$18,000	0.0	N/A	N/A	B22-570, Rental Housing Affordability Re-establishment Amendment Act	Recurring
Recreation and Youth Affairs	\$891,000	19.0	DPR	4500/4580	B22-681, Healthy Parks Amendment Act	Recurring
	\$260,000	0.0	DPR	QP5ARC - Arboretum Community Center	Arboretum Community Center	Capital
COW	\$100,000	0.0	OP	7000/7010	B22-313, Healthy Students Amendment Act - Central Kitchen Report	One-time
	\$291,000	0.0	DCRA	2000/2010	B22-234, the Leaf Blower Regulation Amendment Act	Recurring
	\$99,913	1.0	DCRA	2000/2075	B22-20, the Structured Settlements and Automatic Renewal Protections Act	Recurring
TOTAL	\$5,177,913	24.0				

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F. REVENUE ADJUSTMENT & FUNDING OF LEGISLATION

REVENUE ADJUSTMENT

Revenue Adjustments			
Fund Type	FY 2020 Amount	Use	BSA Subtitle
100	\$1,676,000	Revenue raised pursuant to subtitle	Residential Parking Permit Amendment
100	\$3,219,000	Revenue raised pursuant to subtitle	Healthy Kids Revenue Amendment

FUNDING OF LEGISLATION

Budget Support Act Subtitle Funding				
Subtitle	Agency	Program	FY 2020 Amount	FTEs
Self-Operated School Food Service Pilot	DCPS	Unfunded	Unfunded	Unfunded
Residential Parking Permit	DMV	3000	\$227,000	4.0
Personal Mobility Device Parking Pilot	DDOT	PSDV	\$94,234	1.0
Office of Urban Agriculture Establishment	DOEE	8510	\$122,000	1.0
Congestion Pricing Study	DDOT	PD00	\$480,000	N/A

Funding of Bills Previously Passed Subject to Appropriation					
Law #	Section	Agency	Program	FY 2020 Amount	FTEs
L22-210	(N/A) FIS but no S2A Language	DGS (in F&P Committee)	2101	\$709,600	N/A
L22-210	(N/A) FIS but no S2A Language	DGS (in F&P Committee)	3009	\$355,900	N/A
L22-210	(N/A) FIS but no S2A Language	DGS (in F&P Committee)	4000	\$152,500	N/A
L22-210	(N/A) FIS but no S2A Language	DGS (in F&P Committee)	2000	\$107,000	2.0
L22-293	(N/A) FIS but no S2A Language	DGS (in F&P Committee)	3002	\$311,000	N/A
L22-0299	Section 4	(N/A) No FIS	(N/A) No FIS	\$0	N/A

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G. SUMMARY OF COMMITTEE BUDGET RECOMMENDATIONS

DEPARTMENT OF PUBLIC WORKS

Operating Budget Recommendations

The Committee recommends the following changes to the FY 2020 operating budget as proposed by the Mayor:

1. Decrease (5010) Parking Regulations Enforcement, CSG 15, by \$215,621 in intra-District funds; Increase (5010) Parking Regulations Enforcement by \$160,000 in recurring local funds and 2.0 FTEs (pg. 32)
2. Decrease (5020) Towing, CSG 15, by \$576,163 in intra-District funds; Increase (5020) Towing by \$431,785 in recurring local funds and 5.0 FTEs; Decrease (5020) Towing, CSG 20 by \$12,670, CSG 40 by \$166,458, and CSG 70 by \$29,730, all in intra-District funds; Increase (5020) Towing, CSG 20 by \$12,670, CSG 40 by \$166,458, and CSG 70 by \$29,730 in local funds (pg. 32)
3. Increase (2010) Office of Waste Diversion, CSG 40, by \$55,000 in FY 2020 to promote composting participation and awareness about the benefits of composting in areas that currently have low participation in composting programs (pg. 33)

Capital Budget Recommendations

The Committee recommends the following changes to the FY 2020 capital budget as proposed by the Mayor:

1. Accelerate (CP201) Composting Facility by \$1,000,000 in FY 2020, \$1,500,000 in FY 2021, and \$1,500,000 in FY 2022, and reduce funding by \$4,000,000 in FY 2023 (pg. 35)

Policy Recommendations

The Committee recommends the following policy changes:

1. Expand efforts to decrease residue in incoming recyclables (pg. 36)
2. Require organics recycling for commercial properties (pg. 36)
3. Move forward with a Save-As-You-Throw pilot program (pg. 37)
4. Consider implementing and expanding Sunday and late-night shifts for parking enforcement (pg. 37)

DISTRICT DEPARTMENT OF TRANSPORTATION

Operating Budget Recommendations

The Committee recommends the following changes to the FY 2020 operating budget as proposed by the Mayor:

1. Reduce (TODV) Traffic Operations and Safety Division by \$5,376,798 and 22.00 FTEs (pg. 41)
2. Reduce CSG 41 for (PD00) Project Delivery Administration by \$3,100,000 in one-time funds (pg. 43)
3. Accept \$200,000 in recurring funds from the Committee on Facilities and Procurement and increases (TDDV) Transit Delivery Division by \$200,000 in FY 2020 to fund the increase in student subsidies (pg. 44)
4. Decrease CSG 41 in (OD00) Office of the Director by \$1,000,643 in DDOT Enterprise Fund dollars; Decrease (OD00) personal services by \$1,000,643 in recurring local funds and increase by \$1,000,643 in DDOT Enterprise Fund dollars (pg. 45)
5. Increase (PRDV) Public Space Regulation Division in (OA00) Operations Administration by \$360,000 and 3.0 FTEs to increase the quantity of public space inspections and improve the quality of public space inspections (pg. 45)
6. Increase (PSDV) Planning and Sustainability by \$78,000 and 1.0 FTEs in FY 2020 and by \$20,000 in FY 2021, and increasing (PSDV) Planning and Sustainability by \$17,000 in one-time funds for DDOT to create a scooter parking pilot (pg. 46)
7. Increase (PD00) Project Delivery Administration by \$475,000 in one-time funds to require DDOT to conduct a study to analyze the potential benefits of implementing congestion pricing (pg. 46)
8. Accept \$8,000 in one-time funds from the Committee on the Judiciary and Public Safety, and increases (PGDV) Parking and Ground Transportation Division in (OA00) Operations Administration by \$8,000 for DDOT to make signs for Pilot Zones (pg. 47)
9. Accept \$100,149 in recurring funds from the Committee on Education, and increase (PSDV) Planning and Sustainability in (PD00) Project Delivery Administration by 100,149 and 1.0 FTE to fund a Program Specialist (pg. 47)

Capital Budget Recommendations

The Committee recommends the following changes to the FY 2020 capital budget as proposed by the Mayor:

1. Reduce (LMLIG) Streetlight Management by \$1,500,000 in each year from FY 2020 to FY 2025 (pg. 54)
2. Increase (ED0D5) 11th Street Bridge Park by \$5,000,000 in FY 2023, \$15,343,000 in FY 2024, and \$10,000,000 in FY 2025 (pg. 55)
3. Accept \$444,400 from the Committee on Facilities and Procurement and Allocate \$444,400 in FY 2020 to (LMBSS) Streetscapes and Beautification for the African-American Civil War Museum and Memorial Streetscape Project (pg. 56)
4. Accept \$130,000 from the Committee on Human Services and Allocates \$130,000 to (LMSAF) Safety & Mobility in FY 2020 for Rectangular Rapid Flashing Beacons (pg. 57)
5. Accept \$1,000,000 from the Committee on Finance and Revenue and Allocates \$1,000,000 to (LMBSS) Streetscapes and Beautification for New York Avenue Medians (pg. 57)

Policy Recommendations

The Committee recommends the following policy changes:

1. Increase protected bike lane construction and maintenance (pg. 57)
2. Review recent allegations regarding DC Circulator contractor (pg. 58)
3. Increase proactive inspection and maintenance of road conditions (pg. 58)
4. Increase outreach regarding road and sidewalk maintenance plans (pg. 58)

DEPARTMENT OF MOTOR VEHICLES

Operating Budget Recommendations

The Committee recommends the following changes to the FY 2020 operating budget as proposed by the Mayor:

1. Reduce CSG 41 in (1040) Information Technology by \$200,000 (pg. 64)
2. Accept \$47,000 in recurring funds from the Committee on Facilities and Procurement and increase (4010) Licensing Division by \$47,000 to fund a program to waive the driver's license and identification card fees for returning citizens (pg. 64)
3. Increase (3000) Vehicle Services by \$201,572 in FY 2020, \$324,000 in FY 2021, \$333,000 in FY 2022, and \$343,000 in FY 2023 and 4.0 FTEs for Residential Parking Permit pricing adjustments; increase (3000) Vehicle Services by \$875,000 in one-time funds for FY 2020, and \$275,000 in one-time funds for FY 2021 for DMV system upgrades related to Resident Parking Permit pricing adjustments (pg. 65)

Capital Budget Recommendations

The Committee recommends approving the FY 2020 capital budget as proposed by the Mayor.

Policy Recommendations

The Committee recommends the following policy changes:

1. Issue the request for proposal for the Destiny Replacement Project and Ticket Processing System (pg. 66)
2. Increase efforts to educate the public on REAL ID (pg. 66)
3. Increase efforts to educate the public on organ donor designation (pg. 67)

DEPARTMENT OF ENERGY AND THE ENVIRONMENT

Operating Budget Recommendations

The Committee recommends the following changes to the FY 2020 operating budget as proposed by the Mayor:

1. Increase CSG (40) in (3050) Toxic Substances by \$100,000 in one-time local funds for DOEE to complete a study on the safety of synthetic materials used in the District's artificial turf fields. (pg. 78)
2. Increase (2080) Watershed Protection by \$300,000 in one-time funds for the purpose of identifying and mapping District springs and streams that still produce or carry water and have been, or likely have been, covered or piped underground, and to assess whether it would be environmentally beneficial and feasible to daylight any such streams, or portions of them. (pg. 79)
3. Increase (8510) Urban Sustainability by \$122,000 and 1.0 FTEs to establish the Office of Urban Agriculture as described in the subtitle included in the Committee's recommendations for the Budget Support Act. (pg. 80)

Capital Budget Recommendations

The Committee recommends approving the FY 2020 capital budget as proposed by the Mayor.

Policy Recommendations

The Committee has no policy recommendations for the Department of Energy and the Environment.

DEPUTY MAYOR FOR OPERATIONS & INFRASTRUCTURE

Operating Budget Recommendations

The Committee recommends approving the FY 2020 operating budget for the Deputy Mayor for Operations & Infrastructure as proposed by the Mayor.

Capital Budget Recommendations

The Deputy Mayor for Operations & Infrastructure has no FY 2020 – FY 2025 capital budget.

Policy Recommendations

The Committee has no policy recommendations for the Deputy Mayor for Operations & Infrastructure.

HIGHWAY TRANSPORTATION FUND - TRANSFERS

Operating Budget Recommendations

The Committee recommends approving the FY 2020 operating budget for the Highway Transportation Fund – Transfers account as proposed by the Mayor.

Capital Budget Recommendations

The Highway Transportation Fund – Transfers account has no FY 2020 – FY 2025 capital budget.

Policy Recommendations

The Committee has no policy recommendations for the Highway Transportation Fund – Transfers account.

DC WATER

Operating Budget Recommendations

The Committee recommends the following changes to the FY 2020 operating budget as proposed by the Mayor:

1. Increase (1100) WASA by \$1,000,000 in recurring funds for DC Water to complete lead service line replacements on private property. (pg. 86)

Capital Budget Recommendations

DC Water has no FY 2020 – FY 2025 capital budget.

Policy Recommendations

The Committee recommends the following policy changes:

1. Develop a plan to identify all sites with existing lead services lines and assess the composition of pipes within the water distribution system made of unknown materials (pg. 87)
2. Provide the Council with a comprehensive report on the effect of shifting 18% and 37% of the CRIAC fee to the sewer volumetric rate (pg. 87)
3. Reconsider contract with public relations firm for government relations and advocacy services and act to terminate the existing agreement (pg. 89)

WASHINGTON AQUEDUCT

Operating Budget Recommendations

The Committee recommends approving the FY 2020 operating budget for the Washington Aqueduct as proposed by the Mayor.

Capital Budget Recommendations

The Washington Aqueduct has no FY 2020 – FY 2025 capital budget.

Policy Recommendations

The Committee has no policy recommendations for the Washington Aqueduct.

INTER-COMMITTEE TRANSFERS

Committee on Business and Economic Development

1. Transfer \$200,000 in one-time local funds to the Department of Small and Local Business Development for a seed grant for the Main Streets Program on Wisconsin Avenue and Connecticut Avenue in the area of Cleveland Park (pg. 93)
2. Transfer \$200,000 in one-time local funds to the Department of Small and Local Business Development for a seed grant for the Main Streets Program on Wisconsin Avenue in the area of Glover Park (pg. 93)
3. Transfer \$20,000 in one-time local funds to the Department of Small and Local Business Development for the Van Ness Main Streets Program (pg. 93)
4. Transfer \$12,000 in one-time local funds to the Department of Small and Local Business Development to support the Woodley Park Main Streets Program's "Project Marilyn" initiative (pg. 93)

Committee on Education

1. Transfer \$130,000 in one-time local funds to the State Board of Education to engage in research projects (pg. 93)
2. Transfer \$844,00 in FY 2020, \$854,000 in FY 2021, \$865,000 in FY 2022, and \$875,000 in FY 2023 to the Office of the State Superintendent of Education for implementation of B22-313, the Healthy Students Amendment Act of 2018 (pg. 94)

Committee on Facilities & Procurement

1. Transfer \$311,000 in one-time local funds to the Department of General Services for implementation of B22-946, the Safe Fields and Playgrounds Act of 2018, to spend on gathering information on the surface and sub-surface material components of the District's recreation spaces (pg. 93)
2. Transfer \$1,364,000 in FY 2020, \$1,532,000 in FY 2021, \$1,562,000 in FY 2022, and \$1,593,000 in FY 2023 for implementation of B22-613, the Ensuring Community Access to Recreational Spaces Act of 2018 (pg. 94)

Committee on Health

1. Transfer \$226,000 in FY 2020, \$151,000 in FY 2021, \$155,000 in FY 2022, and \$160,000 in FY 2023 to the Department of Health for implementation of B22-666, the Women, Infants, and Children Program Expansion Act of 2018 (pg. 94)
2. Transfer \$250,000 in recurring local funds to the Department of Health for the Produce Rx Program (pg. 94)

Committee on Housing and Neighborhood Revitalization

1. Transfer \$9,000 in FY 2020, \$47,000 in FY 2021, \$141,000 in FY 2022, and \$403,000 in FY 2023 for implementation of B22-570, the Rental Housing Affordability Re-establishment Amendment Act of 2018 (pg. 95)

Committee on the Judiciary and Public Safety

1. Transfer \$150,594 in recurring local funds to the Office of the Attorney General for an Environmental Attorney (pg. 95)

Committee on the Recreation and Youth Affairs

1. Transfer \$891,000 in FY 2020, \$907,000 in FY 2021, \$922,000 in FY 2022, and \$939,000 in FY 2023 for implementation of B22-681, the Healthy Parks Amendment Act of 2018. (pg. 95)
2. Transfer \$260,000 in capital funds in FY 2020 to (QP5ARC) Arboretum Community Center, to fund renovations of the Arboretum Community Center to develop a half-court gym at the site. (pg. 95)

Committee of the Whole

1. Transfer \$100,000 in FY 2020 in one-time funds to fund the central kitchen report required by the Healthy Students Amendment Act of 2018. (pg. 96)
2. Transfer \$291,000 in FY 2022 and FY 2023 for implementation of B22-234, the Leaf Blower Regulation Amendment Act of 2018. (pg. 96)
3. Transfer \$99,913 in FY 2020, \$106,105 in FY 2021, \$111,410 in FY 2022, and \$116,981 in FY 2023 to the Department of Consumer and Regulatory Affairs to implement B22-20, the Structured Settlements and Automatic Renewal Protections Act of 2018 (pg. 96)

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AGENCY FISCAL YEAR 2020 BUDGET RECOMMENDATIONS

A. INTRODUCTION

The Committee on Transportation & the Environment is responsible for matters relating to environmental protection regulations and policies; highways, bridges, traffic, vehicles, and other transportation issues; maintenance of public spaces; recycling and waste management; and water supply and wastewater treatment. The following agencies are within the jurisdiction of the Committee:

Department of Public Works
District Department of Transportation
Department of Motor Vehicles
Department of Energy and the Environment
Deputy Mayor for Operations & Infrastructure
District of Columbia Water and Sewer Authority

The Committee also oversees the Highway Transportation Fund – Transfers account, the Washington Aqueduct, the District of Columbia Bicycle Advisory Council, and the District of Columbia Pedestrian Advisory Council.

The Committee is chaired by Mary M. Cheh. The other members of the Committee are Councilmembers Charles Allen, Jack Evans, Kenyan McDuffie, and Brandon Todd.

The Committee held budget oversight hearings to solicit public input on the proposed budgets for the agencies under its purview on the following dates:

March 28, 2019	Department of Public Works
April 1, 2019	Department of Energy and the Environment
April 9, 2019	Department of Motor Vehicles Office of the Deputy Mayor for Operations and Infrastructure
April 11, 2019	District Department of Transportation

The Committee did not hold budget hearings on DC Water or the Washington Aqueduct because the Council does not control those agencies' budgets. The District Department of Transportation controls funds for the District of Columbia Bicycle Advisory Council, the District of Columbia Pedestrian Advisory Council, and the Highway Trust Fund – Transfers account, and those agencies' budgets were considered during the Committee's hearing on the District Department of Transportation.

The Committee received comments and testimony from members of the public and government witnesses during these budget oversight hearings. Copies of witness lists for each hearing are included in this report as Attachments A, B, C, and D. The Hearing Records for each of these hearings are on file with the Council Secretary. A video recording of the hearings

can be obtained through the Office of Cable Television, viewed online at oct.dc.gov, or at the Council's website at dccouncil.us. The Committee continues to welcome public input on the agencies and activities within its purview.

The Committee has attached a copy of the legislative language for all recommend Budget Support Act subtitles as Attachment E. Finally, the Committee has also included an April 25, 2019 Report from the Office of Budget and Research on "Estimating the Cost of Expanding a Pilot Program to In-House Food Services at DCPS" as Attachment F.

B. DEPARTMENT OF PUBLIC WORKS (KT)

FY 2020 Operating Budget, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Local Funds	139,780,640	150,029,445	855,643	150,885,088	7.9%
Intra-District Funds	28,322,963	28,347,707	(1,000,642)	27,347,065	-3.4%
Special Purpose Revenue Funds	7,783,272	9,309,645	0	9,309,645	19.6%
GROSS FUNDS	175,886,875	187,686,797	(144,999)	187,541,798	6.6%

FY 2020 Full-Time Equivalents, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Local Funds	1,251.0	1,284.0	7.0	1,291.0	3.2%
Intra-District Funds	158.0	159.0	0.0	159.0	0.6%
Special Purpose Revenue Funds	27.0	29.0	0.0	29.0	7.4%
GROSS FTES	1,436.0	1,472.0	7.0	1,479.0	3.0%

FY 2020 Operating Budget, By CSG (Gross Funds)

Comptroller Source Group	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
11 - Regular Pay - Cont Full Time	80,469,006	84,286,208	454,869	84,741,077	5.3%
12 - Regular Pay - Other	4,865,964	4,863,002	0	4,863,002	-0.1%
13 - Additional Gross Pay	3,325,340	3,265,103	0	3,265,103	-1.8%
14 - Fringe Benefits - Curr Personnel	25,474,218	26,836,596	136,916	26,973,511	5.9%
15 - Overtime Pay	4,996,015	6,997,563	(791,784)	6,205,779	24.2%
Personal Services (PS)	119,130,543	126,248,472	(199,999)	126,048,472	5.8%
20 - Supplies and Materials	8,034,828	8,698,581	0	8,698,581	8.3%
31 - Telephone, Telegraph, Telegram, Etc.	234,100	197,450	0	197,450	-15.7%
40 - Other Services and Charges	27,512,471	27,024,978	0	27,024,978	-1.8%
41 - Contractual Services - Other	16,269,289	20,768,547	55,000	20,823,547	28.0%
70 - Equipment & Equipment Rental	4,705,643	4,748,770	0	4,748,770	0.9%
Nonpersonal Services (NPS)	56,756,331	61,438,326	55,000	61,493,326	8.3%
GROSS FUNDS	175,886,874	187,686,798	(144,999)	187,541,798	6.6%

FY 2020 Operating Budget, By Program (Gross Funds)

Code	Agency Program	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
1000	Agency Management	30,039,070	30,371,780	55,000	30,426,780	1.3%
100F	Agency Financial Operations	4,771,996	4,873,908	0	4,873,908	2.1%
2000	Snow Removal Program	7,365,000	9,853,000	0	9,853,000	33.8%
4000	Fleet Management	24,633,963	23,952,517	0	23,952,517	-2.8%
5000	Parking Enforcement Management	30,622,112	33,918,707	(199,999)	33,718,708	10.1%
6000	Solid Waste Management	78,454,735	84,716,885	0	84,716,885	8.0%
GROSS FUNDS		175,886,876	187,686,797	(144,999)	187,541,798	6.6%

AGENCY OVERVIEW

The mission of the Department of Public Works (DPW) is to provide the highest quality sanitation, parking enforcement, and fleet-management services that are both ecologically sound and cost-effective. DPW executes its mission through the work of the following six divisions: the **Snow Removal Program**, which ensures the District is safe to navigate after the end of a snow storm and resumes normal government services and commerce in an efficient, environmentally sustainable, and safe manner; **Fleet Management**, which supports all city services by procuring and maintaining more than 3,000 vehicles, excluding those used by the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, and DC Public Schools, and by fueling all 6,000 District government vehicles, including school buses, fire and trash trucks, and street sweepers; **Parking Enforcement Management**, which provides on-street parking enforcement services, including ticketing, towing, booting, removal of abandoned and dangerous vehicles, and auction of impounded vehicles; **Solid Waste Management**, which performs a number of daily operations, including trash, recycling, bulk collections, sanitation education and enforcement, graffiti removal, public litter-can service, fall leaf collection, snow and ice removal, and street and alley cleaning; **Agency Management**, which provides administrative support and the required tools for the Agency to achieve operational and programmatic results; and **Agency Financial Operations**, which provides comprehensive and efficient financial management services to, and on behalf of, District agencies so that the financial integrity of the District of Columbia is maintained.

OPERATING BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 Operating Budget for DPW is \$187,686,797, which represents a 6.7% increase from the FY 2019 approved budget of \$175,886,875. This funding supports 1,472.0 Full-Time Equivalents (FTEs), an increase of 36.0 FTEs or 2.5% from the FY 2019 approved level. This change is due in large part to a planned increase in overtime pay across multiple programs, an increased investment in the Snow Removal Program, an increase in contractual services at Solid Waste Management to support hauling contract price increases, and an enhancement at Parking Enforcement Management to support the Towing and Bike Enforcement programs. These changes and several other major changes in the proposed budget are discussed below.

1. Increase in Overtime Pay

The Mayor's proposed FY 2020 budget includes a one-time increase of \$1,900,000 across multiple programs to adjust overtime pay. According to the Agency, this increase is intended to more accurately reflect projected overtime costs throughout the Agency. Although this represents a 40% increase in overtime pay funding over the approved FY 2019 budget, it is still significantly below actual spending on overtime in FY 2017 and FY 2018, as well as projected spending for FY 2019.

The majority of the \$1,900,000 in overtime increases proposed for FY 2020 occur in (6000) Solid Waste Management (\$1,493,000). This one-time increase restores overtime pay that the Mayor cut in FY 2019, and which the Committee was unable to restore. The

Committee expressed concern in its FY 2019 budget report about the significant cuts proposed to overtime spending at the Solid Waste Management Administration (SWMA), stating that the decrease seemed out of line with past spending levels. DPW is on pace to match its FY 2018 overtime spending in FY 2019 and will need to use vacancy savings and possibly a reprogramming to cover the overtime budget shortfall. Thus, the Committee considers this restoration of overtime pay at SWMA to be appropriate.

However, the Committee continues to be concerned by the level of overtime pay at the Agency, particularly at SWMA. During the FY 2019 budget process, DPW stated that it planned to reduce overtime expenditures at SWMA by implementing overlapping shifts for workers and making a concerted effort to fill vacant positions. The Committee was pleased to learn during performance oversight that DPW implemented a shift change in August 2018 and began a scheduled six-day operation in October 2018, resulting in a 20% overtime reduction in (6040) Sanitation Disposal. But these reductions do not appear to have occurred in other divisions at SWMA and overall overtime expenditures at SWMA continue to be very high. According to oversight responses, FY 2019 expenditures on overtime at SWMA had already exceeded \$4 million as of February 28, 2019, more than the proposed FY 2020 budget. The Committee recommends that DPW continue to take active steps to reduce overtime at SWMA and will continue to monitor these efforts.

2. Increased Investment in the Snow Removal Program

The Mayor's proposed FY 2020 budget increases the budget for the Snow Removal Program by \$2,488,000. Specifically, the budget increases (2030) Road Treatment by \$375,000, (2050) Equipment Rental by \$777,000, and (2060) Contract Plows by \$1,985,000. It also cuts (2030) Snow Removal by \$650,000 to align the budget with planned spending.

These proposed increases follow decreases in the FY 2019 budget for the program by \$1,299,000, cuts that the Committee was unable to restore. In its FY 2019 budget report, the Committee expressed concern about the cuts to the Snow Removal Program, in particular regarding DPW's testimony that unforeseen costs would necessitate dipping into the Contingency Cash Reserve. Indeed, as of April 2019, DPW anticipates spending approximately \$9,746,000 on the Snow Removal Program during FY 2019, in significant excess of its approved FY 2019 budget of \$7,365,000. The Committee is therefore pleased to see that the Executive proposed investing in the Snow Removal Program this year in amounts more closely aligned with past expenditures. In particular, the proposed budget more accurately budgets for equipment rental costs and for pre-season contracts with external plow companies that ensure that the District will not pay inordinate contract fees in the event of a major snow event. The Agency had to seek contingency cash to cover these costs during the FY 2019 snow season. The Committee notes, however, that these are one-time increases and recommends that the Mayor allocate recurring funds in future budgets to adequately provide for the Snow Removal Program.

3. Increase to Solid Waste Management Contractual Services Budget

The Mayor's proposed FY 2020 budget for (6000) Solid Waste Management increases the contractual services budget by \$3,091,000. This includes a \$1,478,000 increase in local funds and \$1,450,000 from the Solid Waste Disposal Fee Special Purpose Revenue fund. These increases will cover the increased contract costs for hauling and disposal and for recycling, which are driven by increases in solid waste hauling rates and in the amount of tonnage reaching the District's transfer stations. The District recently entered into a new contract for solid waste hauling and disposal, and this contract had a 40% increase in hauling rates over the previous contract. The increased tonnage in solid waste and recycling reaching the District's transfer stations is likely due to the District's growing population.

4. Increases for Parking Enforcement Management

The Mayor's proposed FY 2020 budget for (5000) Parking Enforcement Management (PEMA) totals \$33,919,000, a \$3,297,000 million increase over its approved FY 2019 budget. This increase includes a \$2,766,000 increase, comprising 40.0 FTEs, to support the Vision Zero initiative through rush hour towing and bike lane enforcement. It also includes increases for enforcement along the DC Streetcar route. These increases at PEMA are described in more detail below.

a. Parking Regulations Enforcement

The proposed budget adds \$925,000 and 14.0 FTEs to (5010) Parking Regulations Enforcement. The 14.0 FTEs are the net effect of adding 20 new FTEs for the Rush Hour Towing and Bike Lane Enforcement Enhancement while realigning 6 FTEs within PEMA (four to Towing, one to Abandoned and Junk Vehicles, and the correction of one position number in carrying two FTEs). The twenty new FTEs at Parking Regulations Enforcement will be parking officers dedicated to patrolling bicycle lanes to ticket for parking in bicycle lanes, double parking, and related infractions. This increase in funding will support the new FTEs as well as equipment, handhelds, and uniforms for the additional parking enforcement officers.

The Committee is pleased to see this investment in bicycle lane enforcement, particularly after hearing during oversight that enforcement of bicycle lane parking laws has dropped significantly over the past few years. This increase in the number of officers patrolling bicycle lanes will contribute to cyclist safety and overall street safety. In addition, the Mayor's Budget Support Act includes a subtitle that will allow parking enforcement officers to mail tickets to vehicles that drive away before officers can serve a notice of infraction in person or by affixation, a practice that has made bicycle lane enforcement difficult. The Committee was encouraged to learn during oversight that the Agency has developed technology that will make it possible for officers to issue tickets in these circumstances and believes that this will make the Agency's bicycle lane enforcement even more effective. In addition to implementing this technology, the Committee recommends that DPW continue to explore ways to make the bicycle lane enforcement team more responsive to street users, such as through social media, to allow cyclists to quickly report and end bicycle lane blockages.

b. Adjustments at Towing

The proposed FY 2020 budget adds \$2,148,000 and 24.0 FTEs to (5020) Towing. These 24 FTEs are the net effect of realigning 4.0 FTEs from (5010) Parking Regulations Enforcement, to cover the shortage of motor vehicle operators resulting from vacancy savings cutbacks, and adding twenty new tow-truck drivers dedicated to towing illegally parked vehicles during rush hour. The Agency's oversight responses indicate that the amount of towing continues to decrease, and the Committee has heard through public testimony that District residents are frustrated by the lack of action on illegally parked vehicles. Increased focus on rush hour towing will be particularly helpful to keep bus lanes clear during rush hour, and the Committee hopes that the Agency will make bus lane enforcement a priority of this initiative.

This increase at Towing also includes a \$491,587 increase in overtime. This increase is due to increases in overtime associated with enforcing the night-time curbside parking restrictions on Connecticut Avenue, a \$300,00 one-time increase in local funds to align the budget where expenditures actually occur, and increases in overtime for DC Streetcar enforcement, as discussed further below.

c. Overtime Pay for DC Streetcar Enforcement

Since FY 2015, DPW and the District Department of Transportation (DDOT) have operated under a Memorandum of Understanding (MOU) regarding parking enforcement along H Street and Benning Road NE to facilitate operation of the DC Streetcar. Under this arrangement, DPW issues citations and tows cars that are parked along the streetcar route during the streetcar's operating hours. DPW then bills DDOT for the costs of providing these services and DDOT reimburses DPW through an intra-district transfer of funds from a special purpose revenue fund, (6901) DDOT Enterprise Fund. DPW does not have dedicated funding or FTEs associated with providing these services. Instead, the MOU calculates the cost of services based solely on overtime rates. The Agency has indicated to the Committee that it does not feel it can use the intra-district funds to hire FTEs, as the funding is not certain from year to year, and the MOU indicates that all funding must go toward streetcar enforcement. As a result of this arrangement, DPW fulfills its obligations under the MOU using solely overtime funds, at enormous cost to the District. The total amount of the intra-District funds budgeted toward streetcar enforcement in FY 2020 is \$1,000,643. Of this, approximately \$800,000 is for overtime (the remaining funding is for equipment and supplies). The FY 2020 overtime budget for streetcar enforcement represents an \$83,091 increase from FY 2019.

In 2018, the DC Auditor prepared a report on District overtime that specifically considered the enforcement structure for the DC Streetcar. It found that DPW and DDOT are unnecessarily spending thousands of taxpayer dollars on overtime for work, given that this enforcement is actually scheduled in advance. Using figures provided by DPW, the Auditor calculated that the cost of providing the same services without the use of overtime would be approximately \$200,000 less than the FY 2017 actual costs. The Auditor went on to recommend that the District reconsider whether DPW should continue to provide parking enforcement and towing services for the DC Streetcar. If DPW does continue to provide these enforcement services, the Auditor's report recommends that the Mayor and Council provide

adequate funding directly to DPW to hire dedicated staff for this purpose, rather than relying on overtime.

The Committee believes that it is appropriate for DPW to continue providing parking enforcement and towing services for the DC Streetcar as an extension of its parking enforcement activities throughout the District. However, it agrees with the Auditor's finding that it would be a more efficient use of District funds if these intra-District funds were directly appropriated to DPW in the budget. **The Committee, therefore, recommends decreasing (5010) Parking Regulations Enforcement by \$215,621 and (5020) Towing by \$785,021, both in intra-District funds. The Committee then recommends replacing these decreases by increasing (5010) Parking Regulations Enforcement by \$160,000 in recurring local dollars and 2.0 FTEs and (5020) Towing by \$640,643 in recurring local dollars and 5.0 FTEs.** This recurring local funding will enable the Agency to hire staff to enforce the streetcar route, rather than relying on overtime. While this represents a \$200,000 decrease in total funding for streetcar enforcement, taking into account the amount saved on overtime pay, this amount is sufficient to fund the necessary FTEs and to maintain the prior level of funding for supplies and materials, other services and charges, and equipment and equipment rental.

As noted later in the Committee's recommendations for DDOT, the Committee recommends reducing the budget for DDOT by \$1,000,643 to account for the funding for these services being budgeted to DPW directly. In addition, the Committee recommends that DDOT no longer transfer intra-District funds from DDOT to DPW in the amount of \$1,000,643. The reduction in DDOT's budget provides funding for the Committee to increase the budget for DPW, as described here.

5. Adjustments in the Office of Waste Diversion

The Committee is frustrated by the lack of progress the District has made toward meeting its zero waste goals, defined as 80% diversion of all solid waste from landfill and waste-to-energy, by 2032. The District's recently published Solid Waste Diversion Progress Report for FY 2017 indicates that the citywide residential diversion rate rose by less than .25% between 2016 and 2017. The Committee is therefore pleased to see that the proposed FY 2020 budget increases funding at (2010) Office of Waste Diversion (OWD). This increase includes the transfer of 2.0 FTEs from (6000) Solid Waste Management to OWD to allow for greater alignment of waste diversion priorities. Given the key role DPW must play in meeting the District's waste diversion goals, the Committee believes that OWD's role in DPW's operations should be growing every year. This expansion of OWD staff is a promising move in that direction, and the Committee hopes that the Agency will continue to prioritize waste diversion efforts.

The Committee is also pleased to see that the Agency is using money in the Solid Waste Diversion Fund to support waste diversion efforts, rather than using fund dollars to supplant local funds in OWD's budget. The Solid Waste Diversion Fund is projected to earn \$325,000 in FY 2020, with funds collected from private hauler tipping fees, and it is allocated toward (6000) Solid Waste Management to fund the food waste drop-off program and the Save-As-You-Throw study.

During the FY 2019 budget process, the Agency indicated that it intended to expand the number of year-round drop-off sites in the Food Waste Drop-Off Program. The Committee was therefore disappointed to learn that current funding is only adequate to maintain the existing three year-round sites and six seasonal sites. The Committee is encouraged, however, by DPW's plans to survey drop-off participants and explore ways to improve and expand composting in the District. In particular, although DPW runs food drop-off programs in all eight wards, participation rates vary significantly between the different sites. During oversight, DPW stated that one of its priorities for the food waste drop-off program is to implement programs to raise awareness and encourage participation in areas of the District with low participation rates. However, the Agency noted that funding is not available in FY 2020 to fund these programs.

Thus, the Committee recommends increasing (2010) Office of Waste Diversion by \$55,000 in one-time funds to increase composting participation and awareness about the benefits of composting in areas that currently have low participation in composting programs. Specifically, this enhancement is to be used to fund initiatives in neighborhoods where community composting and food waste drop-off options are limited, or where food waste drop-off participation is low. Funding should not be used for the home composting rebate and voucher program, or for the operation of existing drop-off programs; however, funding may be used to extend the season of seasonal drop-off markets.

CAPITAL BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 - FY 2025 capital budget request for DPW is \$337,260,000. This represents an increase of \$33,762,000 in allotments from the FY 2019 - FY 2024 approved level. This is largely due to facility repairs at the Benning Road Transfer Station, grappler replacements for both transfer stations, and increases to the fleet vehicle replacements. These projects and others are discussed in further detail below.

Transfer Station Improvements

The Mayor's proposed FY 2020 - FY 2025 capital budget continues to make needed investments in the District's waste transfer facilities. These investments are important to help the District achieve its zero waste goals, as contamination at transfer stations affects the amount of materials that can be recycled. Transfer station leaks and runoffs, which cause paper and cardboard to get wet during rainstorms, can cause materials to be rejected for recycling by material recovery facilities. Many recyclables are lost due to contamination with trash as a result of malfunctioning transfer station equipment.

The Agency is currently in the process of making improvements to the Fort Totten transfer station and expects to complete improvements in October 2019. These improvements will include a new tipping floor design to help decrease water-related contamination of recyclables. The FY 2020 - FY 2025 capital budget includes a new project (BRUFA) to make similar improvements at the Benning Road Transfer Station. This project includes \$2,900,000 in FY 2020 to replace the tipping floor, replace and repair exterior siding, and make other necessary improvements to ensure the health and safety of personnel and

users of the facility. These improvements will also address the loss of recyclables to trash and the Agency's ability to expediently transfer trash.

In addition to the improvements at the transfer stations, the FY 2020 – 2025 capital budget includes \$1,380,000 to replace the grapplers at the transfer stations. There are currently a total of six grapplers in use between the District's two transfer stations. All six were purchased five years ago; of these, four were purchased refurbished, and two were purchased new. Grapplers are used continuously every day to move collected waste to be hauled offsite. The four refurbished grapplers are well past their life expectancy and require significant and continuous maintenance. The two newer grapplers are being overworked as a result of the constant mechanical breakdowns. According to the Agency, these grapplers average a mechanical shut down twice a week. This aging equipment creates obvious problems for the basic functionality of the transfer stations, along with high maintenance costs. It also has a negative impact on the District's waste diversion efforts. In its oversight responses, the Agency states that when grapplers are shut down, both recyclables and trash are loaded into one chute, increasing the chance of contamination and lowering the District's effective recycling rates. The Committee supports these critical investments in our waste handling infrastructure.

Electric Charging Stations

The Mayor's proposed capital budget includes \$3,000,000 for (CHS20) Electrical charging stations. This project would fund 50 new electric charging stations per year over the CIP at a cost of \$10,000 per station. Stations would be located at District agencies coinciding with the purchase of electric vehicles. This project will allow the District to expand its electrical charging infrastructure at Agency-dedicated parking spaces to increase electrical vehicle capacity. Purchasing electric vehicles when possible for the District's fleet is projected to reduce fueling costs by 50% per vehicle. This will support DPW's goal of reducing fuel consumption by converting Fleetshare to all electrical by FY 2024.

Fleet Vehicle Replacements

The Agency's Fleet Management Administration supports critical public safety and sanitation services for the District by procuring and maintaining more than 3,000 vehicles. These vehicles must be kept in good working order and be operational at all times. The condition of the fleet vehicles deteriorates with continued use and mileage, which drives up the costs of maintaining the vehicles and keeping them in service. DPW must regularly replace vehicles to ensure it can meet the service expectations of the District. The Agency uses the Capital Asset Replacement Scheduling System (CARSS) to model all vehicle needs for the District's fleet. The replacement needs are based on the vehicle's age, condition, mileage, and other factors.

The Mayor's proposed FY 2020 – FY 2025 capital budget includes \$65,490,000 to fund fleet vehicle replacement needs identified by CARSS. These replacements are divided into four capital projects: (FLW01) Fleet Vehicles >\$275K, (FLW02) Fleet Vehicles >\$100K, (FLW03) Fleet Vehicles >\$50k, and (FLW04) Fleet Vehicles <\$50K. Although CARSS informed the budgets for these capital projects, the funding for these projects falls short of the CARSS projections for fleet vehicle replacements, particularly in (FL02) Fleet Vehicles >\$100K. For

example, the proposed funding for (FL02) Fleet Vehicles >\$100K for FY 2020 is \$19,157,000, nearly \$10,000,000 less than the \$28,157,281 need projected by CARSS. The Committee understands that DPW's capacity for fleet vehicle acquisitions may limit the number of vehicles the Agency can acquire in one year. However, the Committee hopes that subsequent budgets will more closely link the amount of funding budgeted with recommendations provided through CARSS to ensure that the District's fleet replacement needs are met, and to avoid unnecessary maintenance costs.

The Committee recommends adoption of the Mayor's proposed FY 2020 – FY 2025 capital budget, with the following change:

1. Accelerate (CP201) Composting Facility

As stated above, the Committee is frustrated by the lack of progress on meeting the District's goal of 80% waste diversion citywide without the use of landfills or incineration by 2032. The Committee recognizes that meeting the District's waste diversion goals will require a multifaceted strategy; however, the Committee considers curbside composting to be a critical component of this strategy, as discarded food and other organic, compostable material make up as much as 30% of the District's waste stream. The Committee urges the Agency to move forward with implementing a curbside composting program in the District, including construction of a composting facility.

A DPW-commissioned study on the feasibility of a curbside compost collection program recommended building a compost facility in the District, as the region currently lacks the infrastructure needed to process large volumes of organic materials. The Committee is pleased to see that the \$8,000,000 that the Council provided for a compost facility is still included in the Capital Improvement Plan. However, the Committee accelerated the funding to FY 2021 and FY 2022 during the FY 2019 budget process to allow site selection, design, and construction to begin as soon as possible. The Mayor's proposed budget defers funding from FY 2021 and FY 2022 to FY 2022 and FY 2023, which the Agency says will allow for more time for site identification and planning. The Agency's oversight responses note that funding would need to be available and a site would need to be identified by the first quarter of FY 2020 in order for construction of the facility to begin in FY 2021.

In its oversight responses, DPW has indicated that it will be able to complete planning in time to begin construction in FY 2021, so long as a site is secured. The Agency is currently working with the Office of Planning to secure a site, and when asked at the Committee's Budget Oversight hearing for the Agency, DPW did not indicate to the Committee that it could not secure a site within the necessary timeframe. Therefore, the Committee believes that moving up the funds for the composting facility will allow construction to begin sooner than planned, in FY 2021. **The Committee recommends accelerating funding in (CP201) Composting Facility by increasing funding by \$1,000,000 in FY 2020, increasing funding by \$1,500,000 in FY 2021 and FY 2022, and reducing funding by \$4,000,000 in FY 2023.**

POLICY RECOMMENDATIONS

The Committee recommends that the Agency adopt the following policy changes:

1. Expand Efforts to Decrease Residue in Incoming Recyclables

The Committee was pleased to see in the oversight materials and the Residential Recycling Report that recycling tonnage in the residential stream increased between 2017 and 2018. However, as noted above, this progress is undercut by the high levels of residue in the recycling stream: of the recyclables brought to the District's two transfer stations in FY 2018, 36.77% were lost due to contamination with trash. Although this contamination has a number of sources, the Agency indicated that a significant cause is high residue levels in *incoming* recyclables. Residential residue rates range from 7% to 32% and commercial residue rates range from less than 5% to 56%.

The Committee recommends that DPW expand efforts to decrease these incoming residue rates, in particular through education and outreach. The recently conducted waste sort study showed that education can make a big difference—between 2017 and 2018, the overall residential residue rate dropped from 27% to 19%, which DPW largely credits to increased education and outreach to District residents. The Committee was particularly interested to learn about the Agency's work with a contractor during FY 2018 on their pilot to assess if "oops tags" (indicating common recycling mistakes) could impact consumer behavior. As this pilot had promising results, the Committee recommends expanding these initiatives to reach all District residents.

The Committee also urges DPW to expand its efforts to decrease residue in the commercial recycling stream. As stated above, the commercial residue rates go as high as 56%, and DPW has not seen a decrease in overall rates as it has with residential residue. The Committee was pleased to see that DPW is taking actions to address these high residue rates, such as sending letters to haulers using DPW's transfer stations letting them know that recyclables with contamination rates above a certain level will be reclassified as trash, which will require them to pay the higher disposal fee for refuse, and directing them to educational resources. In addition to these actions, the Committee recommends that DPW expand its outreach and educational efforts for commercial properties. In addition, it recommends that DPW consider prohibiting commercial haulers that repeatedly exceed contamination rates from using District transfer stations.

2. Require Organics Recycling for Commercial Properties

Businesses are the largest creators of organic waste in the District. In fact, DPW's oversight responses state that 50% of food waste generated by the commercial and institutional sector is generated by just 100 entities. Requiring commercial entities to separate their organic waste would have an immediate and significant impact on the District's waste diversion rate. Under the Sustainable Solid Waste Management Amendment Act of 2014, the Mayor may require that private collection properties or subcategories of private collection properties separate compostable materials before the District implements compost collection for residential properties. In its oversight responses, the Agency indicated that it

has begun to research how mandatory organics recycling for businesses could be designed and implemented. The Committee applauds these efforts and recommends that the Agency move forward with implementing such a program.

3. Move Forward with a Save-As-You-Throw Pilot Program

In its FY 2018 budget report, the Committee provided \$100,000 to the Office of Waste Diversion to implement a “Save As You Throw” (SAYT) Pilot Program, which would provide incentives for residents to recycle, compost, or reduce their solid waste. SAYT and similar programs have enabled thousands of jurisdictions around the country to achieve lasting decreases in solid waste production. The recently published Sustainable DC 2.0 plan includes studying the feasibility of a SAYT-type program as one of its recommended short-term actions.

During the FY 2019 budget process, the Agency promised the Committee that it would enter into a contract with a third party to design the SAYT pilot program before the end of FY 2018, and that the funds would be used for the pilot program itself in FY 2019. As of this report, DPW has yet to issue an RFP for the contract to design the pilot. It stated in oversight responses that it plans to issue a solicitation in May 2019 to “hire a consultant to assess the feasibility and to assist with the development and implementation of a unit-based pricing system.” The Committee is frustrated with the lack of progress on this initiative and is concerned by the apparent backpedaling signified by this solicitation, which does not include an actual pilot. The Committee will continue to monitor progress on this initiative and once again encourages the Agency to move quickly and avoid further delays.

4. Consider Implementing and Expanding Sunday and Late-Night Shifts for Parking Enforcement

The Committee heard public testimony expressing frustration about the lack of parking enforcement during late night hours and on Sundays. Parking enforcement is limited during late-night hours, and DPW does not enforce parking regulations on Sundays. Acting Director Geldart indicated during the Committee’s budget oversight hearing that Sunday enforcement is not necessary “due to the availability of parking on Sundays.” The Committee would express some skepticism regarding this explanation, as it has heard otherwise from many residents that parking availability is an issue on Sundays. Regardless, even this justification does not take into account the other important factors underlying parking enforcement, such as safety, and ensuring the functionality of the public transportation system. For example, it is critical for both of these reasons that we keep our bike and bus lanes clear seven days a week. Although the Committee recognizes that there are multiple considerations at play regarding Sunday enforcement, it recommends that DPW formally consider instituting Sunday parking enforcement, including an assessment of the costs (taking into account potential revenue), and of whether the lack of enforcement on Sundays is creating safety concerns. As part of this assessment, it should provide a financial plan.

Relatedly, the Agency should consider building ongoing capacity for enforcement during night hours, particularly for areas with significant nightlife. The Agency currently uses overtime hours and dedicated MOUs, such as for the Connecticut Avenue pick-up/drop-off zone, to enforce parking during night hours. As discussed in the operating budget analysis

and recommendations section of this chapter, the D.C. Auditor prepared a 2018 report on District overtime that found that this approach to nighttime enforcement was costly to the District, and that it could save money by hiring FTEs devoted to the same services rather than using overtime.

C. DISTRICT DEPARTMENT OF TRANSPORTATION (KA)

FY 2020 Operating Budget, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Federal Grant Funds	11,474,350	14,509,270	0	14,509,270	26.4%
Local Funds	107,582,991	116,879,843	(8,239,293)	108,640,550	1.0%
Special Purpose Revenue Funds	23,532,750	23,508,000	0	23,508,000	-0.1%
GROSS FUNDS	142,590,091	154,897,113	(8,239,293)	146,657,820	2.9%

FY 2020 Full-Time Equivalents, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Federal Grant Funds	20.0	20.0	0.0	20.0	0.0%
Local Funds	596.4	618.4	(26.0)	592.4	-0.7%
Special Purpose Revenue Funds	3.0	3.0	9.0	12.0	300.0%
GROSS FTES	619.4	641.4	(17.0)	624.4	0.8%

FY 2020 Operating Budget, By CSG (Gross Funds)

Comptroller Source Group	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
11 - Regular Pay - Cont Full Time	34,280,867	37,128,754	(1,042,490)	36,086,264	5.3%
12 - Regular Pay - Other	3,938,963	4,151,470	60,938	4,212,408	6.9%
13 - Additional Gross Pay	365,000	365,000	0	365,000	0.0%
14 - Fringe Benefits - Curr Personnel	10,516,369	11,136,407	(274,835)	10,861,572	3.3%
15 - Overtime Pay	755,000	755,000	0	755,000	0.0%
Personal Services (PS)	49,856,199	53,536,631	(1,256,388)	52,280,245	4.9%
20 - Supplies and Materials	1,230,183	1,230,183	17,000	1,247,183	1.4%
30 - Energy, Comm. and Bldg Rentals	7,727,430	7,727,430	0	7,727,430	0.0%
31 - Telephone, Telegraph, Telegram, Etc.	150,000	150,000	0	150,000	0.0%
40 - Other Services and Charges	8,151,698	7,513,698	483,000	7,996,698	-1.9%
41 - Contractual Services - Other	68,453,209	77,717,798	(7,682,905)	70,034,893	2.3%
50 - Subsidies and Transfers	6,488,634	6,488,634	200,000	6,688,634	3.1%
70 - Equipment & Equipment Rental	532,737	532,737	0	532,737	0.0%
Nonpersonal Services (NPS)	92,733,891	101,360,480	(6,982,905)	94,377,575	1.8%
GROSS FUNDS	142,590,090	154,897,111	(8,239,293)	146,657,820	2.9%

FY 2020 Operating Budget, By Program (Gross Funds)

Code	Agency Program	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
AA00	Administrative Administration	3,873,323	4,333,382	0	4,333,382	11.9%
EA00	External Affairs Administration	54,436,374	60,864,040	(5,008,798)	2,682,697	-95.1%
OA00	Operations Administration	0	2,682,697	(1,000,643)	55,855,242	NA
OD00	Office of the Director	10,014,026	10,373,748	0	9,373,105	-6.4%
PA00	Performance Administration	5,847,279	6,635,195	(2,229,852)	6,635,195	13.5%
PD00	Project Delivery Administration	68,419,088	70,008,049	0	67,778,198	-0.9%
GROSS FUNDS		142,590,090	154,897,111	(8,239,293)	146,657,820	2.9%

AGENCY OVERVIEW

The mission of the District Department of Transportation (DDOT) is to enhance the quality of life for District residents and visitors by ensuring that people, goods, and information move efficiently and safely, with minimal adverse impact on residents and the environment. In turn, the Agency maintains critical transportation infrastructure such as streets, sidewalks, traffic signals, bridges, and streetlights. DDOT also plans, designs, and implements improvements to this infrastructure to allow people to access services more easily and more safely. In addition, DDOT:

- Manages on-street parking;
- Plants and cares for street trees;
- Manages transportation systems such as DC Circulator and Capital Bikeshare;
- Conducts parking and traffic enforcement; and
- Manages public space for vendors, sidewalk cafes, and other uses.

DDOT's responsibilities affect the quality of our public space, how we choose to get around, the strength of our local and regional economy, and the safety of our residents and visitors.

DDOT executes its mission through the work of the following five divisions: **Project Delivery Administration**, which is responsible for multimodal infrastructure project planning, design and construction, transit delivery, and traffic engineering and safety; **Operations Administration**, which maintains the District's transportation infrastructure assets, such as streets, alleys, sidewalks, and trees, manages traffic operations and provides vehicle and pedestrian safety control, manages public space and parking regulations, and conducts snow removal operations; **Administrative Administration**, which manages the operating and capital budgets, coordinates with the Office of the Chief Financial Officer and the Chief Procurement Officer, and manages human resources and workforce development; **Performance Administration**, which tracks and reports performance metrics, manages facilities, fleet, and information technology resources, and provides customer service; and **External Affairs Administration**, which provides enhanced community engagement and outreach to District residents, and coordinates communication and messaging to the public, media, and other stakeholders.

OPERATING BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 Operating Budget for DDOT is \$154,897,112, which represents an 8.6% increase from the FY 2019 approved budget of \$142,590,091. This funding supports 641.4 Full-Time Equivalents (FTEs), an increase of 22.0 FTEs or 3.6% from the FY 2019 approved level. These changes are due in large part to the transfer-in of the Automated Traffic Enforcement (ATE) program from the Metropolitan Police Department (MPD) as part of the District's Vision Zero efforts, the formal creation of the External Affairs division, the Mayor's proposal to make the Circulator free indefinitely, and the Agency's continued effort to realign its FTE profile to meet its mission and ensure the best use of operating and capital resources. Several of these changes and other changes to the Agency's operating budget are discussed below.

1. Automated Traffic Enforcement Program Transfer

The Agency's proposed FY 2020 budget transfers in \$5,376,798 and 22.0 FTEs from MPD to support the ATE program transfer from MPD to DDOT. The transferred funds and FTEs would be located in the (TODV) Traffic Operations and Safety Division.

Although the Committee is not taking a position on the merits of the transfer, it does believe that there are sufficient questions about the transfer to warrant its consideration as standalone legislation through the normal legislative process, rather than through the budget process. First, it is unclear how the transfer will increase the efficiency of the ATE program. Although MPD administers the program, DDOT currently assists MPD in many of the particulars, such as recommendations on camera locations. DDOT has told the Committee that it does not have plans to change the way it administers the program, but that it may move cameras in a more "nimble" fashion. But it is unclear to the Committee why the present arrangement does not allow for this. Second, the Committee is concerned that there may actually be short-term inefficiencies caused by the transfer, as the OCFO certified a reduction in the Department of Motor Vehicles' (DMV) ticket processing contract costs based on an assumption that fewer ATE tickets will be issued during the transition. Lastly, the Committee believes perception matters. MPD is a law enforcement agency whose primary mission is to improve public safety, including traffic safety. The Committee questions whether tickets issued by DDOT will carry the same significance to drivers as a ticket issued by MPD, a law enforcement agency. A ticket issued by DDOT has the potential to be viewed by the public as a less serious offense or viewed as a means to generate revenue rather than to improve traffic safety. Such a view could lead to fewer drivers correcting their behavior or drivers ignoring the ticket altogether.

Given these questions, the Committee believes that a transfer of this significance should have a full vetting through the normal legislative process, rather than being hastily considered during the accelerated budget process. The normal legislative process includes a thorough public hearing that provides the Executive and public witnesses an opportunity to weigh in on the proposal's merits or shortcomings. **Therefore, the Committee reduces (TODV) Traffic Operations and Safety Division by \$5,376,798 and 22.00 FTEs.** The Committee further recommends that this funding, the associated FTEs, and operation of the ATE program remain with MPD.

2. External Affairs Administration

The proposed budget formally creates the External Affairs Administration, which has 17.0 FTEs and a funding level of \$2,683,000. The goal of this Administration is to enhance community engagement and outreach to District residents, and coordinate communication and messaging to the public, media, and other stakeholders. The Administration was first established in FY 2019 to improve Vision Zero coordination efforts, community engagement, public affairs and outreach, and policy formulation. The budgetary resources and FTE authority assigned to the Administration are not new; they are a reallocation of existing resources and staff, primarily from the Office of the Director, Performance Administration, and Project

Delivery Administration. The Committee is pleased to see this Administration formalized and believes it will improve agency responsiveness.

3. *Free Circulator*

Within the Project Delivery Administration, the Mayor's proposed budget increases Circulator funding by \$3,100,000 in one-time funds to eliminate Circulator fares for all riders. In late January 2019, the Mayor announced that the Circulator would be free for the month of February. Until that time, the Circulator had cost one dollar per ride for most riders. After what initially appeared to be a one-month promotion, the Mayor announced that the Circulator would remain free in March and beyond and built the lost farebox revenue into her proposed FY 2020 budget.

The Committee has numerous concerns with this proposal. First, no studies or analyses that led to this decision have been provided to the Committee. Indeed, it is unclear to the Committee that anything more than a superficial analysis was conducted before this decision was reached. The Committee feels that a decision of this magnitude merits a larger discussion, including how it fits in with the District's overall public transit goals, which does not appear to have taken place.

Second, there are lingering questions about how a free Circulator affects other modes of transit in the District, including Capital Bikeshare and WMATA, or what the effects will be for other District businesses, such as Hop-On Hop-Off buses. The Committee has heard anecdotal evidence that some riders are simply using Circulator in lieu of a Metro Bus they otherwise would have ridden. This behavior simply trades one mode of public transit for another and has little net benefit for overall transit use in the District, and could actively harm these other modes of transit, where decreased ridership means they are unable to meet revenue benchmarks needed to maintain current levels of operation.

Third, because of the location of its routes, the free Circulator may also disproportionately benefit tourists and out-of-state users. The Agency has not presented the Committee with any recent data that indicates the percentage of Circulator users who are District residents. But, the latest available data, from a 2015 DDOT ridership survey, indicated that one third of Circulator riders were non-residents. Although the Committee supports enhancing the experience for tourists when they visit the District, this \$3,100,000 could be better spent on initiatives that more directly benefit District residents.

Fourth, it is unclear whether making the Circulator free even achieves the limited stated goals the Executive has laid out to the Committee and in its public messaging of the proposal. The Mayor has stated that one goal of making the Circulator free is to reduce the number of cars on the road. The scant evidence available to date does not indicate that free rides on the Circulator is reducing car usage in any significant way. According to data provided to the Committee by DDOT and reported in the press, February Circulator ridership increased by just .3% over 2018 figures. After DDOT provided the Committee with this data, however, the Mayor released different figures that show ridership in the month of February increased by 6%, conveniently coupled with a public messaging campaign from the Mayor's Office to "Keep Circulator Free." When asked for an explanation for the stark difference between these

statistics, the Executive stated that the earlier, lower ridership numbers were a rough estimate, despite being estimated down to the rider. The Committee is skeptical of this answer, and this “new” data. It is unclear what, if any, information the Agency could have received that would result in this increase in ridership numbers. In turn, because fares are no longer being captured at the farebox, but rather through manual counts recorded en route by drivers, the Committee is hesitant to trust either of these counts as being accurate – and outright concerned by the Executive’s data making a sudden, unexplained jump of 6%, as well as the claimed 20% increase in ridership for March.

Original Numbers Provided by DDOT

Month	Year	Ridership	Percentage Increase
February	2018	326,707	NA
February	2019	327,697	.3%

Revised Numbers Provided by the Mayor’s Office

Month	Year	Ridership	Percentage Increase
February	2018	326,707	NA
February	2019	347,238	6.3%
March	2018	387,278	NA
March	2019	464,627	20.0%

The Agency has admitted to the Committee that, going forward, any ridership counts are, at best, estimates, because requiring drivers to manually keep track of riders opens the door to incorrect or incomplete data. This lack of reliable information underscores the Committee’s point; this is an expensive proposal with little to no evidence to date that it will achieve its stated goals.

Finally, the Committee is concerned that a policy of a free Circulator may not be financially sound in the long-term. This year, the Mayor allocated \$3,100,000 for free Circulator, but that is one-time funding; the Agency provided the Committee with no plan for funding this service in the out years. If the Mayor believes making Circulator free for riders is good policy, it is unclear to the Committee why she would not provide recurring dollars to fund the service. On balance, the Committee feels that this money would be better spent on initiatives that more directly benefit District residents. **Therefore, the Committee recommends reducing CSG 41 for (PD00) Project Delivery Administration by \$3,100,000 in one-time funds.**

4. FTE Profile Realignment

As in past years, the Agency’s proposed FY 2020 budget continues efforts to review its FTE profile, and where appropriate, realign the profile to meet the Agency’s mission and ensure the best use of operating and capital resources. The following are two of the more significant changes that occurred based on the review:

a. Operations Administration Shifts

The proposed budget decreases 15.0 FTEs in the Maintenance Division and increases 15.0 FTEs in the Public Space Regulation Division within the (OA00) Operations Administration. The Agency found that it was more appropriate for public space inspectors to be funded from the operating budget and for maintenance staff to be funded from the capital budget where they charge time related to capital projects.

b. Davis Bacon Division Shifts

The proposed budget removes 2.0 FTEs from the Davis Bacon Division of (AA00) Administrative Administration as a result of a previous error that included them in the operating budget. Because these two Davis Bacon employees are supported by the Highway Trust Fund grant, they are not eligible to be funded by the operating budget. All Davis Bacon staff are now correctly supported through the Audit Compliance federal capital project.

5. Increase in Adult Learner Transit Subsidy

The Committee recognizes a transfer of \$200,000 in recurring funds from the Committee on Facilities and Procurement to the Adult Learner Transit Subsidy program in the Department of Transportation, to increase the monthly subsidy provided to program participants. Currently, the approximately 2,900 monthly participants receive \$50 a month towards the cost of taking transit to and from their adult learning classes in the District. This subsidy has helped thousands of adult learners attend their classes, removing a barrier to attendance. However, \$50 is not enough to pay the daily round-trip cost of even the lowest cost transit. The transferred funding will fund the fiscal impact of the Committee on Transportation and the Environment's proposed subtitle, the "Student, Youth, and Learner Transit Subsidies Amendment Act of 2019," which will increase the monthly subsidy to \$70 per student per month. **Therefore, the Committee accepts \$200,000 in recurring funds from the Committee on Facilities and Procurement and increases (TDDV) Transit Delivery Division by \$200,000 in FY 2020 to fund the increase in student subsidies.**

6. Intra-District Transfer to DPW for DC Streetcar Enforcement

The Mayor's proposed budget includes \$1,000,643 in the contractual services budget for (OD00) Office of the Director that is being sent to DPW for DC Streetcar enforcement. As discussed above in the DPW chapter, DDOT currently pays DPW to enforce parking along the DC Streetcar route. Under a Memorandum of Understanding (MOU), DPW issues citations and tows cars that are parked along the route during the Streetcar's operating hours. DDOT reimburses DPW for these services through an intra-District transfer of funds from the DDOT Enterprise Fund.

Because DPW does not have dedicated funding or FTEs for streetcar enforcement, it provides these services using solely overtime pay, at enormous cost to the District. In a 2018 report, the DC Auditor found that providing the same services without overtime would save the District approximately \$200,000 per year. The Committee believes that it would be a more efficient use of District funds if the intra-District funds were directly appropriated to DPW so that DPW can hire sufficient staff to enforce the streetcar route, rather than relying on

overtime. The Committee, therefore, recommends replacing the intra-District funds provided to DPW from DDOT to do this work with a direct funding to DPW, through recurring local funds, to provide streetcar enforcement services. It is essential that these funds be recurring so that DPW can hire the necessary FTEs.

The Committee recommends decreasing CSG 41 in (OD00) Office of the Director by \$1,000,643 in DDOT Enterprise Fund dollars. The Committee then recommends swapping these Enterprise Fund dollars for recurring local dollars by decreasing (OD00) personal services by \$1,000,643 and moving the \$1,000,643 in DDOT Enterprise Fund dollars to (OD00) personal services to replace this decrease. This is an appropriate use of the Enterprise Fund, which may be used broadly to pay for goods, services, and other purposes. As noted in the Committee's budget chapter on DPW, \$800,643 in recurring local dollars will be transferred from DDOT to DPW to hire new FTEs to do streetcar enforcement, rather than relying on overtime.

7. Increase number of FTEs for Public Space Inspections

The Mayor's proposed budget includes \$8,566,000 and 74.0 FTEs for the Public Space Regulation Division in the Operations Administration, which enforces public space laws and regulations. This Division is responsible for inspecting all work in public space completed under a public space permit to ensure the work is completed by DDOT standards. The Committee has concerns regarding DDOT's efforts to ensure utility companies and their contractors restore a street to the condition it was in before the companies undertook excavation in the public space. According to post-oversight hearing responses, there were 340 citations issued in FY 2017 to utility companies for failing to restore the public space to its original condition. However, that number fell to 153 in FY 2018. In addition, in FY 2018, DDOT public space inspectors found nearly 98% of excavations were restored to their original condition after work by a utility in the public space was completed. The Committee routinely hears from residents who provide information on instances in which contractors failed to restore the public space to its original condition, often at the expense of cyclists and pedestrians in the form of unrestored bike lanes and unpainted crosswalks. The Committee believes that this high compliance number is not a result of utility companies restoring the public space to its original condition 98% of the time, but rather that DDOT public space inspectors are spread too thin to enforce the public space utility work requirements as strictly as they should be. The Committee believes the volume of new construction sites in the District has left DDOT's public space inspectors short-handed. The staff is overburdened attempting to keep up with the number of sites they must visit on a daily basis. **Therefore, the Committee recommends increasing (PRDV) Public Space Regulation Division in (OA00) Operations Administration by \$360,000 and 3.0 FTEs to increase the quantity of public space inspections and improve the quality of public space inspections.**

8. Scooter Parking Pilot

Since the launch of DDOT's Dockless Demonstration Project for dockless scooters and bicycles in 2017, the Committee has routinely heard complaints about scooters being left in inconvenient locations, such as in pedestrian walkways, handicap parking spaces, or on private property. To address the same issue, the county of Arlington, Virginia, recently began

creating street parking spaces for scooters and bikes only. The Committee believes it would be beneficial to bring this same idea to the District as it applies to dockless scooters (legally known as personal mobility devices). The Committee recommends the inclusion of a new Budget Support Act subtitle that would create of a Scooter Parking Pilot, which would require DDOT to establish parking spaces exclusively for use by personal mobility devices. Under the pilot, DDOT would create at least one such parking spot per Business Improvement District (BID). The Committee does not intend to require personal mobility device users to park in a designated parking place; however, the Committee believes that if such spots are available, personal mobility device users will use them. **Therefore, in line with the Budget Support Act subtitle included later in this report, the Committee recommends increasing (PSDV) Planning and Sustainability by \$78,000 and 1.0 FTEs in FY 2020 and by \$20,000 in FY 2021, and increasing (PSDV) Planning and Sustainability by \$17,000 in one-time funds for DDOT to create a scooter parking pilot.**

9. Congestion Pricing Study

Traffic in the District is a constant inconvenience for District residents, and with the likely proliferation of Autonomous Vehicles (AVs) in the future, the Committee fears that the issue of excessive traffic may become even more pronounced. In order to combat this issue, other jurisdictions, such as New York City, have begun to study congestion pricing. Congestion pricing is a planned traffic congestion fee charged to vehicles travelling into or within a predetermined area. The Committee believes the District could potentially benefit from congestion pricing and that a comprehensive study of the congestion pricing options available to the District and their potential effects is warranted. The study should evaluate intra-District congestion pricing options as well as travel into the District via the District's bridges. Specifically, the study should evaluate and plan for the tolling of the roads into the District consistent with the tolling of those same roads by Virginia. The study should also include an analysis of different pricing strategies and how they would be compatible with the introduction of automated vehicles. The study should analyze equity broadly across characteristics, including demographics, District residents/non-residents, geographic areas, and income levels. In addition, the study should evaluate the potential for regional collaboration and its benefits as well as the potential to raise revenue. **Therefore, the Committee recommends increasing (PD00) Project Delivery Administration by \$475,000 in one-time funds to require DDOT to conduct a study to analyze the potential benefits of implementing congestion pricing for travel within and into the District.**

10. Parking Space Abatement Fund

Since the FY 2015 budget, the Committee has allocated between \$100,000 and \$120,000 a year towards the parking abatement fund. The purpose of this fund is to pay DDOT for forgone meter revenue when an event in the public space takes up metered parking spaces, such as a when the Georgetown BID widens sidewalks for pedestrian convenience. This year, rather than require the Committee to designate DDOT money to go towards lost meter revenue, DDOT instead adjusted its projected meter revenue down by \$100,000 to take into account community events that may cause forgone meter revenue. This way, DDOT is no longer in effect paying itself for lost revenue, but rather is simply projecting less revenue

coming in. The Committee supports these efforts to simplify and improve efficiency of accounting for parking meter revenue.

11. Repeat Parking Violations Amendment Act of 2017

The Committee has received many complaints from District residents about cars that accumulate large numbers of tickets yet continue to park illegally, in both residential and commercial areas. In some cases, these cars hold parking spots overnight or during rush hour, when parking is prohibited, for other vehicles engaged in commercial activity. On social media, residents have identified cars that have accumulated thousands—sometimes tens of thousands—of dollars in moving and non-moving citations, and there appears to be no consequence. In response, the Council approved the Repeat Parking Violations Amendment Act of 2017. The Repeat Parking Violations Act prohibits the Department of Motor Vehicles from dismissing parking citations merely because of mismatched vehicle tag or make and model information; requires the Mayor to file a copy of a parking citation with the Department of Consumer and Regulatory Affairs (DCRA) when a citation is issued to a vehicles required to display a Mobile Roadway Vending permit; and authorizes the Mayor to create Repeat Parking Violation Pilot Zones where there is a pattern of repeated parking violations by individual cars. In the Pilot Zones, when a vehicle is issued a third citation for the same violation, the fine triples, and when the vehicles is issued a fourth citation, the fine quadruples. **The Committee accepts \$8,000 in one-time funds from the Committee on the Judiciary and Public Safety, and increases (PGDV) Parking and Ground Transportation Division in (OA00) Operations Administration by \$8,000 for DDOT to make signs for Pilot Zones.** The Committee understands that the Committee of the Whole will be allocating funding for DCRA to fund the additional \$10,000 in recurring costs to fully implement the Act.

12. Safe Routes Program Specialist

The recent deaths of pedestrians and bicyclists are a reminder to the Council of the danger residents face when traveling safely though our city. Our students, many of whom are in Wards 7 and 8, have to ride multiple buses and then walk long distances from a drop-off spot when commuting to and from school. These students are particularly vulnerable to the dangers of reckless drivers and poorly designed infrastructure. The Committee believes these students would benefit from a Safe Routes Program Specialist to coordinate with schools and communities to plan safe routes for all modes of travel, including evaluating drop-off zones, sidewalks and bike lanes from transit stops, lighting, signals, crosswalks, bike parking, and other upgrades for providing safe passage for students, staff, and visitors. **Therefore, the Committee accepts \$100,149 in recurring funds from the Committee on Education, and increases (PSDV) Planning and Sustainability in (PD00) Project Delivery Administration by 100,149 and 1.0 FTE to fund a Program Specialist.**

CAPITAL BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 – FY 2025 capital budget request for DDOT is \$1,779,993,000. This represents an increase of \$108,359,000 in allotments from the FY 2019 – FY 2024 approved level. The Mayor's proposed local capital budget request includes an allotment of \$443,037,000 in FY 2020.

Alleys, Sidewalks, and Local Paving

In FY 2020, the proposed capital budget includes \$18,201,000 for alley rehabilitation, reconstruction, and maintenance for the District's 350 linear miles of alley assets; \$20,000,000 for sidewalk rehabilitation, reconstruction, and maintenance for the District's 1,494 miles of sidewalk assets; and \$4,403,000 per ward for local street preservation, maintenance, and repair for the District's 580 local roadway miles. The Agency plans to eliminate all alleys and sidewalks in "poor" condition by 2024, and nearly all local streets in "poor" condition by 2025.

DDOT spent \$17,200,000 resurfacing and improving 10.03 miles of alleys in FY 2018. The condition of the District's alleys breaks down as follows: Excellent (53.43%); Good (13.70%); Fair (11.23%); and Poor (21.64%).

DDOT spent \$15,100,000 resurfacing and improving 18.75 miles of sidewalk in FY 2018. The condition of the District's sidewalks breaks down as follows: Excellent (56%); Good (32%); Fair (11%); Poor (1%).

DDOT spent \$24,600,000 resurfacing and improving 19.37 miles of local streets in FY 2018. The condition of the District's local streets breaks down as follows: Excellent (17.11%); Good (22.90%); Fair (27.69%); and Poor (32.30%).

The Committee is pleased with the progress DDOT has made in improving the District's alleys and sidewalks. But, DDOT has struggled significantly in maintaining and improving the District's streets. For the past two years, DDOT has made the same promise for local streets as it has for alleys and sidewalks, to have all in poor condition eliminated by 2024. This year, DDOT has revised its promise from eliminating all local streets in poor condition by 2024 to eliminating "nearly" all streets in poor condition by 2025. The Agency has explained that this revision is largely due to the fact that it lost forty-five full paving days to rain in 2018.

The Committee understands that an especially rainy 2018 set DDOT back, but even so, the Agency did not even maintain, let alone reduce, the number of local streets in poor condition. The number of local streets in poor condition rose from 29% in 2018 to 32% in 2019. In addition, DDOT has not provided the Committee with a plan to address paving days lost if 2019 is particularly rainy. The Committee is also concerned with the quality of work done by the District's contractors, both proactive maintenance and repaving work, and recommends that DDOT update its policies and procedures on proactive inspection of street condition before a road is in need of repaving and on the work done by contractors after a road has been repaved, both of which are discussed in more detail in the "Policy Recommendations" section below.

The Committee also stresses the importance of a transparent paving schedule. Last year, DDOT began sending out weekly updates on its upcoming paving schedule and using its PaveDC website to map where it has paved, is paving, and intends to pave. Although the Committee appreciates these efforts toward improving communication and transparency with the community, residents have often alerted the Committee to errors on the PaveDC website,

which sometimes shows inaccurate or outdated data. The accuracy of this service is important for residents to track where they should expect street closures and to know when their street is slated to be repaved. The Agency has explained that, on occasion, inaccuracies arise when a utility company is repairing a road after doing work, which the PaveDC website does not always capture since it is separate from DDOT's planned seasonal paving or may have sprung up as an emergency utility cut and repair. The Committee urges DDOT to improve the accuracy of the PaveDC website to include utility work to the greatest extent possible.

Routine Maintenance Projects

As in past years, the proposed capital budget includes projects for routine maintenance on District infrastructure. These projects include items such as bridge upkeep and funding of restoration materials. The bridge maintenance project helps ensure safe and efficient use of the District's 232 bridges and structures by funding activities that extend the useful life of the District's bridges, including joint replacement and sealing, surface rehabilitation, and localized reconstruction, as well as the DDOT labor required to perform the work. The restoration materials project supports the rehabilitation and reconstruction of streets, alleys, and sidewalks through the acquisition of material, including, but not limited to, asphalt, concrete, and brick. The proposed capital budget allocates \$1,325,000 in each fiscal year in the Capital Improvement Plan (CIP) for Bridge Maintenance. The budget also allocates \$800,000 in each fiscal year in the CIP for Restoration Materials.

The Committee appreciates the Mayor's efforts to normalize funding in the routine maintenance projects. In past years, the Committee has recommended that the Mayor work to propose maintenance projects in her capital budget with steady funding in the out-years. The Committee would often work to normalize the funding levels in its budget report by looking at average annual spending, recent-year trends, specific spend plans provided by the Agency, encumbrances and pre-encumbrances, reprogrammings, and Agency responses to the Committee's questions. This year, the Committee has had to do only minimal shifting to normalize funding for maintenance projects as the proposed budget already provides for normalized funding in the out-years.

Streetscapes and Beautification

The proposed capital budget allocates \$61,754,000 in FY 2020 for projects with a primary focus on streetscape improvements. These improvements include vehicular, pedestrian, and bicycle safety improvements and beautification efforts such as green space, lighting, and signage. The projects funded in the proposed budget include, to name a few, \$35,000,000 for the redevelopment of the Florida Avenue NE and New York Avenue NE intersection; \$34,248,000 for the New York Avenue Streetscape and Trail Project; and \$26,579,000 for Ward Eight Streetscapes, such as the Martin Luther King, Jr., Avenue SE project.

The proposed capital budget allocates \$35,000,000 toward the redevelopment of the Florida Avenue NE and New York Avenue NE intersection. Redesigning this intersection, informally known as Dave Thomas Circle due to the Wendy's restaurant located within the intersection, will help further the District's Vision Zero goals. Dave Thomas Circle had the most

crashes of any intersection in the District between 2015 and 2017, affecting pedestrians, cyclists, and vehicle occupants. The intersection is prone to significant vehicle backups and disorientation and is difficult to navigate by foot or bicycle. Although the Agency is still in the process of preparing its redesign of the intersection, it intends to use some of these funds to purchase the Wendy's in the middle of the intersection, an investment the Committee supports, as the restaurant's parking lot and drive-through contribute significantly to the confusion at the intersection. The Committee supports this important investment in safety and mobility at an intersection that serves as one of the major entryways to the District.

This project also covers the major streetscape and drainage work to be done along Connecticut Avenue NW in Cleveland Park. That project will occur over three phases. The first phase—the installation of increased drainage capacity under Connecticut Avenue—is already fully funded from this project. Designs for phases II and III will flow from the work being done on Phase I and will begin once construction begins on Phase I, late in 2020. Both at the budget hearing and in correspondence with the Committee, the Agency Director has confirmed that the full design and construction costs of Phase II and Phase III will come from this project and will be fully covered once those costs are known. As such, no further budget is required from the Committee to ensure that this project moves apace.

The proposed capital budget allocates \$1,000,000 towards the Tenley Plaza project in FY 2024. In 2013, the Washington Area Metropolitan Transit Authority (WMATA), in coordination with DDOT, began a study of the Tenleytown-AU Metrorail station with the goal of enhancing public space, improving pedestrian and bicycle safety, upgrading transit user waiting areas and amenities, providing adequate space for bus operations and layovers, and improving the alignment of nearby intersections to decrease the number of auto – pedestrian conflicts. Over a three-year period, WMATA developed a number of alternative plans. In December 2016, WMATA issued the Tenleytown-AU station Access Study - Phase II, which lays out recommendations on how reconstructions could be done. DDOT is currently scoping the next phase of design and conducting environmental compliance for the project. DDOT is also planning to enter into additional discussions with WMATA regarding the ownership of the Fort Drive right-of-way. DDOT anticipates completing the scope of the project, hiring a consultant team, and beginning outreach by the end of FY 2019. The Committee supports the funding for this project.

The proposed capital budget also allocates \$11,000,000 towards the Van Ness Commercial Corridor and LID project. This project is a collaborative effort between ANC 3F, the Van Ness Main Street, and the Office of Planning to develop a Commercial Action Strategy and Green Infrastructure Plan for the commercial corridor that would mitigate the flooding episodes common in Van Ness by constructing green infrastructure along the streetscape. The previously funded study on the project proposes permeable paving, planting zones for trees and ground level plantings, and infiltration areas. Investing the funds necessary to implement the solutions outlined in the previous study and the Office of Planning's proposals will activate the Van Ness area and ultimately increase tax revenue. The Committee supports the funding of this project.

Capital Bikeshare

The proposed budget allocates \$2,217,000 in FY 2020 and \$1,500,000 in each fiscal year from FY 2021-FY 2025 to support the maintenance, operations, and expansion of the Capital Bikeshare Program. The District currently operates 290 Capital Bikeshare stations and over 2,000 bicycles. This project will fund DDOT's efforts to add eighteen new stations to the system in FY 2020 and increase the number of bicycles in the fleet by approximately 300 units. The funds will also be used to replace the bicycles that have exceeded their useful life. DDOT has not released the specifics of where it intends to locate the eighteen new stations, but the Committee is supportive of Capital Bikeshare expansion and the efforts to replace outdated units in the fleet. Capital Bikeshare is an essential sustainable mode of transportation for the more than 20,000 District residents who use it regularly.

The Agency has exhausted the expansion guidelines of the Capital Bikeshare Development Plan and is working to update the plan. DDOT has selected a vendor through an RFP and is now finalizing the scope and costs proposals, with the hope that the plan will be completed within six months of the Notice to Proceed. The plan is essential as it will serve as a roadmap for DDOT to expand Capital Bikeshare taking into account new transportation technology in the District, such as dockless bicycles and scooters. The updated plan will also evaluate whether Capital Bikeshare would serve the community better if transitioned to a dockless platform and whether the membership-based subscription model makes sense given the rise of "a la carte" payment for transportation methods used by ride-hailing apps.

Circulator

The proposed capital budget allocates \$42,023,000 in FY 2020 and \$71,568,000 over the CIP to replace aging Circulator buses, improve District bus stops, acquire and build a bus garage location, and build the infrastructure necessary for a new Circulator route in Ward 7. At the Committee's budget oversight hearing, Director Marootian testified that DDOT is still evaluating where the new Ward 7 Circulator route will go, but DDOT anticipates that the route will begin at Eastern Market, pass through Penn Branch, and end at Skyland. The Committee is supportive of these funds and the expansion of Circulator to Ward 7 but would like to see Circulator expanded even more.

Circulator has, depending on the time of year, between 200,000 and 350,000 users a month, and is an essential transportation option for many District residents. Communities in the District often contact the Committee asking for the expansion of Circulator to locations near them. Given that there are currently six routes in the Circulator system, and no routes go further north than Mount Pleasant, there is ample room in the District to expand the service. In 2017, DDOT released a DC Circulator Transit Development Plan, which included changes and expansions of current routes. For instance, the plan recommended the extension of the Rosslyn-Dupont Circulator route to U Street. According to the Plan, this could be accomplished with the acquisition of six additional buses and additional maintenance space. At this time, the Committee is not formally endorsing the expansion of any specific route over another but encourages DDOT to review its 2017 plan to evaluate the present costs to expanding the Circulator service.

K Street Transitway

The proposed capital budget allocates \$326,000 in FY 2020 and \$122,134,000 over the six-year CIP to fund the K Street Transitway Project. The project was originally studied in 2005 with a federal assessment in 2009. At that time, the District decided not to go forward with the project. This year, the Mayor announced her intention to fund updated studies of the project and its construction over the next six years, with an anticipated closeout of December 2025. The capital project encompasses planning, design, and construction of the transitway.



The K Street Transitway will be a dedicated transitway for buses on a reconfigured K Street NW between 9th Street and 21st Street NW to have two center-running dedicated transit lanes and two to three lanes in each direction for general traffic. The configuration of the transitway will be built as to not exclude potential future expansion of Streetcar to Georgetown via K Street. The east-west corridor between Union Station and Georgetown includes some of the most highly developed, heavily traveled areas in the District. However, existing transit operations face problems of congestion, low speeds, and insufficient capacity. Transit improvements are needed to support existing and future land uses and enhance connectivity of major destinations. The project will improve bus speeds, reliability, and efficiency in the District's downtown area. Although DDOT is only beginning to study the project, the most recent projections estimate buses will travel through the area 30% faster than under the current configuration. In addition, DDOT has stated in its responses to the Committee's inquiries that it plans to replace every tree removed during the project and that it plans to include a bike lane as part of the project. The Committee views the project as essential to speed up transit travel times, especially during rush hour, and make bus service more desirable for residents and commuters in and around the downtown area. The Committee strongly supports the K Street Transitway project.

Streetcar

The proposed capital budget allocates \$51,318,000 in FY 2020 and \$188,139,000 over the six-year CIP to fund the Streetcar extension to Benning Road and related projects. In addition to the Benning Road extension, the proposed budget also funds: environmental analysis, design, land acquisition, and construction of a new storage and maintenance facility; streetscape improvements, including bicycle and pedestrian infrastructure along the four-mile corridor; and procurement of additional vehicles for the extended route. The proposed budget does not allocate any funding to the expansion of the Streetcar line beyond the current system and the Benning Road extension. No funds have been proposed for the Georgetown streetcar extension. But, as discussed above, the K Street Transitway project will be built as to not exclude the potential expansion of Streetcar to Georgetown in the future.

Streetcar is a heavily used transit option for District residents and visitors. For the month of February 2019, the existing Streetcar line, which goes from Union Station to Oklahoma Avenue, saw nearly 100,000 riders with an average of 3,500 riders a day during the week. In past years, monthly ridership numbers have risen to 115,000 during the summer.

The Benning Road extension is an important and welcome addition to Streetcar. Due to high ridership among buses and traffic congestion along the streetcar corridor, average bus speeds during peak hours are as low as 3.5 miles per hour. This additional surface transit capacity will improve access for underserved transit markets and has the potential to significantly decrease the amount of time required to travel through the corridor by removing cars and bringing the number of bus riders to a more manageable amount. The Committee supports the funding to extend the Streetcar to Benning Road.

Safety and Mobility

The proposed capital budget allocates \$16,960,000 in FY 2020 and \$62,684,000 over the six-year CIP for projects that have a primary focus of improving safety and efficiency of the District's transportation system. Most of these projects are pedestrian and cyclist focused with an aim to achieve the District's Vision Zero goals of zero fatalities and serious injuries to travelers of the District's transportation system. Subprojects of this master capital project include: the Crosstown Bicycle Lane, the Arboretum Bridge and Trail, and street sign improvements.

Although the Committee is pleased with this investment in safety for the District's most vulnerable road users, there are lingering concerns about the capital funding in the years beyond FY 2020. Each year the funds allocated shrink, from \$14,809,000 in FY 2021 down to \$5,538,000 in FY 2025. Given the District's ambitious efforts to increase bike lanes and revamp intersections to help meet our Vision Zero goals, the Committee believes the funding should be increasing each year, not decreasing. The Committee does not have the available funding to increase the funds allocated in each year but urges DDOT to increase its investment in the Safety and Mobility Capital project in the years beyond FY 2020.

The District has a dire need to create a two-directional north-south bike lane in order to accommodate the growth in District neighborhoods, maintain safety, and become a more sustainable city. The neighborhoods at the north end of downtown, including U Street NW and Shaw, have seen an increase in bike commuting trips in recent years. Although there are multiple east-west dedicated bicycle facilities traversing the areas in and around downtown, only 15th Street NW provides contiguous north-south protected facilities in the city core. This leads to a large downtown north-south gap in the protected bike facility network between the Metropolitan Branch Trail and 15th Street NW. For these reasons, DDOT commissioned the Eastern Downtown Protected Bike Lane study. The purpose of the project is to fill in the north-south bike lane gap by developing the final design for a new protected bike lane that will connect central DC neighborhoods to downtown, as well as existing east-west bicycle facilities.

The Eastern Downtown Protected Bike Lane study has been completed and as of February 2017 both options for the bike lane, 6th and 9th Street, are at 30% design. The community has been waiting for over two years for DDOT to make a decision between the two options so that design can be finished, and improvements started. The Committee urges DDOT to make a decision and proceed with the project. The Committee has allocated \$300,000 from the Safety and Mobility Capital Project to fund the completion of the design for whichever street DDOT decides to build the protected bike lane.

H Street Bridge

The H Street Bridge capital project has been planned by DDOT since 2016. The project has been slow moving since its onset. To date, only \$2,900,000 of the over \$9,000,000 allotted to the project has been spent. The proposed budget funds the full replacement of the H Street Bridge at a cost of \$211,204,000 over the six-year CIP. The bridge, which spans over 1st Street NE, WMATA tracks, Amtrak tracks, and 2nd Street NE at Union Station, is of the utmost importance for improved multi-modal offerings and economic development. The completed bridge will enable Amtrak to increase its capabilities, incorporate the Streetcar line, and provide for future development at Union Station. The Committee urges DDOT to begin work on the project immediately in order to meet its planned close-out date of November 30, 2024.

The Committee recommends adoption of the Mayor's proposed FY 2020 – FY 2025 capital budget, with the following changes:

1. *Reduce (LMLIG) Streetlight Management by \$1,500,000 in each year from FY 2020 to FY 2025*

This master project supports the rehabilitation, replacement, and expansion of the District's streetlight portfolio. The project also covers the local portion of personnel costs associated with the streetlight team at the Agency, pole painting costs, and the recovery of certain indirect costs. Currently, the District's network of 75,000 streetlights are in poor condition. In fact, just last month the Council heard from a resident who was almost hurt by a falling streetlight pole. The agency has long-sought to address the failing system with a public-private partnership (P3). The Committee is enthusiastic that the P3 can deliver to the District a modern and reliable streetlight network.

Once the project is complete, the District will have the ability to remotely monitor and dim streetlights. If residents decide their streetlights are too bright, DDOT can dim them to more appropriate neighborhood levels, with the ability to make those changes based on the time of night. In addition, rather than relying on the current system of 311 requests to determine when a streetlight has malfunctioned, the contractor will be notified before the light even goes out, allowing them to make repairs before a loss of service and making the whole system seamless from the public's perspective. Moreover, the Agency can use the new poles to deploy wireless access points that will expand the District broadband Wi-Fi network.

The benefits of a P3 are that the new system can be completed much faster than would be possible via traditional procurement and it aligns incentives with performance. Under a P3, the District will enter into a long-term, performance-based contract with a private developer to finance, design, install, and provide asset management of the entire streetlight network. This will bring under one contract activities that had previously been managed under no fewer than five contracts, all with different renewal periods. Moreover, the new system will entirely LED, producing an estimated annual energy savings between \$3,000,000 and \$4,000,000. And, given that the contract is performance-based, the District only pays the full costs if the system operates at certain benchmark levels. This structure incentivizes the private sector to innovate and find efficiencies, lowering overall project costs.

The proposed budget provides \$12,700,000 a year for the streetlight project. As noted, although the project does include certain other labor and indirect costs, the bulk of that money is for payments on the P3 contract. Current projections suggest an overall cost, conservatively, of \$293,600,000. That cost will be split between the federal government (58%) and the District (42%). Over a fifteen-year contract period, that requires an annual budget of \$8,220,000 per year. The current allocation, however, involves an annual payment of \$9,552,378. This suggests an overbudgeting of \$1,332,378. Moreover, although the project has previously funded 6.0 FTEs at \$926,000, the current allocation includes \$1,200,000 for DDOT labor. On balance, this suggests that the project is overfunded by approximately \$1,500,000. Although the Committee understands that this budget is speculative until the final bids have been received and the contract awarded, this amount is sufficient for current planning purposes. Should the bids come in higher, the Committee can revisit in subsequent CIPs funding for the out-years. And, in any event, the P3 contract will not likely be awarded until midway through Fiscal Year 2020 at the earliest. The Committee is committed to funding the P3 at necessary levels, but current calculations suggest that this project is currently overfunded. Accordingly, the Committee recommends reducing the funding in (LMLIG) Streetlight Management for each of FY 2020 through FY 2025 from \$12,700,000 to \$11,200,000.

2. *Increase (ED0D5) 11th Street Bridge Park by \$5,000,000 in FY 2023, \$15,343,000 in FY 2024, and \$10,000,000 in FY 2025*

The FY 2020 proposed capital budget allocates \$4,557,000 for the design of the 11th Street Bridge Park. This project will transform the aged, unused span of the 11th Street Bridge into a signature, elevated park for the District. The park will span the Anacostia River, linking Anacostia with Navy Yard. Preliminary plans include bike and pedestrian trails, outdoor performance spaces, play areas, gardens, and a dock to launch boats and kayaks. Allocated

funds for the project will not be awarded or disbursed to any entity for construction until at least 50 percent of the total projected project construction costs have been raised by private donors. To date, 11th Street Bridge Park fundraisers have secured nearly \$80,000,000, about 40% of what is required. In addition, the fundraisers have announced a \$5,000,000 naming opportunity to raise additional funding.



Fundraisers have stated that the number one question they receive from potential donors is if the District has allocated significant funding to the project, as potential donors view that as key to the project's success. The Committee supports the bridge park and recommends increasing (EDOD5) 11th Street Bridge Park by \$5,000,000 in FY 2023, \$15,343,000 in FY 2024, and \$10,000,000 in FY 2025, to ensure the District is contributing its share to this important project for the community.

- 3. Accept \$444,400 from the Committee on Facilities and Procurement and Allocate \$444,400 in FY 2020 to (LMBSS) Streetscapes and Beautification for the African-American Civil War Museum and Memorial Streetscape Project*

The streetscape property of 1900 Vermont Avenue NW is currently planned to undergo streetscape improvements in order to visually connect the African American Civil War Museum to the African American Civil War Memorial across Vermont Avenue NW, as well as curb extension and improvements to pick-up and drop-off for groups at the Museum. The Committee, therefore, accepts \$444,000 in Fiscal Year 2020 Local GO Bond capital funds from the Committee on Facilities and Procurement, and allocates \$444,400 in FY 2020 to (LMBSS) Streetscapes and Beautification for the design and construction of the African American Civil War Museum and Memorial Streetscape project

4. *Accept \$130,000 from the Committee on Human Services and Allocates \$130,000 to (LMSAF) Safety & Mobility in FY 2020 for Rectangular Rapid Flashing Beacons*

The intersection of Irving Street and Hyatt Place, NW, is directly adjacent to the Columbia Heights Metro, one of the heaviest-trafficked pedestrian areas in the District. Currently, there is an unsignalized pedestrian crossing traversing Irving Street that is used by residents of large multifamily and permanent supportive housing buildings, as well as DCUSA shoppers. In addition, an unsignalized crossing traversing Georgia Avenue, NW, along Girard Street, connects the Howard University campus with businesses on the west side of Georgia Avenue. Rectangular Rapid Flashing Beacons at both crossings will help ensure pedestrian safety and maintain consistency with recently installed safety improvements on Georgia Avenue and Irving Streets, respectively. The Committee, therefore, accepts \$130,000 in GO Bond capital funds from the Committee on Human Services, and allocates \$130,000 to (LMSAF) Safety & Mobility in FY 2020 for the installation of Rectangular Rapid Flashing Beacons at two intersections: one at Irving Street, NW, where it intersects with Hyatt Place, NW; and the second at Georgia Avenue, NW, where it intersects with Girard Street, NW.

5. *Accept \$1,000,000 from the Committee on Finance and Revenue and Allocates \$1,000,000 to (LMBSS) Streetscapes and Beautification for New York Avenue Medians*

In 2010, DDOT partnered with the arts and business communities in and around downtown to create a plan for beautifying four blocks of New York Avenue medians from 13th Street to Mount Vernon Square. However, only the 1200 block was completed. The Committee supports the Downtown Business Improvement District's efforts to partner with the National Museum of the Women in the Arts and the adjacent property owners to fund the public art for the new three blocks to complete what was started in 2010 as part of the New York Avenue Streetscapes project. Therefore, the Committee accepts \$1,000,000 from the Committee on Finance and Revenue and Allocates \$1,000,000 to (LMBSS) Streetscapes and Beautification to complete the plan by constructing irrigation and lighting in the medians that are necessary infrastructure for new landscaping and art installation.

POLICY RECOMMENDATIONS

The Committee recommends that the Agency adopt the following policy changes:

1. *Increase Protected Bike Lane Construction and Maintenance*

The proposed capital budget allocates \$16,960,000 in FY 2020 for Safety & Mobility projects, which includes support for expanding bicycle lanes and infrastructure, such as \$1,215,987 for the Crosstown Bicycle Lane project. The Committee applauds DDOT's progress in expanding bike lanes across the city over the past decade but recognizes that there is still much progress to be made and that many of the District's bike lanes are not protected. Protected bike lanes are essential to the safety of cyclists and to increasing the number of cyclists in the District; if people feel unsafe riding in the District, they will not do it.

Cyclists are equally entitled to use the road as drivers, and a protected lane keeps cars from infringing on the cyclist's portion of the road, not just while driving but while parking as well. Protected bike lanes also protect pedestrians, who will then use sidewalks without competitions from bikes and scooters. Additional protected bike lanes will require DDOT to improve their reaction time to fix damaged or downed separators that pose risks to cyclists in the bike lane. Just last year, the Committee heard from a cyclist who hit a downed lane separator, severely injuring himself. He reported the issue to 311 and reached out to the Committee, who in turn notified DDOT. Despite this, it still took DDOT over three weeks to get the lane cleared and the separators fixed. From what the Committee routinely hears from cyclists, that repair happened much quicker than most. The Committee urges DDOT to increase its construction of protected bike lanes and to improve its maintenance of those lanes.

2. Review Recent Allegations Regarding DC Circulator Contractor

At the DDOT budget oversight hearing, Circulator drivers and supervisors raised questions regarding potential contract violations and issues they had encountered in dealing with RATPDev, the company the District has contracted with to manage and operate the Circulator. The Committee is not in a position to judge the allegations to determine whether they have merit. However, in the past, the District had issues with the previous Circulator operator, First Transit. In 2016, an independent audit revealed significant safety defects, including malfunctioning brakes, on 95% of the 70 buses in the Circulator fleet. The Committee recommends that DDOT review the recent allegations made by Circulator drivers and supervisors to determine whether they are merited and take a more active role in supervising RATPDev and its role in managing the Circulator contract. These issues may underscore the Committee's belief that Circulator should be brought in-house and run by DDOT rather than a private contractor. Currently, the ENO Institute is conducting a study on the issue and the Committee looks forwards to that report by the end of the summer.

3. Increase Proactive Inspection and Maintenance of Road Conditions

Currently, when formulating the annual paving plan and determining which potholes to fill, DDOT relies heavily on 311 requests made by residents. Although the Committee recognizes the utility of the 311 system for locating potholes and other road defects, it often seems that the 311 system is the only way DDOT becomes aware of road defects. Additionally, some areas of the District do not use 311 to the same extent as others, and therefore, get reduced service. Ideally, DDOT should be proactively inspecting road conditions across the District, so that it is aware a pothole is beginning to form even before District residents have been inconvenienced by it, leading them to dial 311. This way, DDOT could have the crack filled or repaired before it becomes a more expensive pothole or other road defect. The Committee urges DDOT to increase its proactive inspection of city streets to prevent defects before they become a nuisance to residents.

4. Increase Outreach Regarding Road and Sidewalk Maintenance Plans

As discussed above, last year DDOT launched its PaveDC website, a tool for residents and businesses to see real time data of where the Agency plans to pave over the course of the paving season. The

Committee applauds DDOT for creating the website and appreciates its intuitive interface for users. However, the Committee recommends DDOT expand its promotion of the site. Though understandable given the site's recent creation, the Committee often hears from residents who did not know the site exists. It would be beneficial to the community if DDOT sent information on the site to community listservs and through other means of community engagement. In addition, one question often asked by residents that is not included on the PaveDC website is the start and end dates of the paving season. The Committee recommends DDOT include this information on the website as well as distribute information on the website on community listservs and through other means of community engagement.

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D. DEPARTMENT OF MOTOR VEHICLES (KV)

FY 2020 Operating Budget, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Local Funds	30,373,427	33,852,777	923,572	34,776,349	14.5%
Intra-District Funds	6,206,972	35,000	0	35,000	-99.4%
Special Purpose Revenue Funds	10,080,452	9,955,114	0	9,955,114	-1.2%
GROSS FUNDS	46,660,851	43,842,891	923,572	44,766,463	-4.1%

FY 2020 Full-Time Equivalents, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Local Funds	213.0	226.0	4.0	230.0	8.0%
Intra-District Funds	14.0	0.0	0.0	0.0	-100.0%
Special Purpose Revenue Funds	39.0	39.0	0.0	39.0	0.0%
GROSS FTES	266.0	265.0	4.0	269.0	1.1%

FY 2020 Operating Budget, By CSG (Gross Funds)

Comptroller Source Group	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
11 - Regular Pay - Cont Full Time	17,334,611	17,867,253	160,232	18,027,485	4.0%
12 - Regular Pay - Other	528,777	215,280	0	215,280	-59.3%
13 - Additional Gross Pay	105,726	112,308	0	112,308	6.2%
14 - Fringe Benefits - Curr Personnel	4,606,518	4,641,247	41,340	4,682,587	1.7%
15 - Overtime Pay	100,000	100,000	25,000	125,000	25.0%
Personal Services (PS)	22,675,632	22,936,088	226,572	23,162,660	2.1%
20 - Supplies and Materials	465,352	396,146	0	396,146	-14.9%
30 - Energy, Comm. and Bldg Rentals	261,585	257,647	0	257,647	-1.5%
31 - Telephone, Telegraph, Telegram, Etc.	350,061	359,956	0	359,956	2.8%
34 - Security Services	1,814,887	1,608,353	0	1,608,353	-11.4%
35 - Occupancy Fixed Costs	947,185	845,148	0	845,148	-10.8%
40 - Other Services and Charges	5,861,662	5,951,862	0	5,951,862	1.5%
41 - Contractual Services - Other	13,791,486	11,041,691	697,000	11,738,691	-14.9%
50 - Subsidies and Transfers	92,000	0	0	0	-100.0%
70 - Equipment & Equipment Rental	401,000	446,000	0	446,000	11.2%
Nonpersonal Services (NPS)	23,985,218	20,906,803	697,000	21,603,803	-9.9%
GROSS FUNDS	46,660,850	43,842,891	923,572	44,766,463	-4.1%

FY 2020 Operating Budget, By Program (Gross Funds)						
Code	Agency Program	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
1000	Agency Management	7,332,923	7,352,545	0	7,352,545	0.3%
100F	Agency Financial Operations	692,289	679,245	0	679,245	-1.9%
2000	Adjudication Services Program	16,079,738	12,875,152	0	12,875,152	-19.9%
3000	Vehicle Services Program	9,473,116	9,604,842	1,076,572	10,681,414	12.8%
4000	Driver Services Program	8,654,361	8,631,983	47,000	8,678,983	0.3%
8000	Technology Services Program	4,428,425	4,699,124	(200,000)	4,499,124	1.6%
GROSS FUNDS		46,660,852	43,842,891	923,572	44,766,463	-4.1%

AGENCY OVERVIEW

The mission of the Department of Motor Vehicles (DMV) is to promote the safe operation of motor vehicles and public safety while providing outstanding customer service. The DMV executes its duties through the work of six divisions: **Adjudication Services**, which provides ticket processing, notices, and hearing and hearing support services to residents and non-residents, in order to render legally sound decisions on parking, photo, and moving violations, and to ensure proper processing of violation and penalty payments for those infractions; **Vehicle Services**, which provides certification and inspection services to residents, businesses, and government entities so that they may legally park, drive, and sell their vehicles in the District of Columbia; **Driver Services**, which provides driver certification and identification services to residents to ensure they have the proper credentials to reflect their identity, residence, and driving qualifications so that they may legally operate their vehicles; **Technology Services**, which provides integrated and reliable information systems for all DMV services and complies with District-wide technology standards and requirements; **Agency Management**, which provides for administrative support and the required tools to achieve operational and programmatic results; and **Agency Financial Operations**, which provides comprehensive and efficient financial management services to, and on behalf of, District agencies so that the financial integrity of the District of Columbia is maintained.

OPERATING BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 Operating Budget for DMV is \$43,842,891, which represents a 6% decrease from the FY 2019 approved budget of \$46,660,850. This funding supports 265.0 Full-Time Equivalents (FTEs), a decrease of 1.0 FTE or 0.4% from FY 2019 approved levels.

Although the changes included in the DMV's proposed FY 2020 operating budget do not represent large programmatic adjustments or a significant change to the Agency's overall budget, the budget did include significant increases and decreases to a number of the Agency's divisions and activities. Most notably: a decrease of \$3,086,000 (30%) in (2030) Ticket Processing; an increase of \$315,000 (11.6%) in (1090) Performance Management; and an increase of \$304,000 (7.4%) in (1040) Information Technology.

1. Ticket Processing

The proposed FY 2020 budget decreases (2030) Ticket Processing by \$3,086,000, a 30% decrease over approved FY 2019 funding. Of this decrease, \$2,400,000 is due to savings from the removal of credit-card merchant fees from the ticket processing contract. Credit-card merchant fees are a small percentage that is paid to the credit-card merchant every time a credit card is used to pay ticket fines. Beginning in FY 2020, the OCFO will absorb these costs.

The remaining \$686,000 decrease is due to an anticipated one-time decrease in photo enforcement tickets resulting from the proposed transfer of the Automated Traffic Enforcement (ATE) program from MPD to DDOT. The DMV processes all tickets on behalf of the enforcement agencies, and—based on responses and testimony from the Agency—fewer tickets are expected to be issued during the transition period from MPD to DDOT. Because the District pays its ticket processing vendor a set amount per ticket, any decrease in the number of tickets issued will result in a decrease in the amount paid to the vendor by the District. As noted above in the DDOT chapter of this report, however, the Committee has determined that sufficient questions exist about the transfer of this program to warrant its consideration as standalone legislation through the normal legislative process. The Committee believes that any increase in DMV ticket processing contract costs from the program remaining at MPD can be absorbed by the associated increase in revenue that will no longer be lost due to inefficiencies from the transfer.

2. Performance Management

The proposed FY 2020 budget increases (1090) Performance Management by \$315,000, an 11.6% increase over FY 2019 approved levels. \$100,000 of this increase funds new customer service rating kiosks at each DMV service center workstation. As a public-facing Agency, the DMV strives to improve its customer experience. Over the last couple of years, the DMV attempted to gauge its customers' feelings about their interaction with the Agency by placing customer service kiosks next to service center exits. After completing a transaction, customers could rate their experience. Over time, however, the DMV struggled to maintain the kiosks because parts for them were regularly stolen. In FY 2020, the DMV will install mounted customer service kiosks at each workstation, near a DMV employee, which will hopefully reduce incidents of theft.

The remaining \$215,000 increase in Performance Management is for the creation of an enterprise data warehouse and development of the Agency dashboard. The enterprise data warehouse is intended to be a tool for the DMV to manage the large amounts of data that it currently receives from licensing, registration, vehicle inspections. The warehouse holds the data and the dashboard will synchronize each data stream from each system that captures it, and then will present the data in a user interface that Agency employees and the public can access. As with other Agency dashboards, translating these data streams will help the DMV make operational decisions and increase efficiency. The Committee supports both the DMV's tools to measure customer satisfaction as well as its use of data to improve its operations.

3. *Capital Project Management*

The proposed FY 2020 budget increases (1040) Information Technology by \$304,000, a 7.4% increase over approved FY 2019 funding. \$104,000 of this increase funds a refresh of the Automated Road Test Scheduling system technology, as well as the replacement of check card readers at employee workstations. The remaining \$200,000 of the increase supports costs related to contracting for an Information Technology Program Manager, who would be responsible for managing the DMV's two capital projects: the Destiny Replacement Project and the Ticket Processing System Upgrade Project. As discussed in further detail in the Capital Budget Analysis and Recommendations, the Destiny Replacement Project is a capital project to modernize the DMV's license, identification card, and registration software system. The Ticket Processing System Upgrade Project is a capital project to modernize e-TIMS, the DMV's system for tracking and processing stopping, standing, parking, moving, and photo enforcement tickets issued by the District's parking and traffic enforcement agencies. The Destiny system is seventeen years old and e-TIMS is twenty-four years old. During performance oversight, the Agency stated that in the past it had difficulty hiring a program manager due to salary constraints. According to the Agency, the \$200,000 would accomplish the goal of bringing in a capable project manager. The DMV has not started either of these capital projects, despite having existing allotments from previous years, and has stated that it would not begin them until the project manager is secured. The Committee recognizes the importance of these projects and has stressed the sense of urgency around getting them started for multiple years. Through the budget oversight process, the Committee has learned that the Agency can fund the project management labor from existing capital funds rather than FY 2020 operating funds and would not need additional capital dollars to do so. Using existing capital allotments has the added advantage of allowing the Agency to contract with a project manager as soon as possible in FY 2019, rather than waiting for FY 2020 operating funds. **The Committee, therefore, recommends reducing CSG 41 in (1040) Information Technology by \$200,000.**

4. *Driver's License and Identification Card Fee Waiver for Returning Citizens*

Driver's licenses and identification cards are critical for full participation in society. For the District's returning citizens, financial barriers often prevent access to these necessary credentials, which limits the ability of citizens to reintegrate into their communities. Last year, the Committee, through a transfer from the Committee on the Judiciary and Public Safety, provided one-time funding to waive the driver's license and identification card fees for individuals within one year of their release from the Federal Bureau of Prisons' (BOP) custody, and those in the custody of the BOP at a District halfway house. For FY 2020, the Committee on Facilities and Procurement, which has oversight of the Mayor's Office of Returning Citizens' Affairs, has proposed and funded a Budget Support Act subtitle, the "Returning Citizens Opportunity to Succeed Amendment Act," which will make the fee waiver program permanent. **Therefore, the Committee accepts \$47,000 in recurring funds from the Committee on Facilities and Procurement and increases (4010) Licensing Division by \$47,000 to fund a program to waive the driver's license and identification card fees for returning citizens.**

5. Residential Parking Permits

Residential Parking Permits (RPPs) allow District residents to register their car and park it on the street in the zone in which they reside. RPP does not apply citywide, and is only in effect for blocks that have decided to officially ask DDOT for inclusion in the program. Residential blocks make that request via a petition, which requires a majority of households to agree. Since 2011, the cost of a RPP in the District has been \$35 annually. This price represents a bargain for parking, with most garages in the city charging \$200 a month or more. While other prices and costs in the District have increased significantly in the last eight years, RPP fees have remained unchanged, with no adjustment even for inflation. Put another way, the District is renting public space far below market value.

Beyond not keeping up with the value of a parking space in the District, the current RPP system makes no distinction between an individual's first car, and any subsequent cars that they register. As such, particular individuals can occupy the public space disproportionately to other residents, with no economic disincentive to do so. Of households with RPP, nearly 70% have only one car. It is the remaining 30% who are capitalizing on the below-market cost for parking on the street. Indeed, there are 7,000 households with three or more cars in the public space, with over 100 households having more than seven cars registered to a single residence. Without any policy checking these excesses, there have been severe parking shortages, especially in areas where parking is already scarce.

The Committee believes it is time to raise the cost of RPP to accurately reflect the value of the disappearing public space and to disincentivize residents from abusing the program. The Committee also recognizes, though, that—for many—the public space is the only place where they can park their vehicle and that they cannot afford to pay more. Given these two competing interests, the Committee recommends increasing the cost for an RPP for the first vehicle registered per address to \$50 annually, \$75 annually for the second car registered per address, \$100 annually for the third car registered per address, and \$150 annually for any vehicle beyond the third.

The OCFO has estimated that, in order to raise the cost of an RPP and differentiate the price by the number of cars that one has registered to a single address, the DMV will need to pay for system upgrades, hire additional legal instrument examiners, and add hearing examiners to deal with a likely increase in RPP-related tickets. The OCFO also stated that the DMV would like to fund outreach efforts to educate the public on the new pricing scheme. The Committee understands the additional funding needed for the technical upgrades required to implement the new system and additional staff to ensure a smooth transition, but does not believe additional funding is required to educate the public on the new pricing scheme; thus, none of the funding provided by the Committee shall be used by the Agency for outreach, community education, or other communications by the Agency regarding these changes to RPP pricing. **Therefore, the Committee recommends increasing (3000) Vehicle Services by \$201,572 in FY 2020, \$324,000 in FY 2021, \$333,000 in FY 2022, and \$343,000 in FY 2023 and 4.0 FTEs; and increasing (3000) Vehicle Services by \$875,000 in one-time funding for FY 2020, \$275,000 in one-time funding for FY 2021.**

CAPITAL BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 – FY 2025 capital budget request for the Agency is \$6,000,000. This represents a \$5,500,000 decrease from the FY 2019 – FY 2024 approved level. This \$6,000,000 is split evenly between FY 2020 and FY 2021 and is for the Agency's Destiny Replacement Project. This project will create a modernized, state-of-the-art, web-based driver license and motor vehicle information system. The new system will reduce the complexities of maintaining the multitude of software platforms currently in use and improve efficiency when making application software changes based on evolving DMV business rules. After deployment of the new system, the DMV should see a reduction in the cost for maintenance of its system in future years. The Destiny Replacement project is discussed in further in the Policy Recommendations section of this Chapter. The Committee agrees that the DMV's current system for driver licenses and motor vehicle information is outdated and in need of immediate upgrades. For this reason, the Committee recommends adoption of the Mayor's proposed FY 2020 – FY 2025 capital budget as proposed.

POLICY RECOMMENDATIONS

The Committee recommends that the Agency adopt the following policy changes:

1. *Issue the Request for Proposal for Destiny Replacement Project and Ticket Processing System*

As noted above in the Capital Budget Analysis and Recommendations, the Mayor's proposed FY 2020 Capital Budget allots \$3,000,000 in FY 2020 and another \$3,000,000 in FY 2021 to support the Agency's Destiny Replacement Project. The project currently has \$2,000,000 in allotments from previous years. In addition, the Agency was allotted \$3,000,000 for the Ticket Processing System upgrade in FY 2016 and \$2,500,000 in FY 2017. Each year, the Agency has said that it plans to move ahead with the projects in the upcoming fiscal year.

To date, however, the Agency has not spent any of the allotted funds for either of these projects. When asked about the status of these initiatives, the Agency informed the Committee that its RFP for the Ticket Processing System raised too many questions and it had to be pulled back, and there have been delays in the Destiny Replacement Project due to shifts in the scope of the project. Similar reasoning has been given in years past to the Committee as to the delay in these projects. The Committee supports the Agency's efforts to upgrade its current database systems for licensing, registration, and ticketing, but urges the Agency to complete the RFP process for these projects and diligently work to complete these endeavors in a timely manner.

2. *Increase Efforts to Educate the Public on REAL ID*

The federal REAL ID Act, passed in 2005, requires the states to implement uniform security and identity verification standards for driver's licenses and identification cards for those credentials to be used to access federal buildings or board commercial airplanes. After years of moving deadlines, the Department of Homeland Security has set the final compliance

deadline for October 2020. After this date, a REAL ID-compliant credential will be required to access federal buildings or board commercial airplanes, unless an alternative credential is presented (such as a valid US Passport). Although the District has been compliant with REAL ID standards and has been issuing REAL ID-compliant credentials since 2014, as of April 2019, approximately 35% of District driver's licenses/identification cards remain non-compliant. As the October 2020 deadline approaches, traffic at the DMV service centers will likely increase as some residents might update their credentials to a REAL ID-compliant credential outside of their regular renewal date. The Agency has told the Committee that it has sufficient funds in FY 2020 to accommodate the increased demand. But, the Committee is concerned that too few residents are aware of the deadline or know whether the credential they have is REAL ID compliant. Therefore, the Committee urges the DMV to increase its efforts to educate the public about the upcoming deadline, as well as inform residents about how to determine if their specific credential is compliant. Additionally, the DMV should consider creating an online tool that allows a resident to enter his or her driver's license or identification number on the DMV website to verify whether the credential is REAL ID compliant, and, if not, the steps the resident needs to take to obtain a compliant credential. Such an online tool is available in other states, such as Maryland.

3. Increase Efforts to Educate the Public on the Organ Donor Designation

As discussed above, given the expected increased demand for new credentials due to the approaching REAL ID compliance deadline, FY 2020 presents a unique opportunity for the DMV to increase its outreach and education to residents about organ donation. Currently, 40% of District driver's license or identification card holders have consented to organ donation. This number has remained steady in recent years, hovering around 39% since at least FY 2017. Other jurisdictions have much higher rates of participation. For instance, 68% of Colorado driver's license/identification card-holders are registered organ donors, and approximately 80% of Alaska driver's license/identification card-holders have registered. The vast majority of people who choose to become organ donors make that decision while obtaining or renewing a license or identification card. The Committee recommends that the DMV increase its efforts to educate residents about the benefits of organ donation and increase encouragement of organ donation at its service centers.

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E. DEPARTMENT OF ENERGY & ENVIRONMENT (KG)

FY 2020 Operating Budget, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Federal Grant Funds	28,519,651	30,094,807	0	30,094,807	5.5%
Local Funds	28,950,760	25,944,248	522,000	26,466,248	-8.6%
Intra-District Funds	1,974,748	2,414,314	0	2,414,314	22.3%
Private Grant Funds	91,371	3,486,305	0	3,486,305	3715.5%
Special Purpose Revenue Funds	83,274,008	116,277,100	0	116,277,100	39.6%
GROSS FUNDS	142,810,538	178,216,774	522,000	178,738,775	25.2%

FY 2020 Full-Time Equivalents, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Federal Grant Funds	109.8	106.8	0.0	106.8	-2.7%
Local Funds	111.1	126.0	1.0	127.0	14.3%
Intra-District Funds	14.7	15.1	0.0	15.1	2.6%
Private Grant Funds	1.1	3.2	0.0	3.2	189.1%
Special Purpose Revenue Funds	178.4	195.1	0.0	195.1	9.4%
GROSS FTES	415.0	446.0	1.0	447.0	7.7%

FY 2020 Operating Budget, By CSG (Gross Funds)

Comptroller Source Group	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
11 - Regular Pay - Cont Full Time	22,613,204	24,399,382	99,187	24,498,569	8.3%
12 - Regular Pay - Other	12,454,124	14,426,933	0	14,426,933	15.8%
13 - Additional Gross Pay	19,021	0	0	0	-100.0%
14 - Fringe Benefits - Curr Personnel	8,004,814	8,932,595	22,813	8,955,408	11.9%
15 - Overtime Pay	10,000	10,000	0	10,000	0.0%
Personal Services (PS)	43,101,163	47,768,910	122,000	47,890,910	11.1%
20 - Supplies and Materials	494,417	572,689	0	572,689	15.8%
31 - Telephone, Telegraph, Telegram, Etc.	140,725	125,327	0	125,327	-10.9%
40 - Other Services and Charges	14,456,090	24,974,360	400,000	25,374,360	75.5%
41 - Contractual Services - Other	31,608,717	49,718,149	0	49,718,149	57.3%
50 - Subsidies and Transfers	52,294,519	50,869,100	0	50,869,100	-2.7%
70 - Equipment & Equipment Rental	714,907	4,188,239	0	4,188,239	485.8%
Nonpersonal Services (NPS)	99,709,375	130,447,864	400,000	130,847,864	31.2%
GROSS FUNDS	142,810,538	178,216,774	522,000	178,738,775	25.2%

FY 2020 Operating Budget, By Program (Gross Funds)						
Code	Agency Program	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
1000	Agency Management	6,941,707	7,412,353	0	7,412,353	6.8%
100F	Agency Financial Operations	1,734,824	1,765,386	0	1,765,386	1.8%
2000	Natural Resources	35,910,112	37,803,408	300,000	38,103,408	6.1%
3000	Environmental Services	16,742,812	20,465,408	100,000	20,565,408	22.8%
5000	Community Relations	1,319,392	1,376,913	0	1,376,913	4.4%
6000	Energy	76,605,626	105,843,223	0	105,843,223	38.2%
7000	Enforcement and Environmental Justice	766,236	580,510	0	580,510	-24.2%
8000	Green Economy	772,150	1,144,993	0	1,144,993	48.3%
8500	Urban Sustainability	2,017,679	1,824,582	122,000	1,946,582	-3.5%
GROSS FUNDS		142,810,538	178,216,776	522,000	178,738,775	25.2%

AGENCY OVERVIEW

The mission of the District Department of Energy and Environment (DOEE) is to improve the quality of life for the residents and natural inhabitants of the nation's capital by protecting and restoring the environment, conserving our natural resources, mitigating pollution, and educating the public on ways to secure a sustainable future. DOEE executes its mission through the work of the following nine divisions: the **Agency Management Division**, which provides administrative support and operational management; the **Agency Financial Operations Division**, which provides financial management to DDOE; the **Natural Resources Division**, which oversees water quality, storm water, and fisheries and wildlife management; the **Environmental Services Division**, which works to reduce contamination from toxic substances and air pollution; the **Community Relations Division**, which manages public affairs and community-education programs for DDOE; the **Energy Division**, which supports District energy users by implementing financial assistance and discount programs, providing energy-saving educational information, and overseeing the DC Sustainable Energy Utility; the **Enforcement and Environmental Justice Division**, which develops and implements effective practices to support DDOE's enforcement efforts; the **Green Economy Division**, which encourages green business, green buildings, and green jobs while creating market-based incentives to promote environmental sustainability and economic development; and the **Urban Sustainability Division**, which develops policies and programs to encourage sustainability and address climate change and equity, and oversees the implementation of Sustainable DC, the District's sustainability plan.

OPERATING BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 Operating Budget for DOEE is \$178,216,775, which represents a 24.8% increase from the FY 2019 approved budget of \$142,810,539. This funding supports 446.0 Full-Time Equivalents (FTEs), an increase of 31.0 FTEs or 7.5% from the FY 2019 approved level.

According to the Agency, the proposed FY 2020 operating budget for DOEE was driven by several Agency priorities. These include expansion of grants and incentive programs under the Solar for All Program, implementation of the five-year contract with the DC Sustainable

Energy Utility (DCSEU), implementation of the CleanEnergy DC Omnibus Amendment Act of 2018, funding for the Clean Rivers Impervious Area Charge (CRIAC) Relief program, and construction at the Kingman Island Education Center. These priorities and others are discussed below.

1. Implementation of the CleanEnergy DC Omnibus Amendment Act of 2018

On December 18, 2018, the Council passed the CleanEnergy DC Omnibus Amendment Act of 2018, and the legislation went into effect on March 22, 2019. The Act expands on steps the District is already taking to address climate change, including implementing several proposals in the Clean Energy DC plan, establishing aggressive Renewable Energy Portfolio standards, expanding the Sustainable Energy Trust Fund, and establishing a Building Energy Performance Standard (BEPS). The proposed budget for DOEE includes funding to implement the CleanEnergy DC Omnibus Amendment Act, including standing up the Green Bank and establishing the BEPS Program.

Funding for implementation of the bill is spread out across several divisions in the Agency's proposed budget. The lion's share of new funding is in (6050) Data and Benchmarking, which sees a proposed enhancement of \$26,687,000 and 11.0 FTEs. These funds will enable the Agency to implement requirements in Titles II, III, IV, and IV of the Act. Of those funds, the Agency plans to transfer \$15,000,000 to the Green Finance Authority to support sustainable energy projects and programs, and \$11,700,000 will be used by DOEE and DCSEU to fund energy efficiency improvements in homes owned by low-income residents, to support workforce development programs, to develop an energy retrofit program, to establish the BEPS Program, and to establish the Sustainable Energy Infrastructure Capacity Building and Pipeline Program. In addition, \$1,000,000 of the proposed increase to (6010) Energy Efficiency will fund a portion of a 30% set aside to support programs for low-income residents, per requirements under the Act.

In addition to the substantial funding proposed to implement the Clean Energy legislation, the Agency proposes adding 11.0 new FTEs to support this work. Per the Agency's responses to the Committee's pre-hearing questions, seven of these new employees will focus on design, roll out, and management of the BEPS Program, including rolling out initial regulations and public education on the new requirements. The other four FTEs will focus on workforce development initiatives, in addition to coordinating with DSLBD on the new interagency program.

The Committee was very pleased to see that that Mayor's proposed budget for DOEE included comprehensive funding to implement the provisions of the Act. The Committee looks forward to working with the Agency, local businesses, and residents on implementation of the law to ensure that funding reaches intended program recipients, regulations are promulgated pursuant to the Act and in an efficient manner, and DOEE completes effective and efficient outreach to affected building owners, businesses, and residents to ensure they are educated on the requirements and benefits available to them under the law, as implemented.

2. Storm Water Permit Review Fund

Under D.C. Code § 8-152.02, DOEE is authorized to collect funds in a Storm Water Permit Review Fund for activities that reduce stormwater within the U.S. Environmental Protection Agency MS4 permit area. The MS4 sewer system serves approximately two-thirds of the District, while the remaining one-third is served by a separate combined sewer system. The funds deposited in this special purpose revenue fund are gathered via fees collected from ratepayers on their DC Water bills. DOEE's Storm Water Permit Review Fund (0654) had a year-end fund balance of approximately \$25,700,000 in FY 2018 and a planned year-end fund balance of approximately \$23,400,000 for FY 2019. The Committee is concerned by the large, multi-million-dollar year-end balances in this account, as well as the Agency's failure to spend down the account over the past several years or adjust ratepayer fees to return the balance to reasonable levels.

The FY 2020 proposed budget for the Department of Public Works includes a transfer of \$600,000 from DOEE to DPW for street sweeping services; specifically, DOEE seeks to transfer funds from the Storm Water Permit Review Fund. These funds supplement approximately \$4,947,000 that the Agency transferred to DPW for its street sweeping budget as part of the FY 2019 Supplemental Budget. At DOEE's budget oversight hearing, Director Wells stated that the transferred funds were not intended to enhance DPR's street sweeping operations, but supplant existing operating dollars that DPW uses to do this work.

As noted above, the Committee acknowledges that the Storm Water Permit Review Fund regularly has a large year-end balance, and it supports efforts by the Agency to put those funds to use for real storm water relief measures – or, alternatively, reduce the fee charged to ratepayers to better align with the fund's need. However, the Committee is deeply displeased by the Agency's decision to use these funds not to enhance or expand existing storm water permit compliance efforts, but to defray costs for DPW. Using these SPR funds in this manner will do nothing to reduce stormwater or comply with the permit – rather, it will free up operating dollars in DPW's budget for completely unrelated services. Although Director Wells has asserted that use of the SPR fund for this purpose is technically appropriate under the governing statute, use of the funds in this manner does not fit with the spirit of the law establishing the fund or the MS4 permit. This fund is raised through fees paid by ratepayers for a very specific and important purpose, and the Committee believes that the decision by the Agency to transfer \$5,000,000 from that fund to pay for completely unrelated services only avoids being misuse of Special Purpose Revenue funds on a technicality.

The Committee is strongly inclined to reverse the action taken by the Agency to use these funds in what it believes an inappropriate manner. However, to do so, the Committee would be forced to cut from other services or programming. The Committee is unwilling to sacrifice other, important services simply to reverse the Agency's actions here. However, the Committee strongly encourages DOEE to take action to assess need under the Storm Water Permit Review Fund in FY 2020; specifically, to address whether the fee charged to ratepayers is matched to the Agency's need or could be reduced. The Committee thinks it is clear from the Agency's actions here that the fee can and should be reduced. In addition, the Committee cautions the Agency from relying on the fund for purposes that do not actively enhance or otherwise expand compliance with the MS4 permit in future budgets.

3. Changes in Ratepayer Assistance Programs in Energy (6000) Division

a. Decrease to (6030) Low-Income Home Energy Assistance Program (LIHEAP)

The Committee is concerned to see that the Agency proposes reducing (6030) Energy Assistance Benefit Payments by \$646,000 for FY 2020. This Activity includes funding for the Low-Income Home Energy Assistance Program (LIHEAP), which assists low-income residents with their electric bills.

In the FY 2019 budget, the LIHEAP program was fully funded by the Mayor; however, that funding included a one-time enhancement of \$593,000 in local funds. In its FY 2019 budget report, the Committee expressed concern that the increase in local dollars for this program was one-time funding and encouraged the Mayor to find recurring dollars for FY 2020. In some previous fiscal years, the LIHEAP program has received insufficient funding to provide relief to all eligible ratepayers, resulting in DOEE staff being forced to turn away otherwise eligible program applicants once funding runs out.

At the Agency's budget oversight hearing, Kenley Farmer, Associate Director of the Affordability and Efficiency Division at DOEE, shared that the Agency anticipates 1,000 to 2,000 fewer LIHEAP applicants in FY 2019 than in previous years. Associate Director Farmer also noted that the Mayor's budget proposal did not include an influx of one-time funds to make up the approximately \$600,000 added last year. Nevertheless, the Agency anticipates that the decrease in funding will not reduce the number of residents who can access this important relief program. The Agency has captured some savings through administrative efficiencies in the District's Heat and Eat Program, as well as from LIHEAP participants' enrollment in the Solar for All Program.

Although the Committee is concerned to see a decrease in funding for this important program, the Committee defers to the Agency's explanation that, given lower participation rates in FY 2019, DOEE's proposed budget seeks to right-size actual demand for LIHEAP funds. As such, the Committee does not recommend any changes to funding in Activity 6030 in FY 2020 but calls on the Agency to provide clear guidance to the Committee on program participation and funding needs through the end of FY 2019, and throughout FY 2020.

b. Decrease to Clean Rivers Impervious Area (6070) Charge Relief Fund

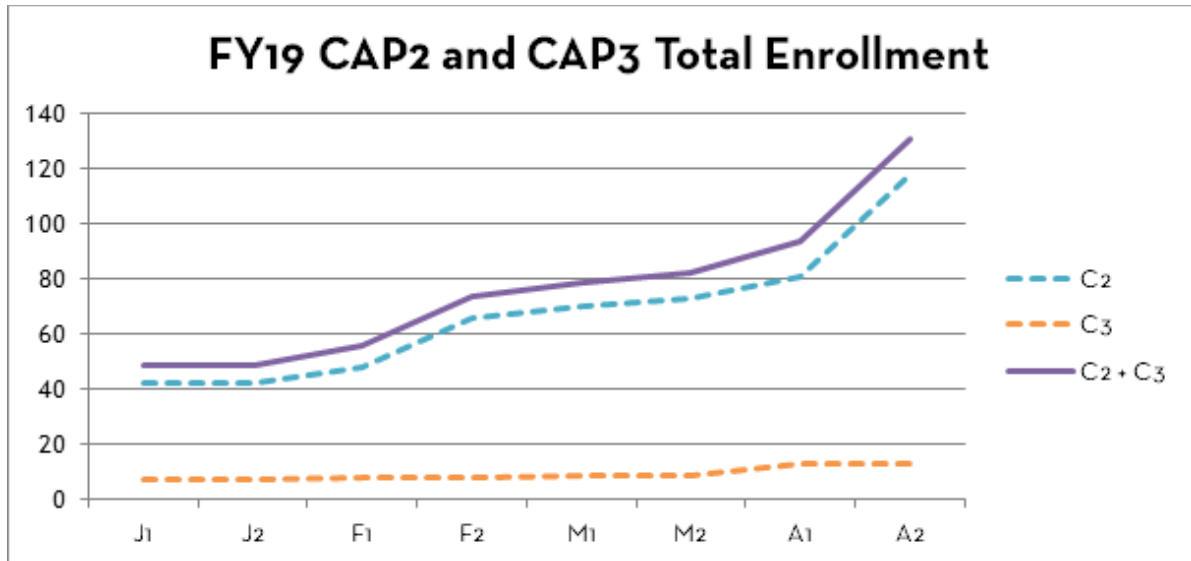
The Mayor's proposed budget includes \$4,000,000 in (6070) CRIAC Relief Fund, a hardship fund used to assist ratepayers with paying CRIAC fees. This is \$3,500,000 less than approved funding levels for FY 2019. In addition, DC Water provided \$6,000,000 in matching funds for the relief program in FY 2019 but has declined to provide any relief funding for FY 2020. The Committee does note that \$2,283,000 of the proposed funds for FY 2020 are recurring; in FY 2019, all funding for CRIAC relief was in one-time funds.

The Committee believes that this proposed amount falls far short of District ratepayers' need. In FY 2019, the Committee requested that the Mayor dedicate \$41,000,000 in recurring funds to CRIAC relief. This amount, equaling the total fee to the District if public streets and sidewalks were no longer exempt from CRIAC, would have reduced CRIAC fees by half for all ratepayers in the District. The Mayor fell short of that request in FY 2019 and proposes even less funding this year.

In DOEE's responses to the Committee's pre-hearing questions and at the Agency's budget hearing, Director Wells reported that only a portion of the \$13,000,000 (\$7,000,000 from the District and \$6,000,000 from DC Water) allocated for CRIAC relief has been distributed. As of the hearing, only 2,091 households had enrolled in the CRIAC Relief program in 2019, with four applicants denied. For the non-profit program, DOEE has approved 69 of 83 applicants, providing \$902,000 in relief. Citing these limited participation rates, the Agency believes that a substantial portion of the funding allocated in FY 2019 will not be distributed to households or nonprofits before the end of the fiscal year. For this reason, the Mayor included Title VI, Subtitle H, the Clean Rivers Impervious Area Charge Assistance Fund Amendment Act of 2019, in the Budget Support Act, which would establish a fund into which unused CRIAC relief funds would roll over in FY 2020, rather than be returned to the District's general fund. The Agency contends that the rolled over funds, combined with the proposed \$4,000,000 in funding, will be sufficient to cover demand for CRIAC relief in FY 2020.

The Committee worries that the Agency's projections for participation in the CRIAC relief program underestimate the number of households and nonprofits that will enroll through the end of FY 2019. The CRIAC relief program first launched in February 2019, less than two months ago. Over the past year, both DDOE and DC Water have completed limited public advertising of the relief program to the public—especially outreach to households eligible for the CAP2 and CAP3 programs, which are available to households at as high as 100% AMI. Although DC Water was supposed to begin advertising the CRIAC relief program in ratepayer's water bills in March 2019, a contractor error resulted in that information being omitted for at least that month. It is clear that much of the intended publicity for the relief program has either not begun or is just rolling out now. When residents are made aware of the program, including the broad range of ratepayers eligible for relief, the Committee anticipates participation will increase rapidly.

On April 30, 2019, DC Water provided the Committee with a partial update on FY 2019 enrollment in the CRIAC Relief Program below. That chart, reproduced below, serves to underscore the Committee's concerns, given that participation in the CAP 2 program appears to have increased by approximately 50% from March to April 2019.



DOEE also anticipates an increase in participation in the nonprofit-specific relief program. In its responses to the Committee’s pre-hearing questions, the Agency stated that it projects that there will be an uptick in the number of non-profits submitting applications for the program in the second half of FY 2019. DOEE noted that many nonprofits have expressed less urgency to apply at the beginning of the program, because the program is retroactive to the beginning of the fiscal year. In addition, the Agency shared that some nonprofits may be waiting for final rules to be established (the program is currently being implemented under an emergency rulemaking) to ensure that they meet eligibility requirements. In its pre-hearing responses, DOEE stated, “If all eligible nonprofits apply, DOEE expects almost the entire \$4,000,000 to be expended.”

The Committee is concerned that the Agency does not have a clear picture of how much of this funding will be disbursed through the end of FY 2019, and, where the allotment is expended in full by the end of the fiscal year, will have no funds to roll over for FY 2020. However, given the \$4,000,000 proposed by the Mayor for CRIAC Relief in the FY 2020 budget, and the uncertainty regarding how much funding will remain at the end of the fiscal year, the Committee does not recommend augmenting the existing funding at this time. In turn, the Committee requests that the Agency provided the Committee with monthly participation rates for the CRIAC relief program through the end of FY 2019 and FY 2020, including amounts remaining in the CRIAC Relief fund.

c. Proposed Increase of \$2,000,000 in (6010) Energy Efficiency and Conservation

DOEE’s budget proposal includes an increase of \$2,000,000 in the (6010) Energy Efficiency and Conservation Activity for FY 2020. Per the Agency’s responses to the Committee’s pre-hearing questions, this increase will support a low-income weatherization program, providing needed energy improvements in single and multi-family residences for households below 200% of the federal poverty level.

The Committee notes that Activity 6010 also funds the Property-Assessed Clean Energy Program (PACE), which provides funding for District property owners to implement energy efficiency improvements. In FY 2019, DOEE proposed, and the Council approved, \$2,800,000 in additional funding for the program, following a landmark year for PACE participation in the District that included nearly \$30,000,000 in private financing across ten projects. Last year, the Agency shared with the Committee that it was operating the largest per capita PACE program in the nation, and that it expected to maintain that pace in FY 2019 – necessitating increased allocations for the program. The Committee is concerned, then, to see that the Agency, which anticipated eighty projects in the pipeline for PACE in FY 2019, is now preparing for only thirty. In addition, although PACE participation doubled in FY 2017, only two projects were completed in FY 2018, and six in FY 2019 to date. The variable pace at which projects are being funded, as well as the Agency’s decision to reduce the number of anticipated projects by half, raises significant concerns for the Committee. DOEE shared with the Committee that it intends to transfer responsibility for the PACE Program to the Green Bank upon it being successfully stood up. As such, the Committee recommends that the Agency take steps to ensure that this transfer does not result in a slowing or further reduction in anticipated projects and lays out a clear roadmap for the Green Bank to take on and expand the PACE Program moving forward.

d. Proposed Increase of \$4,100,000 and decrease of 2.0 FTEs to (6060) Policy and Compliance

DOEE has proposed enhancing the (6060) Policy and Compliance Activity by \$4,100,000 but reducing the Activity by 2.0 FTEs. Per the Agency’s responses to the Committee’s pre-hearing questions, this new funding is intended to support a modification to DCSEU’s contract. Under the modification, DCSEU will implement the Solar for All Program, which enhances low-income households’ access to solar power and supports the creation of new solar energy sources in the District. With responsibility for the program resting with DCSEU, the manpower needed to do this work will be provided through the contract, not local dollars. Thus, because the contract dollars pay for needed staff, the Committee recognizes the diminished need for FTEs in this Activity.

4. Right-sizing Agency Operations

DOEE’s FY 2020 budget proposal includes a number of small but substantive changes aimed at right-sizing Agency operations. The Committee broadly approves of these changes and discusses them in detail below.

a. Proposed Increase of \$222,000 and 2.0 FTEs in (1040) Information Technology

The Agency proposes a modest increase of \$222,000 in Information Technology (1040), coupled with an increase of 2.0 new FTEs. In the Agency’s responses to the Committee’s prehearing questions, DOEE noted that these new FTEs will provide IT support broadly to the Agency staff. Currently, DOEE has one IT specialist for every seventy-five staff members, leaving the Agency out of step with the standard business practice of one IT specialist per forty employees. This budget enhancement will better allow the Agency to

respond to specific IT issues and proactively address other Agency needs, such as database management and support. The Committee supports the increase in funding and FTEs proposed in this Activity by the Agency.

b. Proposed Increase of \$373,000 and 4.0 FTEs in (8000) Green Economy Division

Across the (8000) Green Economy Division, the Agency has proposed a funding increase of \$373,000 and 4.0 FTEs. For the most part, these are not new FTEs to DOEE: two FTEs would be transferred to the Green Economy Division from the (8500) Urban Sustainability Division, and one from (1090) Performance Management. These staff will provide support to the Agency's Green Economy Program, also known as the Green Bank, which aims to develop a green economy in the District by supporting research and the development of market-based incentives to promote environmental sustainability and economic development, as well as encouraging the development of green jobs, business, and buildings. The Committee is pleased to see movement toward the launch of the Green Bank and believes that these new FTEs are an integral step forward in that process. The Committee also looks forward to the appointment of the board of the Green Bank later this year.

c. Proposed Increase of \$363,000 and 3.0 FTEs to (3090) Lead Safe and Healthy Housing

The Agency's proposed budget for (3090) Lead Safe and Healthy Housing includes an increase of \$363,000 and 3.0 FTEs. According to DOEE's responses to the Committee's pre-hearing questions, two of these new FTEs will be used to conduct mold inspections at residences in the District; currently, the Agency has no inspectors specifically dedicated to this work. In addition, these funds will support one FTE for implementation of lead abatement measures, required under District law, at childcare centers, as well as certification of lead-based paint remediators. The Committee approves of the steps taken by the Agency to ensure that these essential healthy and safety services are provided and looks forward to learning more about the Agency's implementation of these programs in FY 2020.

d. Proposed Increase of \$4,132,000 and 2.0 FTEs in (3080) Air Quality

In its FY 2020 proposed budget, DOEE allocates \$4,132,000 in (3080) Air Quality, \$3,478,000 of which comes from private grants through a settlement under the Volkswagen "Clean Diesel" Marketing, Sales, Practices, and Products Liability Litigation. The settlement stems from a claim brought by the District regarding VW's use of a defeat device in diesel vehicles, which permitted those vehicles to emit nitrogen oxide (NOx) at a much higher level than permitted by the EPA. The Committee notes that the total amount of the settlement is \$8,125,000, and that the Agency intends to budget the remaining funds over the next several fiscal years.

DOEE plans to use these funds pursuant to their permitted purpose under the settlement by funding three projects: the Locomotive Switcher Engine Replacement, District Electrification and Low-NOx Program, and Tailpipe Pollution Reduction Retrofit. All three of these programs aim to reduce NOx emissions. The Committee notes that the Agency has

stated that the two new positions allocated to this Division will last for the duration of the federal grant funds for these projects, anticipated to be only a few years. The Committee supports the proactive use of these grant funds to address NOx emissions in the District.

e. Proposed Decrease of \$776,000 in (3050) Toxic Substances, and \$100,000 Increase for Implementation of B22-946, the Safe Fields and Playgrounds Act

(3050) Toxic Substances funding supports services to protect District residents and visitors, and the environment, from the potential hazards associated with toxic substances, including pesticides, hazardous waste, stored petroleum products, and the redevelopment of environmentally contaminated properties. As such, the Committee was concerned to see the Agency's proposed budget included a reduction of \$766,000 to this Division. However, in its responses to the Committee's pre-hearing questions, the Agency clarified that this reduction will occur in conjunction with the natural conclusion of a two-year contract to create a database for DOEE's pesticide program. As such, the proposed reduction in funding will not result in a reduction in services. In addition, at DOEE's budget hearing, the Director noted that this reduction reflects savings from moving some maintenance services in-house that are paid for through this Activity. The Agency also noted that this reduction in need was coupled with a reduction in the amounts collected by the Agency for pesticide products. As such, the Committee approves of the reduction in funding to this Division.

On December 18, 2018, the Council passed B22-946, the Safe Fields and Playgrounds Act of 2018; the legislation went into effect on April 11, 2019. Under the legislation, DOEE and the Department of Health are required to undertake a study to identify all synthetic materials used in the construction of District recreational spaces and assess the health and safety effect of those materials on users. DGS, however, will already be gathering information on the component materials in the surface and sub-surface materials of the District's fields, meaning DOEE and DOH should need only to assess those materials as prescribed under the law. From the results of this study, DGS will produce a list of synthetic materials that contractors and District employees are prohibited or approved for use in construction of District recreational spaces. The Committee believes that this information is essential to ensure that our recreational spaces are safe and well-maintained. **The Committee, therefore, increases CSG (40) in (3050) Toxic Substances by \$100,000 in one-time local funds, for DOEE to complete a study on the safety of synthetic materials, as required under the Safe Fields and Playgrounds Act.**

5. Underground Stream Mapping and Preliminary Daylighting Assessment

Before the District was developed, the land upon which it is located held many natural springs and streams that fed into Rock Creek and the Potomac and Anacostia Rivers.¹ As the District transitioned from farmland to urban area in the late 1800s and early 1900s, most of these small springs and streambeds were filled in, with the water being piped underground and sometimes diverted directly into the District's sewer systems. Some of this underground infrastructure was installed by private developers, was not well-documented, and is reaching

¹ <https://pubs.usgs.gov/circ/1977/0752/report.pdf>

the end of its usable life. Although some of these springs or streams may no longer produce or carry water, some still do. The Committee has learned of two recent cases in the Rock Creek watershed in which pipes containing streams underneath private properties, of which the property owners had been previously unaware, collapsed or otherwise failed, leading to flooding on the property or on properties up or downstream from the property. Repair of the pipes is costly for property owners, particularly because, as existence of the pipes was unknown, such repairs are unlikely to be covered by insurance.

In recent years, DOEE has successfully daylighted streams that had previously been piped underground.² Daylighting a stream involves restoring previously covered or piped streams to open air, and has numerous environmental benefits. Exposure to sunlight, soil, vegetation, and air helps break down and remove pollutants from the water, and allowing a stream to follow a natural course slows its flow, reducing sediment content and creating wetlands, pools, and eddies that support wildlife.

The Committee proposes increasing (2080) Watershed Protection by \$300,000 in one-time funds for the purpose of identifying and mapping District springs and streams that still produce or carry water and have been, or likely have been, covered or piped underground, as well as assessing whether it would be environmentally beneficial and feasible to daylight any such streams, or portions of them. In areas where streams are piped beneath private land, daylighting could be accomplished via eminent domain of the streambed, a conservation easement, or agreement of the property owner to transfer ownership of the streambed to the District. This effort may include a review of historic documents, GIS development, and field surveys. It should produce an improved digitized map of the current status and locations of historic streams; an assessment of the age and condition or likely condition of underground infrastructure carrying such streams, where feasible; and an evaluation of potential stream daylighting opportunities. Upon completion, DOEE shall publish a report summarizing the results of this analysis.

6. Budget Support Act Subtitle Establishing New Office of Urban Agriculture

The Mayor's recently published Sustainable DC 2.0 Plan aims to put twenty additional acres, including public right of way and rooftops, under cultivation for growing food by 2032. Expanding urban agriculture in the District will have an impact on how much fresh, locally-grown produce is available to District residents, and promote job creation in the agricultural sector. The District is opening new pathways for urban agriculture through programs such as the Urban Agriculture Land Lease Program and the upcoming urban agriculture tax abatement program. Despite this progress, urban farmers in the District struggle to navigate program requirements and to identify and obtain needed resources. To address these concerns, the Committee has proposed a subtitle in the Budget Support Act that would establish a new Office of Urban Agriculture within DOEE. Creating a dedicated office to oversee the District's urban farming programs, and tasking this office with providing technical assistance and outreach, would give farmers the assistance they need to establish and expand their operations.

² <https://doee.dc.gov/service/habitat-restoration-stream-restoration-projects>

The mission of this office would be to encourage and promote urban, indoor, and other emerging agriculture practices in the District. Its duties would include developing and implementing District-wide policies and programs to promote urban farming and agriculture, providing guidance to other District agencies, engaging in outreach, and applying for and accepting grants on behalf of DOEE. The subtitle would also move management of the Urban Farming Land Lease Program and the urban agriculture tax abatement program from the Department of General Services to DOEE. The Committee, therefore, increases (8510) Urban Sustainability by \$122,000 and 1.0 FTEs to establish the Office of Urban Agriculture as described in the subtitle included in the Committee's recommendations for the Budget Support Act.

CAPITAL BUDGET ANALYSIS

The Mayor's proposed FY 2020 – FY 2025 capital budget request for DOEE is \$72,177,000. This represents a decrease of \$5,263,000 from the agency's FY 2019 – FY 2024 approved capital budget. The Capital Budget includes funding for construction of the Kingman Island Education Center, which funds educational and recreational improvements at Kingman & Heritage Islands, Stream and Wetland Restoration, which funds Oxon Run stream restoration and wetland creation in the Anacostia, and a number of stormwater retrofit projects.

The Committee approves of the addition of a new capital project, DC Integrated Flood Modeling, which will establish a software-based flood model to allow the District to anticipate the effect of future flooding from rivers, rising sea levels, and precipitation. The Committee also notes that the Agency has moved up funding for remedial work in the Anacostia River Hazardous Material Remediation Project from 2024 and spread the funding out across the CIP; the Committee approves of this change to a more normalized spending plan.

The Committee recommends adoption of the Mayor's proposed FY 2020 – FY 2025 capital budget.

POLICY RECOMMENDATIONS

The Committee offers no policy recommendations for FY 2020.

F. DEPUTY MAYOR FOR OPERATIONS & INFRASTRUCTURE (KO)

FY 2020 Operating Budget, By Revenue Type					
Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Local Funds	NA	1,304,000	0	1,304,000	NA
GROSS FUNDS	0	1,304,000	0	1,304,000	NA

FY 2020 Full-Time Equivalents, By Revenue Type					
Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Local Funds	NA	8.0	0.0	8.0	NA
GROSS FTES	0.0	8.0	0.0	8.0	NA

FY 2020 Operating Budget, By CSG (Gross Funds)					
Comptroller Source Group	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
11 - Regular Pay - Cont Full Time	NA	818,000	0	818,000	NA
14 - Fringe Benefits - Curr Personnel	NA	205,000	0	205,000	NA
Personal Services (PS)	0	1,023,000	0	1,023,000	0
20 - Supplies and Materials	NA	41,000	0	41,000	NA
40 - Other Services and Charges	NA	195,000	0	195,000	NA
70 - Equipment & Equipment Rental	NA	45,000	0	45,000	NA
Nonpersonal Services (NPS)	0	281,000	0	281,000	0
GROSS FUNDS	0	1,304,000	0	1,304,000	NA

FY 2020 Operating Budget, By Program (Gross Funds)						
Code	Agency Program	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
2000	Dep Mayor for Operations & Infrastructure	0	1,304,000	0	1,304,000	NA
GROSS FUNDS		0	1,304,000	0	1,304,000	NA

AGENCY OVERVIEW

The mission of the Office of the Deputy Mayor for Operations and Infrastructure (DMOI) is to support the Mayor to ensure a strong and sustained District government focused on maintaining, strengthening, and investing in the District's infrastructure (built and natural environment) and delivering high-quality government services to residents, non-residents, and businesses.

The agencies under DMOI's purview include the Department of Consumer and Regulatory Affairs, the Department of Energy and the Environment, the Department of For-Hire Vehicles, the Department of Insurance, Securities, and Banking, the Department of Motor Vehicles, the Department of Public Works, and the District Department of Transportation. As with other deputy mayors, DMOI's purpose is to assist the Mayor and the City Administrator in

coordinating the day-to-day operations and decision-making for the agencies under its jurisdiction, as well as managing projects that overlap among the agencies in the cluster.

OPERATING BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 Operating Budget for DMOI is \$1,303,632. This funding supports 8.0 Full-Time Equivalents (FTEs). Because DMOI is newly created in the FY 2020 proposed budget, there are no changes from the FY 2019 budget.

The Mayor established DMOI in January 2019. Its 8.0 FTEs include the Deputy Mayor, Chief of Staff, Executive Assistant, Legislative Advisor, Senior Policy Advisor, Budget and Data Analyst, Public Information Officer, and Program Analyst. These FTEs account for \$1,022,644 in Personal Services funds. The remaining \$280,988 is in Non-personal Services funds, which cover costs related to operating the office, such as supplies, contracting costs, and travel.

The Committee recommends adoption of the Mayor's FY 2020 operating budget as proposed.

CAPITAL BUDGET ANALYSIS

The Mayor's proposed FY 2020 – FY 2025 capital budget includes no request for DMOI. The Committee recommends adoption of the Mayor's FY 2020 – FY 2025 capital budget as proposed.

POLICY RECOMMENDATIONS

The Committee offers no policy recommendations for FY 2020.

G. HIGHWAY TRANSPORTATION FUND - TRANSFERS (KZ)

FY 2020 Operating Budget, By Revenue Type					
Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Dedicated Taxes	25,425,811	26,298,000	0	26,298,000	3.4%
Special Purpose Revenue Funds	2,750,000	0	0	0	-100.0%
GROSS FUNDS	28,175,811	26,298,000	0	26,298,000	-6.7%

FY 2020 Operating Budget, By CSG (Gross Funds)					
Comptroller Source Group	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
50 - Subsidies and Transfers	28,175,811	26,298,000	0	26,298,000	-6.7%
Nonpersonal Services (NPS)	28,175,811	26,298,000	0	26,298,000	-6.7%
GROSS FUNDS	28,175,811	26,298,000	0	26,298,000	-6.7%

FY 2020 Operating Budget, By Program (Gross Funds)						
Code	Agency Program	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
1000	Transfer Tax to Highway Trust Fund	28,175,811	26,298,000	0	26,298,000	-6.7%
GROSS FUNDS		28,175,811	26,298,000	0	26,298,000	-6.7%

AGENCY OVERVIEW

The Highway Transportation Fund – Transfers (HTF-T) is a paper agency that records the transfer of motor fuel tax and a portion of rights-of-way revenue from the District’s General Fund to the Highway Trust Fund.

Approximately 199 of the District’s bridges and 400 miles of District streets and highways are eligible for federal assistance. The Federal Highway Administration (FHWA) administers the Federal-Aid Highway Program and reimburses DDOT for eligible expenditures related to approved highway projects according to cost-sharing formulas that are established by federal law. The District’s share of eligible project costs is funded with the local HTF-T.

OPERATING BUDGET ANALYSIS & RECOMMENDATIONS

The proposed HTF-T budget for FY 2020 is \$26,298,000, which represents a 6.7% decrease from the FY 2019 approved budget of \$28,175,811. The FY 2020 budget proposal for Dedicated Taxes reflects an increase of \$872,189 to align the budget with revenue projections for the motor fuel tax. This increase is based on the requirements for the transfer of revenue generated from the motor fuel tax, as certified by the Office of Revenue Analysis, to the Highway Trust Fund. The proposed budget for Special Purpose Revenue Funds reflects a decrease of \$2,750,000 due to a change in the estimated Rights-of-Way revenue contribution to the Highway Trust Fund for FY 2020. The current revenue projection anticipates no Rights-of-Way revenue for the years prior to FY 2023.

The Committee recommends adoption of the Mayor's FY 2020 operating budget as proposed.

POLICY RECOMMENDATIONS

The Committee offers no policy recommendations for FY 2020.

H. DC WATER (LA)

FY 2020 Operating Budget, By Revenue Type

Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Enterprise and Other Funds	582,781,000	614,523,000	1,000,000	615,523,000	5.6%
GROSS FUNDS	582,781,000	614,523,000	1,000,000	615,523,000	5.6%

FY 2020 Operating Budget, By CSG (Gross Funds)

Comptroller Source Group	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
11 - Regular Pay - Cont Full Time	118,909,000	123,293,000	0	123,293,000	3.7%
14 - Fringe Benefits - Curr Personnel	36,136,500	39,303,000	0	39,303,000	8.8%
15 - Overtime Pay	7,574,500	8,084,000	0	8,084,000	6.7%
Personal Services (PS)	162,620,000	170,680,000	0	170,680,000	5.0%
20 - Supplies and Materials	32,081,500	33,157,000	0	33,157,000	3.4%
30 - Energy, Comm. and Bldg Rentals	26,914,500	26,953,000	0	26,953,000	0.1%
40 - Other Services and Charges	30,520,000	34,929,000	0	34,929,000	14.4%
41 - Contractual Services - Other	81,679,000	81,886,000	1,000,000	82,886,000	1.5%
50 - Subsidies and Transfers	21,702,000	22,034,000	0	22,034,000	1.5%
70 - Equipment & Equipment Rental	1,240,000	989,000	0	989,000	-20.2%
80 - Debt Service	226,024,000	243,895,000	0	243,895,000	7.9%
Nonpersonal Services (NPS)	420,161,000	443,843,000	1,000,000	444,843,000	5.9%
GROSS FUNDS	582,781,000	614,523,000	1,000,000	615,523,000	5.6%

FY 2020 Operating Budget, By Program (Gross Funds)

Code	Agency Program	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
1000	WASA	582,781,000	614,523,000	0	614,523,000	5.4%
GROSS FUNDS		582,781,000	614,523,000	0	614,523,000	5.4%

AGENCY OVERVIEW

The mission of the District of Columbia Water and Sewer Authority (DC Water), as stated in its authorizing statute, is to “plan, design, construct, operate, maintain, regulate, finance, repair, modernize, and improve water distribution and sewage collection, treatment, and disposal systems and services, and to encourage conservation.” DC Water ensures that District residents have safe drinking water, manages wastewater collection and treatment, and manages the District’s 9,500 fire hydrants. Each year, DC Water provides these services to more than 700,000 District residents and over 22,000,000 annual visitors.

DC Water is governed by a Board of Directors consisting of eleven principal and eleven alternate members. Six principal members and six alternate members are appointed by the Mayor with the advice and consent of the Council; the other members represent Montgomery and Prince George’s counties in Maryland and Fairfax County in Virginia. Although the DC Water Board of Directors has representation from the entire region, only the members from

the District establish the rate policies. Following approval by the Board of Directors, DC Water submits its annual operating and capital budgets to the Mayor and to the Council for inclusion in the District's budget. Although the Mayor and Council can review and comment on DC Water's budget, neither has the authority to change it. On April 4, 2019, the Board of Directors voted to approve DC Water's FY 2020 budget.

DC Water provides core services in five main categories. DC Water manages: **Drinking Water Treatment and Distribution** with the U.S. Army Corps of Engineers Washington Aqueduct by collecting water from the Potomac River, treating the water to exceed federal drinking water requirements, and distributing the drinking water through 1,300 miles of underground pipes to individual homes and other buildings; **Wastewater Collection**, which consists of 1,800 miles of sanitary and combined sewers, sixteen stormwater stations, 75,000 catch basins and manholes, and nine wastewater pumping stations that carry wastewater to the Blue Plains treatment facility; **Wastewater Treatment** for wastewater from the District, Maryland, and Virginia at Blue Plains, the largest treatment plant of its kind in the world; **Stormwater**, through 25,000 catch basins which remove more than twenty-three tons of debris from stormwater each day, and through the Clean Rivers Project, a large infrastructure project which will reduce combined sewer overflows due to stormwater; and **Fire Hydrants** to protect public safety.

BUDGET SUMMARY & RECOMMENDATIONS

DC Water's proposed FY 2020 gross budget is \$614,523,000, which represents a 5.4% increase from the FY 2019 approved budget of \$582,781,000. DC Water's budget is made up entirely of Enterprise funds raised by DC Water. The growth in the Agency's FY 2020 budget is due to an increase of \$17,871,000 for debt service, an increase of \$8,060,000 in personal services and fringe benefits to maintain a high-performance workforce, and an increase of \$5,811,000 to align the Agency budget with actual expenditures.

The Committee recommends adoption of the Mayor's FY 2019 operating budget as proposed, with the following the changes:

- 1. Increase of \$1,000,000 for Lead Service Line Replacements*

B22-507, the Lead Water Service Line Replacement and Disclosure Amendment Act of 2018, was passed by the Council on December 4, 2018; the law went into effect on March 13, 2019. Although DC Water has made great progress in reducing lead in our drinking water over the past decade, the Agency currently engages in a practice called "partial lead water service line replacement," in which the portion of a lead water service line that is on public property is replaced, but not the portion of the line that is on private property. This practice has been largely criticized, as it can increase the risk of lead in drinking water at that property.

The legislation passed by Council aims to end DC Water's current practice of partial lead water service line replacements. DC Water has replaced approximately 500 public lead service pipes annually for the past several years. Where that trend continues, the OCFO anticipates that a proactive replacement initiative, which would pay to also replace the water service line on private property where it is made of lead, would cost approximately \$1 million in recurring funds per year. **The Committee, therefore, recommends increasing (1100) WASA**

by \$1,000,000 in recurring funds for DC Water to complete lead service line replacements on private property.

POLICY RECOMMENDATIONS

The Committee recommends that DC Water adopt the following policy changes:

1. *Develop a plan to identify all sites with existing lead services lines and assess the composition of pipes within the water distribution system made of unknown materials.*

Since 2001, DC Water has instituted a number of changes to ensure lead levels in the District's drinking water are at or below 15 parts per billion, as required by Environmental Protection Agency regulations. These efforts include an accelerated lead pipe replacement program, commencing in 2003. In April 2019, the District of Columbia Office of the Inspector General (OIG) undertook an audit of DC Water and the District government's water quality testing and oversight procedures, ultimately concluding that the Agency's current procedures could be improved. OIG found that DC Water has not accurately identified District sites with existing lead service lines, preventing the Agency from developing a comprehensive strategy to remediate the issue. The audit also found that DC Water had failed to maintain accurate data on the materials used in service lines throughout the District's water mains and distribution systems, finding that the Agency did not have data on the composition of 79% water service lines throughout the system.

The Committee is concerned to learn that the Agency has incomplete information on the composition of the District's water distribution system piping, as well as the full breadth of the infrastructure that needs to be replaced. However, the Committee was pleased to see that, in the Agency's responses to the Inspector General's report, DC Water agreed with OIG's recommendations to address this issue.

During Council Period 22, the Council passed the Lead Pipe Replacement and Disclosure Amendment Act of 2018; the legislation became effective on March 13, 2019. Among other effects, the legislation requires DC Water to create a program to assist certain income-eligible residents with payment for the replacement of water service lines that contain lead on their property. Having a complete and accurate assessment of the state of all piping making up the District's water distribution system is essential to the Agency undertaking effective and cost-effective replacement of existing lead lines. As such, the Committee urges the Agency to take action to fully identify existing lead service lines, and assess unknown pipe materials for their composition, prior to the end of 2019.

2. *Provide the Council with a comprehensive report on the effect of shifting 18% and 37% of the CRIAC fee to the sewer volumetric rate.*

Over the last few years, DC Water has taken several steps to address concerns raised by residents regarding the cost of the CRIAC fee for ratepayers. In August 2018, DC Water convened a Stakeholder Alliance that, among other responsibilities, provided the Agency with

information on the effect of the CRIAC fee on particular ratepayer groups, as well as recommendations on how DC Water could more equitably assess those fees.

In 2019, the Stakeholder Alliance issued recommendations calling on DC Water to reform how the CRIAC fee is assessed. Currently, the CRIAC fee charged to a given ratepayer is based solely on the area of land on the ratepayer’s property that is impervious to water, such as rooftops, pavement, or other non-porous surfacing. The Stakeholder Alliance noted that particular ratepayers, such as cemeteries, religious institutions, and owners of parking lots, pay large CRIAC fees due to their impervious areas, while contributing very little water to the stormwater system. The Stakeholder Alliance recommended that DC Water provide relief to these ratepayers by shifting some of the cost for CRIAC to the sewer volumetric rate, which would mean a part of the fees assessed to ratepayers would be based on the amount of water used.

As noted above, on April 4, 2019, the DC Water Board of Directors voted to approve the Agency’s FY 2020 budget. As part of that budget, the Agency’s proposed to shift 18% of the CRIAC fee to the sewer volumetric rate, effective October 1, 2019. The Agency anticipates that ratepayers will see changes to their monthly bills in the amounts below:

Monthly	Average Household	Average Multi-Family	Sample Commercial	Sample Cemetery	Sample Church (High Con)	Sample Church (Low Con)
Monthly CCF	6.2	92.6	4,478	4.0	876	9.42
ERU	1	6.3	52.2	115.1	128.6	59.2
FY2020 Monthly Total Bill	\$114	\$1,373	\$62,315	\$3,314	\$15,812	\$1,887
FY 2020 Estimated Total Bill with 18% IAC recovered through Volumetric Charge	\$114	\$1,413	\$65,431	\$2,783	\$15,873	\$1,619

The Board also voted to shift 37% of CRIAC to the sewer volumetric rate, effective by 2021. The Agency anticipates that ratepayers will see changes to their monthly bills in the amounts below:

Monthly	Average Household	Average Multi-Family	Sample Commercial	Sample Cemetery	Sample Church (High Con)	Sample Church (Low Con)
Monthly CCF	6.2	92.6	4,478	4.0	876	9.42
ERU	1	6.3	52.2	115.1	128.6	59.2
FY2020 Monthly Total Bill	\$114	\$1,373	\$62,315	\$3,314	\$15,812	\$1,887
FY 2020 Estimated Total Bill with 37% IAC recovered through Volumetric Charge	\$114	\$1,454	\$68,671	\$2,228	\$15,932	\$1,340

The Committee is supportive of the changes approved by the DC Water Board, where they ultimately provide the anticipated relief to these ratepayers. However, the Committee notes that the proposed changes do not reduce the District's overall liability for the Clean Rivers Project (nor could it, as the District must pay for the project under a federal consent decree). In effect, this change moves costs from a certain subset of ratepayers to another. In addition, the Committee is particularly concerned that this shift will substantially reduce the amount of CRIAC fee paid by the federal government, which has a large footprint of impervious property in the District, but uses little water compared to other ratepayers.

The Committee requests that the Agency provide the Committee with reports in January and July of each upcoming fiscal year, outlining the actual, average monthly water bill for each type of ratepayer included in the above charts. The Committee also asks that DC Water include information in these reports on the change in CRIAC fees paid by the federal government, as compared to prior fiscal years.

3. Reconsider contract with public relations firm for government relations and advocacy services and act to terminate the existing agreement

As part of the Agency's responses to the Committee's FY 2020 post-hearing questions, DC Water included information on its engagement with a public relations firm in February 2019. Per the contract provided to the Committee, this contractor was hired to provide "strategic advisory services," which includes government relations, monitoring, and advocacy services, community engagement support, public/private partnership opportunities, and other related services. Under the contract, this firm will be paid a \$8,000 monthly retainer fee, amounting to just under \$100,000 a year.

The Committee disagrees with the Agency's decision to use funding for this purpose. DC Water already employs a large number of staff in its customer care and communications teams, as well as staff members whose primary focus is government relations. It is unclear why an outside firm would be required to supplement the thorough work done by Agency staff. The Committee is concerned that this contractor is on retainer, rather than being paid by the hour or some other output-based metric, meaning DC Water – and ratepayers – are responsible for payment even where the contractor completes little or no work in a given month. Furthermore, given the substantial charges to ratepayers for CRIAC, Stormwater Fees, and other fees, the Committee believes that these dollars could be put to better use, including to reduce costs for ratepayers.

The Committee is unconvinced that this lobbying contract is necessary for the Agency to successfully provide services and programming to its ratepayers or meaningfully engage in government relations or advocacy. Per the agreement with this contractor, DC Water may terminate the agreement at any time and for any reason with thirty days' notice. The Committee strongly urges the Agency and DC Water Board to reconsider the need and cost for this particular contract and calls on the Board to take action to terminate the agreement as soon as possible.

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I. WASHINGTON AQUEDUCT (LB)

FY 2020 Operating Budget, By Revenue Type					
Fund Type	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
Enterprise and Other Funds	64,060,562	68,712,123	0	68,712,123	7.3%
GROSS FUNDS	64,060,562	68,712,123	0	68,712,123	7.3%

FY 2020 Operating Budget, By CSG (Gross Funds)					
Comptroller Source Group	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
50 - Subsidies and Transfers	64,060,562	68,712,123	0	68,712,123	7.3%
Nonpersonal Services (NPS)	64,060,562	68,712,123	0	68,712,123	7.3%
GROSS FUNDS	64,060,562	68,712,123	0	68,712,123	7.3%

FY 2020 Operating Budget, By Program (Gross Funds)						
Code	Agency Program	FY 2019 Approved	FY 2020 Mayor	Committee Variance	FY 2020 Committee	% Growth
1000	Washington Aqueduct	64,060,562	68,712,123	0	68,712,123	7.3%
GROSS FUNDS		64,060,562	68,712,123	0	68,712,123	7.3%

AGENCY OVERVIEW

The mission of the Washington Aqueduct is to collect, purify, and pump an adequate amount of potable water to the distribution systems managed by DC Water, Arlington County, and the Fairfax Water Authority. The Washington Aqueduct fulfills its mission by (1) providing high quality potable water; (2) providing potable water at an equitable, economical rate; and (3) protecting the consumer from both microbial risks and adverse health effects caused by chemicals in drinking water. Water produced by the Washington Aqueduct treatment plants has consistently met and surpassed all pertinent drinking water standards set by the U.S. Environmental Protection Agency.

The Washington Aqueduct is managed by the U.S. Army Corps of Engineers and governed by a Wholesale Customer Board. The Agency's budget is based on projected revenue earned by selling water to DC Water, Arlington County, and the Fairfax Water Authority. On average, the Washington Aqueduct produces 155 million gallons of water per day at its two treatment plants in the District.

As a federal agency, the Washington Aqueduct is required to have a budget and spending authority for all funds necessary to meet its mission of supplying water to all three jurisdictions. The District budget process is the vehicle used to transmit the Washington Aqueduct's operating budget to Congress. Thus, while the Committee's purview includes the Washington Aqueduct, the Council does not have the legal authority to change its budget.

BUDGET ANALYSIS & RECOMMENDATIONS

The Mayor's proposed FY 2020 gross budget is \$68,712,123, which represents a 7.3% increase from the FY 2019 approved budget of \$64,060,562. This increase reflects an increased investment in capital assets to sustain the infrastructure and improve the reliability and safety of the water treatment system. The increase also reflects an increase in funding for personnel needed to fulfill the mission of the Aqueduct.

The Committee recommends adoption of the Mayor's FY 2020 operating budget as proposed.

POLICY RECOMMENDATIONS

The Committee offers no policy recommendations for FY 2020.

NON-COMMITTEE BUDGET RECOMMENDATIONS

In addition to the changes recommended for agencies within its jurisdiction, the Committee has worked with other Council committees to identify funding needs and recommends providing additional funds to support programs in those other committees as described below.

COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

The Committee recommends transferring the following amounts to the Committee on Business and Economic Development:

\$200,000 in one-time local funds to the Department of Small and Local Business Development for a seed grant for the Main Streets Program on Wisconsin Avenue and Connecticut Avenue in the area of Cleveland Park. The Main Streets Program fosters retail investment in the District by providing services and funding to help communities retain and recruit businesses, improve commercial properties and streetscapes, and attract consumers.

\$200,000 in one-time local funds to the Department of Small and Local Business Development for a seed grant for the Main Streets Program on Wisconsin Avenue in the area of Glover Park. The Main Streets Program fosters retail investment in the District by providing services and funding to help communities retain and recruit businesses, improve commercial properties and streetscapes, and attract consumers.

\$20,000 in one-time local funds to the Department of Small and Local Business Development for the Van Ness Main Streets Program to engage more businesses along the Connecticut Avenue NW corridor.

\$12,000 in one-time local funds to the Department of Small and Local Business Development to support the Woodley Park Main Streets Program's initiative to enhance and revitalize the iconic Marilyn Monroe art mural located on the upper wall of Roi Salon, also known as "Project Marilyn."

COMMITTEE ON EDUCATION

The Committee recommends transferring the following amounts to the Committee on Education:

\$130,000 in one-time local funds to the State Board of Education to engage in research projects. The State Board of Education regularly conducts policy research and analysis to support its advisory and approval functions, using funds allocated to the State Board for those purposes. This funding would permit the State Board to expand its research during FY 2020.

\$844,00 in FY 2020, \$854,000 in FY 2021, \$865,000 in FY 2022, and \$875,000 in FY 2023 for implementation of B22-313, the Healthy Students Amendment Act of 2018. This funding supports an annual subsidy of \$2 per student at schools that implement an alternative breakfast serving model. It also supports increasing the Healthy Schools Act breakfast subsidy from \$0.10 to \$0.20 per breakfast meal served.

COMMITTEE ON FACILITIES & PROCUREMENT

The Committee recommends transferring the following amount to the Committee on Facilities and Procurement:

\$311,000 in one-time local funds for implementation of B22-946, the Safe Fields and Playgrounds Act of 2018, with direction for the Department of General Services to spend \$311,000 of those funds on gathering information on the surface and sub-surface material components of the District's recreation spaces.

\$1,364,000 in FY 2020, \$1,532,000 in FY 2021, \$1,562,000 in FY 2022, and \$1,593,000 in FY 2023 for implementation of B22-613, the Ensuring Community Access to Recreational Spaces Act of 2018, which broadly updates how DGS and DCPS administers permitting of DCPS recreational facilities, including mandating that 75% of funding from permit fees be remitted directly to school principals, and 25% to DGS for administration of the permit program. This funding shift will provide direct funding to schools for maintenance, security, and custodial services resulting from permitted use of their facilities and incentivize schools to increase permitted use of their recreational spaces.

COMMITTEE ON HEALTH

The Committee recommends transferring the following amount to the Committee on Health:

\$226,000 in FY 2020, \$151,000 in FY 2021, \$155,000 in FY 2022, and \$160,000 in FY 2023 for implementation of B22-666, the Women, Infants, and Children Program Expansion Act of 2018, which aims to increase participation in the federal Special Supplemental Nutrition Program for Women, Infants, and Children Program (WIC) by expanding access to the program. The legislation prohibits the Mayor from imposing restrictions beyond what is required by federal law on vendors participating in WIC, and requires the Mayor to report on WIC spending and on challenges and recommendations for small stores to become authorized WIC vendors. It also requires the Department of Health to conduct targeted outreach to WIC-eligible families not enrolled in WIC, and to convene four community meetings annually to receive input regarding WIC. This funding shift supports full implementation of the law, which includes 2.0 FTEs.

\$250,000 funds for the Produce Rx program. Produce Rx allows medical professionals to prescribe fresh fruits and vegetables to patients experiencing diet-related chronic illness and provides additional support for patients living in poverty. This funding will help integrate

healthy food access into the District's healthcare system and strengthen clinical tools for addressing patients' needs.

COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

The Committee recommends transferring the following amount to the Committee on Housing and Neighborhood Revitalization:

\$9,000 in FY 2020, \$47,000 in FY 2021, \$141,000 in FY 2022, and \$403,000 in FY 2023 for implementation of B22-570, the Rental Housing Affordability Re-establishment Amendment Act of 2018. This legislation closes a loophole in District law that causes rental units that are part of the District's rent stabilization program, commonly referred to as rent-control, to not revert back to rent control after a tenant-based subsidy has ended. Currently, all tenant-based subsidies in the District are paid at market rate, even where the rental unit is under rent control, and District law permits housing providers to continue to rent those units at market rate after the voucher recipient vacates the units. This loophole has the effect of reducing the overall number of affordable, rent control units in the District. This legislation, fully funded with the money the Committee is transferring here, amends District law to require that those units revert back to rent control after the voucher recipient vacates the unit.

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

The Committee recommends transferring the following amounts to the Committee on the Judiciary and Public Safety:

\$150,594 in recurring funds to the Office of the Attorney General for an Environmental Attorney.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS

The Committee recommends transferring the following amounts to the Committee on the Recreation and Youth Affairs:

\$891,000 in FY 2020, \$907,000 in FY 2021, \$922,000 in FY 2022, and \$939,000 in FY 2023 for implementation of B22-681, the Healthy Parks Amendment Act of 2018. This legislation updates the nutrition standards for food and beverages provided at Department of Parks and Recreation (DPR) parks and recreation facilities, and requires DPR to offer supper meals through the federal Afterschool Meals Program to children at eligible facilities. The legislation also requires DPR to prepare an annual plan for increasing participation in the DC Summer Meals Program and the Afterschool Meal Program. This funding supports full implementation of the law, and should cover three full-time staffers and fifty-three part-time staffers (a total of 19.0 FTEs).

\$260,000 in capital funds in FY 2020 to (QP5ARC) Arboretum Community Center, to fund renovations of the Arboretum Community Center. Specifically, this funding will be used for renovations to develop a half-court gym at the site.

COMMITTEE OF THE WHOLE

The Committee recommends transferring the following amounts to the Committee of the Whole:

\$100,000 in FY 2020 to fund the central kitchen report required by the Healthy Students Amendment Act of 2018. Specifically, this funding will be used by the Office of Planning to prepare a report describing best practices for developing a central kitchen in the District.

\$291,000 in FY 2022 and FY 2023 for implementation of B22-234, the Leaf Blower Regulation Amendment Act of 2018. This law bans the sale and use of gas-powered leaf blowers in the District starting in 2022. This funding will be used by DCRA to track, respond to, and enforce complaints about gas-powered leaf blower usage.

\$99,913 in FY 2020, \$106,105 in FY 2021, \$111,410 in FY 2022, and \$116,981 in FY 2023 to implement B22-20, the Structured Settlements and Automatic Renewal Protections Act of 2018. This funding supports Title II of the law, which regulates automatic renewal provisions in consumer contracts for goods and services.

BUDGET SUPPORT ACT RECOMMENDATIONS

On Wednesday, March 20, 2019, Chairman Mendelson introduced, on behalf of the Mayor, Bill 23-209, the Fiscal Year 2020 Budget Support Act of 2019. The bill contains six subtitles as to which the Committee on Transportation and the Environment has provided comments. The Committee also recommends the addition of thirteen new subtitles. The Committee describes the purpose, fiscal impact, committee reasoning, and a section-by-section analysis for each of the subtitles it recommends for inclusion in the Budget Support Act below, and has attached legislative language for each as Attachment F to this report.

A. RECOMMENDATIONS ON BUDGET SUPPORT ACT SUBTITLES PROPOSED BY THE MAYOR

The Committee provides comments on the following subtitles of the Fiscal Year 2020 Budget Support Act of 2019:

1. Title VI, Subtitle A. Half Street, SE, Improvement Grant
2. Title VI, Subtitle B. District Department of Transportation Master Capital Projects
3. Title VI, Subtitle E. Parking Enforcement Authority
4. Title VI, Subtitle F. Student, Youth, and Learner Transit Subsidy Programs
5. Title VI, Subtitle G. CleanEnergy DC Implementation
6. Title VI, Subtitle H. Clean Rivers Impervious Area Charge Assistance Fund

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1. TITLE VI, SUBTITLE A. HALF STREET, SE, IMPROVEMENT GRANT.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would give the DDOT Director the authority to issue grants, including grants in excess of \$1,000,000, for the purpose of improving the portion of Half Street, SE, between N Street, SE, and M Street, SE, to the Capitol Riverfront Business Improvement District or to an owner of real property adjacent to the portion of Half Street, SE, between N Street, SE and M Street, SE.

The fiscal impact of this subtitle is incorporated into the proposed FY 2020 – FY 2023 budget and financial plan.

COMMITTEE REASONING

The Capital Riverfront area has seen incredible growth and improvement over the last ten years. It continues to develop quickly, and DDOT has goals pertaining to transportation and safety in the area that it plans to pursue. This subtitle would give the DDOT director the needed flexibility to issue grants in excess of \$1,000,000 to entities capable of assisting DDOT in achieving its goals of improving transportation and safety in the area.

SECTION-BY-SECTION ANALYSIS

Sec. 6001. Short Title.

Sec. 6002. Gives the DDOT Director the authority to issue grants, including grants in excess of \$1 million, for the purpose of improving the portion of Half Street, SE, between N Street, SE, and M Street, SE, to the Capitol Riverfront Business Improvement District or to an owner of real property adjacent to the portion of Half Street, SE, between N Street, SE and M Street, SE.

2. TITLE VI, SUBTITLE B. DISTRICT DEPARTMENT OF TRANSPORTATION MASTER CAPITAL PROJECTS.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would repeal the statutory provision that sunsets DDOT's authority to assign local capital projects (sub-projects) to local capital master projects on January 21, 2019 and will allow the DDOT Director to reallocate funding for associated capital projects to master capital projects on an ongoing basis. The subtitle also revises outdated and incorrect language to ensure that the scope of DDOT's authority under the reallocation provision is clear.

The fiscal impact of this subtitle is incorporated into the proposed FY 2020 – FY 2023 budget and financial plan.

COMMITTEE REASONING

Since FY 2012, capital projects funded through the District of Columbia Highway Trust Fund have been budgeted in “master projects” and include several “sub-projects.” Local capital projects were budgeted this way beginning in FY 2018. Existing law allows the DDOT Director to re-allocate available fund balances in a sub-project to the applicable master project. This authority is beneficial because it allows greater flexibility to manage resources more efficiently and effectively, enhances project delivery during construction season, consolidates similar projects to provide greater transparency, and minimizes delays due to administrative processes. In addition, the current statutory authority has incorrect, outdated, or unclear language that should be revised to ensure that the scope of DDOT's authority under the reallocation provision is clear. The Committee finds these changes necessary for DDOT to efficiently coordinate within projects and to ensure the law is clear in what it allows the DDOT Director to do when coordinating within projects.

SECTION-BY-SECTION ANALYSIS

Sec. 6011. Short Title.

Sec. 6012. Repeals the statutory provision that sunsets DDOT's authority to assign local capital projects (sub-projects) to local capital master projects; allows the DDOT Director to reallocate funding for associated capital projects to master capital projects on an ongoing basis; and revises outdated and incorrect language to ensure that the scope of DDOT's authority under the reallocation provision is clear.

3. TITLE VI, SUBTITLE E. PARKING ENFORCEMENT AUTHORITY.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would allow the Mayor to serve notice of a parking infraction by mail when the operator of a motor vehicle leaves the site of a violation before personal service or service by affixing the notice to the vehicle can be effectuated.

The fiscal impact of this subtitle is incorporated into the proposed FY 2020 – FY 2023 budget and financial plan.

COMMITTEE REASONING

The Mayor's budget for the Department of Public Works provides a significant enhancement to the Parking Enforcement Management Administration to support the Bike Enforcement Program. This enhancement would increase the number of parking officers patrolling bike lanes to keep them clear of vehicles and enhance street safety. A major challenge facing effective bike lane enforcement is that vehicles blocking bike lanes often drive away before a parking officer has the opportunity to serve notice of a violation to the vehicle operator or to affix notice to the vehicle. This subtitle would allow the Mayor to serve notice by mail in such cases, as is already allowed for violations detected by an automated parking enforcement system. The Committee finds that this expansion of the law would make bike lane enforcement more effective, increasing street safety and furthering Vision Zero goals.

SECTION-BY-SECTION ANALYSIS

Sec. 6041. Short title.

Sec. 6042. Allows the Mayor to mail a notice of parking infraction when the operator of a motor vehicle leaves the site of a violation before personal service or by affixing the notice to the vehicle can be effectuated.

4. TITLE VI, SUBTITLE F. STUDENT, FOSTER YOUTH, SUMMER YOUTH EMPLOYEE, AND ADULT LEARNER TRANSIT SUBSIDIES

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would require the Mayor to establish transit subsidy programs for school children, youth in the District's foster care system, participants in the Summer Youth Employment Program, and adult learners. The subtitle also allows the Mayor to establish eligibility requirements that participants must meet in order to receive transit subsidies.

The fiscal impact of this subtitle is \$200,000 in FY 2019 and \$800,000 over the financial plan. The Committee's FY 2019 budget provides the funding necessary to implement the subtitle.

COMMITTEE REASONING

Each transit subsidy program established by this subtitle already exists independently. This subtitle simply mandates the programs' continued existence and locates the relevant guidelines and rules in a common place in the District of Columbia Code. The Committee believes it important for the transit subsidy programs to be formally established in the code and would enable their continued existence. Therefore, the Committee supports this BSA subtitle.

SECTION-BY-SECTION ANALYSIS

Sec. 6051. Short Title

Sec. 6052. Defines terms to be used.

Sec. 6053. Mandates the Mayor enter into a Transit Subsidy Agreement for the programs included in the subtitle with the Washington Metropolitan Area Transit Authority.

Sec. 6054. Establishes the Kids Ride Free Transit program and the eligibility criteria.

Sec. 6055. Establishes the transit subsidy for youth in the District's foster care system and the eligibility criteria.

Sec. 6056. Establishes the Summer Youth Employment Program transit subsidy and the eligibility criteria.

Sec. 6057. Establishes the adult learner transit subsidy and the eligibility criteria.

Sec. 6058. Grants the Mayor the authority to promulgate rules to implement this act.

Sec. 6059. Repeals the School Transit Subsidy Act of 1978.

5. TITLE VI, SUBTITLE G. CLEANENERGY DC IMPLEMENTATION.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would amend the Clean and Affordable Energy Act of 2008 to clarify that moneys from the Sustainable Energy Trust Fund may be used to support the transportation reduction initiative under the District of Columbia Traffic Act, and to support the implementation of the energy retrofit program required under the CleanEnergy DC Omnibus Amendment Act

The fiscal impact of this subtitle is incorporated into the proposed FY 2020 – FY 2023 budget and financial plan.

COMMITTEE REASONING

The Mayor’s proposed FY 2020 budget includes full funding for the CleanEnergy DC Omnibus Amendment Act of 2018, which became effective March 22, 2019. However, to ensure that there is sufficient funding to implement the Act, the Mayor has proposed utilizing revenues within the Sustainable Energy Trust Fund (SETF). This subtitle amends the District law that prescribes how SETF funds may be used to permit uses on two additional initiatives: first, implementation of the transportation emission reduction initiative required under the District of Columbia Traffic Act, and second, implementation of the energy retrofit program under the CleanEnergy DC Omnibus Amendment Act. The Committee supports use of SETF to implement these two important programs and recommends inclusion of this subtitle in the Budget Support Act.

SECTION-BY-SECTION ANALYSIS

Sec. 6061. Short title.

Sec. 6062. Amends the Clean and Affordable Energy Act of 2008 to clarify that moneys from the Sustainable Energy Trust Fund may be used to support transportation reduction initiative under the District of Columbia Traffic Act, and to support the implementation of the energy retrofit program required under the CleanEnergy DC Omnibus Amendment Act

Sec. 6063. Repeals the subject to appropriations language.

6. TITLE VI, SUBTITLE H. CLEAN RIVERS IMPERVIOUS AREA CHARGE ASSISTANCE FUND.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would establish a special fund, the Clean Rivers Impervious Area Charge Assistance Fund, where revenue appropriated in a given fiscal year for implementation of financial assistance programs for payment of impervious area charges is to be deposited. It would also clarify that money in the special fund is to be used to pay for those financial assistance programs.

The fiscal impact of this subtitle is incorporated into the proposed FY 2020 – FY 2023 budget and financial plan.

COMMITTEE REASONING

In the FY 2019 budget, the Council approved \$7,000,000 in CRIAC Relief funding, \$6,000,000 of which was matched by DC Water. These funds were to be distributed to ratepayers and non-profit organizations with illustrated financial need to help provide financial relief from high CRIAC fees. However, much of that funding has yet to be dispersed to eligible ratepayers and nonprofits, due to the relief program being launched halfway through the fiscal year, and to a number of issues related to community outreach and publicity of the program. As of the DOEE budget oversight hearing, only 2,091 households had enrolled in the CRIAC Relief program in 2019, with four applicants denied. For the non-profit program, DOEE has approved sixty-nine of eighty-three applicants, providing \$902,000 in relief.

Where funds are unspent from the CRIAC Relief Activity at the end of FY 2019, those funds would naturally revert to the General Fund, where they would no longer be reserved for CRIAC relief. The Mayor's subtitle would establish a special fund where any remaining CRIAC relief funds would be deposited each year and requires that any moneys in that account be used for CRIAC relief – in effect, making CRIAC relief funds roll over in a given fiscal year, rather than return to the General Fund for other uses. Noting the importance of these funds, and the need to ensure that there is sufficient funding to provide full relief to eligible ratepayers and non-profits, the Committee recommends inclusion of this subtitle in the FY 2020 Budget Support Act.

SECTION-BY-SECTION ANALYSIS

Sec. 6071. Short title.

Sec. 6072. Amends the District Department of the Environment Establishment Act of 2005 to establish a special fund, the Clean Rivers Impervious Area Charge Assistance Fund, mandating that revenue appropriated in a given fiscal year, including FY 2019, for implementation of financial assistance programs to assist with payment of impervious area

charges be deposited into that fund, and stating that money in the special fund be used to pay for such financial assistance programs.

B. RECOMMENDATIONS FOR NEW BUDGET SUPPORT ACT SUBTITLES

The Committee on Transportation and the Environment recommends the following ten new subtitles to be added to the Fiscal Year 2020 Budget Support Act of 2019:

1. Residential Parking Permit Amendment
2. Driving While Using a Mobile Telephone Minor Prohibition
3. Personal Mobility Device Parking Pilot
4. Bicycle Advisory Council DPW Addition
5. Urban Agriculture Office
6. Healthy Students Revenue
7. Legitimate Theater Sidewalk Café Authorization
8. Temporary Visitor Parking Permit Transfer
9. Congestion Pricing Study Amendment
10. Subject to Appropriations Repeal and Modification

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1. TITLE X, SUBTITLE X. RESIDENTIAL PARKING PERMIT AMENDMENT.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would amend title 18 of the District of Columbia Municipal Regulations to increase the cost of a Residential Parking Permit.

The fiscal impact of this subtitle is \$202,000 in FY 2020, and \$1,202,000 over the financial plan. In addition, the subtitle has \$875,000 in one-time costs in FY 2020 and \$275,000 in one-time costs in FY 2021. The subtitle is also anticipated to generate \$1,676,000 of revenue in FY 2020, and \$10,985,000 over the financial plan. The Committee's FY 2020 budget provides the funding necessary to implement the subtitle.

COMMITTEE REASONING

Residential Parking Permits (RPP) allow District residents to register their car and park it on the street in the zone in which they reside. Since 2011, the cost of a RPP in the District has been \$35 annually. This price represents a bargain for parking, with the cost of most garages in the city being \$200 a month or more. While other prices and costs in the District have increased significantly in the last eight years, the cost of an RPP has remained unchanged, to the point where it generates very little revenue for the District as compared to its value. The Committee believes it is time to raise the cost of RPP so that it collects meaningful revenue for the District. However, the Committee recognizes that, for many, this parking is the only place in which they can park their vehicle and that they cannot afford to pay more. Given these two competing interests, the subtitle increases the cost for an RPP for the first vehicle registered per address to \$50 annually, the cost for second vehicles to \$75 annually, the cost for the third vehicle registered to \$100 annually, and for any vehicle beyond the third to \$150 annually.

The Committee notes that funding provided under this subtitle is to be used solely for administration of the new tiered RPP pricing system, and not for Agency outreach, community education, or other communications by the Agency regarding this change.

SECTION-BY-SECTION ANALYSIS

Sec. XXXX. Short title.

Sec. XXXX. Amends title 18 of the District of Columbia Municipal Regulations to increase the cost of a Residential Parking Permit.

2. TITLE X, SUBTITLE X. DRIVING WHILE USING A MOBILE TELEPHONE MINOR PROHIBITION.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would amend the Distracted Driving Safety Act of 2004 to prohibit drivers under the age of eighteen from using a mobile telephone while driving including using one with a handsfree device. This subtitle also corrects a drafting error under the Act which permits bus drivers and learner-permit holders to be relieved from their first fine under the Act if they present proof of purchase of a handsfree device.

This subtitle has no negative impact on the fiscal plan but brings the District's statutory scheme in line with the criteria required in order to meet eligibility requirements for a particular federal grant.

COMMITTEE REASONING

Each year, the United States Department of Transportation, through the National Highway Traffic Safety Administration, awards federal grants to states (and the District) that apply for and meet the eligibility criteria for specific programs for which it designates funding. The criteria typically require state statutory schemes that are in line with the goals of a specific federal program. One such program, the National Priority Safety Program and Racial Profiling Data Collection Grants, aims to combat distracted driving by incentivizing states to pass strict distracted driving laws. This program has multiple grants associated with it, some of which the District applied for and received, and some of which the District did not apply for because its statutory scheme did not meet the eligibility criteria. One grant that the District did not apply for because its statutory scheme did not meet the criteria was the Special Districted Driving Grants codified at 23 U.S. Code § 405(e)(6)(A) and published in the federal regulations at 23 CFR § 1300.24(e). The District did not meet the criteria because its statutory scheme does not completely ban those under the age of eighteen from using a mobile phone while driving because there is an exception under the law for drivers using a handsfree device. This subtitle would eliminate the handsfree exception for drivers under the age of eighteen and bring the District's statutory scheme in line with the criteria required in order to meet eligibility requirements for this particular federal grant.

In addition, this subtitle corrects a drafting error in the law that allows bus drivers and learner-permit holders, who may not use a mobile phone while driving even if using a handsfree device, to be relieved from their first fine under the Act if they present proof of purchase of a handsfree device.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Prohibits drivers under the age of eighteen from using a mobile phone while driving even if the mobile phone is accessed using a handsfree device, except in the cases of emergency. Corrects a drafting error to impose fines on bus drivers and learner-permit holders who are found to have violated the Act.

3. TITLE X, SUBTITLE X. PERSONAL MOBILITY DEVICE PARKING PILOT.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would require the District Department of Transportation to establish a pilot program to create painted parking spaces on sidewalks or on streets for the exclusive use of personal mobility devices and would increase the speed limit for personal mobility devices on roads and in bike lanes to 15 miles per hour.

The fiscal impact of this subtitle is \$78,000 in FY 2020 and \$98,000 over the financial plan. The subtitle also has anticipated one-time costs of \$17,000 in FY 2020. The Committee's FY 2020 budget provides the funding necessary to implement the subtitle.

COMMITTEE REASONING

Since the launch of DDOT's Dockless Demonstration Project for dockless scooters and bicycles in 2017, the Committee has routinely heard complaints about scooters being left in inconvenient locations, such as in pedestrian walkways, handicap parking spaces, or on private property. To address the same issue, the county of Arlington, Virginia, recently began creating street parking spaces for scooters and bikes only. The Committee believes it would be beneficial to bring this same idea to the District as it applies to dockless scooters (legally known as personal mobility devices). This subtitle would require DDOT to create a pilot program to establish parking exclusively for the use of personal mobility devices. Under the pilot, DDOT will begin by creating at least one parking spot per Business Improvement District (BID). This subtitle in no way limits how many of these parking spaces DDOT can create or where they must be beyond requiring at least one per BID. DDOT has the ability to place parking spots for personal mobility devices in other parts of the city or multiple ones in a BID. In addition, this subtitle does not require personal mobility device users to park in a designated parking place. However, the Committee believes that if such spots are available, personal mobility device users will use them.

The Committee has also heard complaints from dockless scooter users and operators that the ten mile per hour speed limit imposed by the current law makes users feel unsafe. It is their position that when they cannot keep up with the speed of bikes in bicycle lanes, they are putting themselves in danger. Other residents, however, have also expressed their frustration with electric scooters being used on the sidewalks. Pedestrians have said that they feel unsafe when dockless scooters bypass them at high rates of speed. This subtitle seeks to find a balance by changing the speed limit for personal mobility devices to fifteen miles per hour, except when they are operated on a sidewalk, in which case the speed limit will remain at ten miles per hour.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Requires the District Department of Transportation to establish a pilot program to create painted parking spaces on sidewalks or on streets for the exclusive use of personal mobility devices. Amends the District of Columbia Traffic Act of 1925 to increase the speed limit for personal mobility devices on roads and in bike lanes to fifteen miles per hour.

Sec. X03. Amends the District of Columbia Municipal Regulations to conform to the fifteen miles per hour speed limit.

4. TITLE X, SUBTITLE X. BICYCLE ADVISORY COUNCIL DPW ADDITION.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The subtitle would add the Director of the Department of Public Works (DPW) to the Bicycle Advisory Council.

This subtitle has no negative impact on the fiscal plan but builds on a proposed enhancement by the Mayor to the DPW's Bike Enforcement Program, increasing the number of parking officers patrolling bike lanes. This subtitle will help ensure that these new parking officers are directly engaged with concerns and other matters pertaining to bicycling in the District, given that DPW otherwise does not have representation on the Bicycle Advisory Council.

COMMITTEE REASONING

The Bicycle Advisory Council (BAC) advises the Mayor, D.C. Council, and District agencies on matters pertaining to bicycling in the District and makes recommendations to the bicycle coordinator on the budget and focus of the Comprehensive Bicycle Transportation and Safety Program. It currently includes representatives from agencies with jurisdiction over matters pertaining to bicycling, including the Department of Transportation, the Metropolitan Police Department, and the Office of Planning. DPW's Parking Enforcement Management Administration (PEMA) enforces the District's parking regulations to promote vehicular safety. This includes keeping bike lanes clear, a critical aspect of ensuring that cyclists are safe. Because of DPW's role in bicycle lane enforcement, the Committee finds it appropriate for the BAC to include a representative from DPW to ensure that it can provide information on all issues facing cyclists in the District. The Mayor's FY 2020 budget includes an enhancement for DPW's Bike Enforcement Program that would increase the number of parking officers patrolling bike lanes. The addition of a DPW representative to the BAC would help achieve the Mayor's goals as put forth in the budget.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Adds the Director of the Department of Public Works to the Bicycle Advisory Council.

5. TITLE X, SUBTITLE X. URBAN AGRICULTURE OFFICE.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would establish an office of urban agriculture within the Department of Energy and Environment (DOEE). The mission of this office would be to encourage and promote urban, indoor, and other emerging agriculture practices in the District. Its duties would include developing and implementing District-wide policies and programs to promote urban farming and agriculture, providing guidance to other District agencies implementing urban agriculture programs, and engaging in outreach. The office would also apply for and accept grants on behalf of DOEE. The subtitle would also move management of the Urban Farming Land Lease Program and the urban agriculture tax abatement program from the Department of General Services to the Department of Energy and Environment.

The fiscal impact of this subtitle is \$122,000 in FY 2020 and \$498,000 over the financial plan. The Committee's FY 2020 budget provides the funding necessary to implement the subtitle.

COMMITTEE REASONING

The Mayor's recently published Sustainable DC 2.0 Plan includes the target of putting twenty additional acres, including public right of way and rooftops, under cultivation for growing food by 2032. Expanding urban agriculture in the District will have an impact on how much fresh, locally-grown produce is available to District residents, and promote job creation in the agricultural sector. Although the District is opening new pathways for urban agriculture through programs such as the Urban Agriculture Land Lease Program and the Urban Agriculture Tax Abatement program, urban farmers in the District struggle to navigate the government requirements and identify resources. Creating a dedicated office to oversee the District's urban farming programs, and also tasking this office with providing technical assistance and outreach, would give farmers the assistance they need to expand their operations.

The subtitle would also direct the Office to apply for and accept agriculture grants on behalf of DOEE. All fifty states, as well as Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands, have departments of agriculture. This gives them access to significant resources and federal funding. Creating an office of urban agriculture for the District with the directive to apply for grants will give the District greater access to federal agriculture dollars, which in turn would help support agriculture in the District.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Establishes an Office of Urban Agriculture within the Department of Energy and Environment and directs this Office to develop and implement the District's urban agriculture programs.

Sec. X03. Moves Urban Farming Land Lease Program from the Department of General Services to the Department of Energy and Environment.

Sec. X04. Repeals Section 2a(b)(4)(B) of the Division of Park Services Act of 1988.

Sec. X05. Moves the urban agriculture tax abatement program from the Department of General Services to the Department of Energy and Environment.

6. TITLE X, SUBTITLE X. HEALTHY KIDS REVENUE AMENDMENT.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The subtitle would revise the definition of soft drinks and increase the tax on sales of soft drinks to provide revenue for the Healthy Students Amendment Act and the Healthy Parks Amendment Act.

The fiscal impact of this subtitle is \$3,219,000 in revenue in FY 2020 and \$11,942,000 over the financial plan. Funds are sufficient in the FY 2020 through FY 2023 budget and financial plan to implement this subtitle.

COMMITTEE REASONING

This subtitle increases the tax on sales of soft drinks by 1%³ to provide revenue for the Healthy Students Amendment Act of 2018 and the Healthy Parks Amendment Act of 2018. This funding will be used to provide critical nutrition assistance to children in the District by improving the quality and accessibility of breakfast served in District schools, and by providing free supper meals at District parks and facilities to ensure that low-income children have access to nutritious meals after school and during the summer. Recognizing that one-in-four District households with children struggle with food hardship or insecurity, this subtitle reflects the Committee's commitment to finding ways to ensure that all children have access to nutritious meals throughout the year.

This subtitle would also revise the definition of soft drink to align with public health recommendations for beverages. Soft drinks are currently defined as a non-alcoholic beverage with natural or artificial sweeteners, excluding beverages that contain milk, milk substitutes, fruit or vegetable juice, or coffee or tea.⁴ The *Dietary Guidelines for Americans*, published by the U.S. Department of Agriculture and the Department of Health and Human Services, recommend limiting consumption of sugar-sweetened beverages, while also specifically recommending beverages that contribute beneficial nutrients, such as milk and 100% juice. Because milk and juice provide beneficial nutrients, the subtitle would keep the exclusion for such beverages, but would remove sweetened coffee and tea drinks from the exclusion as the *Guidelines* do not recommend consumption of sweetened coffee or tea drinks. The subtitle would also apply a minimum amount of milk or juice required to meet the exclusion. The current law does not include a threshold amount of milk or juice; as a result, a beverage containing only 5% juice would be excluded from the current definition of soft drink even though it provides minimal nutrients. This subtitle would revise the exclusion to require that beverages contain at least 50% milk or milk substitutes, or 100% fruit or vegetable juice, to ensure that only beverages contributing beneficial nutrients are excluded from the definition of soft drink.

³ The current D.C. Code applies a 6% sales tax on soft drinks under § 47-2002, and an additional 1% tax under § 47-2002.02. To achieve this 1% increase in the Code, the subtitle eliminates the 1% tax under § 47-2002.02, and increases the sales tax on soft drinks under § 47-2002 from 6% to 8%. It is the Committee's understanding that this 1% tax under § 47-2002.02, while law, is not currently being collected by the Office of Tax Revenue.

⁴ The definition also excludes beverages prepared for immediate consumption.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Revises the definition of soft drinks and imposes an 8% tax on the gross receipts from the sale or charges made for soft drinks.

7. TITLE X, SUBTITLE X. LEGITIMATE THEATER SIDEWALK CAFÉ AUTHORIZATION.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The subtitle would authorize “legitimate theaters” to apply for permits to allow operation of sidewalk cafes.

This subtitle has no negative impact on the fiscal plan but clarifies an error in which legitimate theaters appear to have been erroneously prohibited from operating sidewalk cafés under District regulations.

COMMITTEE REASONING

The Public Space Committee within the District Department of Transportation reviews applications to use public space for private purposes. One of these purposes is to convert public sidewalks into cafes for nearby establishments. These establishments include restaurants, grocery stores, breweries, wineries, and distilleries. Yet a theater, referred to in District regulations as a “legitimate theater,” cannot apply to operate a sidewalk café. This appears to be an oversight, with representatives of the District Department of Transportation reporting no qualms with theaters being able to apply for sidewalk permits. This subtitle would remedy an oversight and allow theaters to apply for sidewalk café permits.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Authorizes “legitimate theaters” to apply for merits to allow operation on sidewalk cafes.

8. TITLE X, SUBTITLE X. TEMPORARY VISITOR PARKING PERMIT PROGRAM TRANSFER.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The subtitle would amend 18 DCMR 2414.5, which puts a limit on the number of days that MPD can issue temporary parking permits, to shift authority for the program from MPD to DDOT.

This subtitle has no negative impact on the fiscal plan, but by moving responsibility for the temporary visitor parking permit program from MPD to DDOT, there would be no need for MPD to stand up a new database to track these permits, negating the costs projected in the Fiscal Impact Statement for the Temporary Parking Limitation Regulation Amendment Act of 2018.

COMMITTEE REASONING

On December 18, the Council approved the Temporary Parking Limitation Regulation Amendment Act of 2018, effective March 28, 2019 (D.C. Law 22-0270; 66 D.C. Reg. 3986) (Temporary Parking Act). The Temporary Parking Act caps at 90 the number of days, in aggregate in a single calendar year, that a single address may receive temporary visitor parking permits, currently issued by MPD pursuant to 18 DCMR 2414.5-2414.8. The temporary visitor parking permit allows visitors at an address on a residential permit parking block to park for up to 15 days at a time. However, there is currently no statutory or regulatory cap on the number of times that a resident can request additional temporary visitor parking permits from MPD; these permits are in addition to a resident's own residential parking permit, and an annual visitor parking pass that DDOT issues to residents who live on streets zoned for residential parking permits pursuant to 18 DCMR 2414.9-2414.18.

The Council has found evidence that there was ongoing abuse of the temporary visitor parking permit program, including some residents forgoing paying for a residential parking permit because they could renew temporary visitor parking permits indefinitely and at no cost. In the Fiscal Impact Statement for the Temporary Parking Act, the OCFO found that MPD would need to create a database to track temporary visitor parking permits, at a cost of \$500,000 in the first year and \$200,000 annually, before the Act could take effect. However, DDOT has communicated to the Committee that it intends to take over the temporary visitor parking permit program. Accordingly, this subtitle amends 18 DCMR 2414.5 to give DDOT, rather than MPD, the authority to issue temporary visitor parking permits, beginning on January 1, 2020. DDOT already has a database necessary to track temporary parking permits, meaning costs projected by MPD to stand up a new database to implement the Temporary Parking Act would no longer be necessary. With no fiscal impact, the 90-day cap prescribed in the Act may go into effect upon DDOT taking over the temporary visitor parking permit program on January 1, 2020.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Authorizes “legitimate theaters” to apply for merits to allow operation on sidewalk cafes.

9. TITLE X, SUBTITLE X. CONGESTION PRICING STUDY AMENDMENT.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would amend the District of Columbia Establishment Act of 2002 to require the District Department of Transportation to conduct a study and offer recommendations on the impact of autonomous vehicles in the District.

The fiscal impact of this subtitle is \$475,000 in FY 2020. The Committee's FY 2019 budget provides the funding necessary to implement the subtitle.

COMMITTEE REASONING

Traffic in the District is an ever-constant inconvenience for District residents and with the likely proliferation of Autonomous Vehicles (AVs) in the future, the Committee fears that the issue of excessive traffic may become even more pronounced. In order to combat this problem, other jurisdictions, such as New York City, have begun to study congestion pricing, a planned traffic congestion fee charged to vehicles travelling into or within a predetermined area. The Committee believes the District could potentially benefit from congestion pricing and that a comprehensive study of the options available to the District and their potential effects is warranted. This study would evaluate intra-district congestion pricing options as well as travel into the District via I-66 on the Theodore Roosevelt Bridge. The study would also include an analysis of different pricing strategies, including how these pricing strategies would be compatible with the introduction of automated vehicles. The study would analyze equity broadly across characteristics, including demographics, District residents/non-residents, geographic areas, and income levels. Finally, the study would evaluate the potential for regional collaboration in order to reduce congestion and possibly raise revenue.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Requires the District Department of Transportation to study and make recommendations on the potential benefits of congestion pricing in the District, including analyses on intra-district tolls; tolls for vehicles entering the District via the District's bridges; different pricing strategies; how different pricing strategies would be compatible with the introduction of automated vehicles; demographic, geographical, residential, non-residential, and income level equity; the potential to raise revenue; and the potential benefits of regional collaboration.

10. TITLE X, SUBTITLE X. SUBJECT TO APPROPRIATIONS REPEAL.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would repeal or amend the subject to appropriations language in 2 bills that the Committee is proposing to fund or partially fund the FY 2020 – FY 2023 financial plan, or which require no funding.

The fiscal impact of the Repeat Parking Violations Amendment Act of 2018 is \$8,000 in one-time funds in FY 2020, as well as \$10,000 in recurring funds in FY 2020 and \$40,000 over the financial plan. In its report, the Committee provides funding for the \$8,000 in one-time funds in FY 2020, while the Committee of the Whole has provided funding for the \$10,000 in recurring funds in FY 2020 and \$40,000 over the financial plan.

The fiscal impact of Section 5 of the Lead Water Service Line Replacement and Disclosure Amendment Act of 2018 is \$1,000,000 in recurring funds. In its report, the Committee provides full funding to implement that section of the law.

COMMITTEE REASONING

The Committee recommends repealing the subject to appropriations language in Section 4 of the DC Water Consumer Protection Amendment Act of 2018. The legislation includes subject to appropriations language, despite the legislation having no fiscal impact, and therefore can be repealed without the Committee providing any funding.

The Committee includes full funding to implement Section 5 of the Lead Water Service Line Replacement and Disclosure Amendment Act of 2018. As such, the Committee recommends repealing the subject to appropriations language in the legislation as it pertains to that section.

The Committee, along with the Committee of the Whole, recommends providing funding for B22-619, the Repeat Parking Violations Amendment Act of 2018; thus, the Committee recommends repealing any subject to appropriations language to reflect this funding. However, because that legislation did not include an applicability clause, it is not necessary to repeal any subject to appropriations language at this time.

The Committee notes that it recommends a transfer of funding to the Committee on Facilities and Procurement to fully fund B22-613, the Ensuring Community Access to Recreational Spaces Act of 2018. However, because that legislation did not include an applicability clause, it is not necessary to repeal any subject to appropriations language at this time.

In addition, the Committee recommends transferring \$311,000 to the Committee on Facilities and Procurement, and increasing funding to the Department of Energy and the Environment by \$100,000, to fund an assessment of the composition of the District's synthetic fields and a study on the safety of the materials used in those synthetic fields, respectively; this funding will fund Sections 3 and 4 of B22-946, the Safe Fields and Playgrounds Act of 2018. However, because that legislation did not include an applicability clause, it is not necessary to repeal any subject to appropriations language at this time.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Repeals the subject to appropriations language in Section 4 of the DC Water Consumer Protection Amendment Act of 2018.

Sec. X03. Repeals the subject to appropriations language in Section 5 of the Lead Water Service Line Replacement and Disclosure Amendment Act of 2018.

C. RECOMMENDATIONS TO THE COMMITTEE OF THE WHOLE ON THE BUDGET SUPPORT ACT

The Committee on Transportation and Environment also recommends that the Committee of the Whole move two new subtitles to the Fiscal Year 2020 Budget Support Act of 2019, separate from recommendations related to the Agencies under the Committee's direct jurisdiction:

1. Use of School Permit Fees
2. Self-Operated School Food Service

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1. TITLE X, SUBTITLE X. USE OF SCHOOL PERMIT FEES.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would amend the Ensuring Community Access to Recreational Spaces Act of 2018 to no longer limit the use of funds remitted to schools to payment for the cleaning, maintaining, and repairing of school facilities.

This subtitle has no negative impact on the fiscal plan but would amend how schools may spend permit fee moneys remitted to them under District law.

COMMITTEE REASONING

On October 16, 2018, the Council approved the Ensuring Community Access to Recreational Spaces Act of 2018; the legislation became effective on February 22, 2019. The law as written required the Department of General Services (DGS) to remit 75% of permit fees gathered by DGS to that school, and explicitly limited the school's use of those funds to payment for maintenance and repair of school facilities and grounds.

Since the Act was passed by the Council, the Committee has heard from principals and school community members with concerns about the legislation's restriction on use of the permit funds. They noted that permit fees amount to hundreds of thousands of dollars for some schools, far more than the actual costs for maintenance and repairs stemming from permitted use of school facilities and fields. Although schools intended to use a portion of the remitted permit fees for repair and maintenance, those who contacted the Committee expressed concern that schools would be prohibited from using those funds for other purposes once repair and maintenance work was completed. For example, schools could use additional funds from permitted activities to purchase classroom materials, support extracurricular programming, provide staff with professional development, or other purposes. This change would also make schools more willing to allow the community to use their facilities, providing a benefit to residents across the District. Given the likelihood of some schools receiving funds exceeding school need to pay for repairs and maintenance, and the clear benefit to students and schools if these funds could be put to other uses, the Committee recommends amending the law to strike language in the Act explicitly limiting how schools may use remitted funds.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Amends the Ensuring Community Access to Recreational Spaces to no longer limit the use of funds remitted to schools to payment for the cleaning, maintaining, and repairing of school facilities.

2. TITLE X, SUBTITLE X. SELF-OPERATED SCHOOL FOOD SERVICE.

PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would amend the Healthy Schools Act of 2010 to require the Mayor to operate a self-operated school food service pilot in school years 2020-2021 and 2021-2022 at ten DCPS schools or the maximum number of schools that the funding appropriated will support. The subtitle would require the Mayor to commission an independent consultant with relevant expertise to develop a plan for and advise DCPS on the implementation of the self-operated school food service pilot and provide training to DCPS staff on how to run a self-operated food service program. The Mayor would be required to report to the Council during each year of the pilot on student satisfaction and cost savings, as well as a report a month after the end of the 2020-2021 and 2021-2022 school years on the offset of costs created by the self-operated food service pilot due to changes to the existing food service contracts entered into by the District and an estimate of any federal reimbursements or other federal funding made available to the District through the implementation of the self-operated school food service model at participating schools.

The Committee has attached an April 25, 2019 Report from the Office of Budget and Research on “Estimating the Cost of Expanding a Pilot Program to In-House Food Services at DCPS” to this report as Attachment F. In that Report, the Budget Office lays out conservative estimates for costs for kitchen retro-fits pursuant to establishing a self-operated food service pilot, as well as operating costs, such as labor, food and materials, supplies, and other administrative costs. In addition, this report provides insight into potential revenue sources for this pilot, including federal funding through reimbursements by the United States Department of Agriculture Food and Nutrition Services, as well as potential cost-offsets through the reduction in the two existing food service contracts held by DCPS. The Committee recommends that the Committee of the Whole implement this pilot in line with the recommendations in the Budget Office report, including maximizing federal reimbursements and cost-offsets as soon as possible.

COMMITTEE REASONING

The District’s current system of contracting out school food services to food service management companies (FSMCs) is a significant financial burden on the District. The District privatized its school food services in 2009, based on projections that privatization would save the District money and increase meal participation. According to an October 2016 report by the D.C. Auditor, these projections have not been met. The District continues to incur significant losses in its school food services, operating at a deficit of \$8,874,000, or 25% of total costs, in FY 2015. These significant expenditures have not resulted in higher quality meals—at a November 2017 public hearing held by the Committee on Education regarding the state of food services at District schools, students and parents testified that school meals were generally highly processed and of low quality. Meal participation has also not risen significantly, perhaps because of the continued poor quality of the food.

Almost every other major school district operates its own school food services. The D.C. Auditor’s study profiled several major school districts that had transitioned to self-operated

school food services after experiencing poor performance by FSMCs. The report profiled New York City, Detroit, Baltimore, New Haven, Fairfax County, and Philadelphia, finding in all cases that self-operated school food services saved money while also enabling the school district to take more control over the quality of school foods. School food advocates in the District have recognized this potential for years, arguing that self-operated school food services would allow for DCPS to prepare fresher, healthier meals at a lower cost.

This bill requires that the Mayor hire an independent consultant to advise DCPS on the implementation of the self-operated food services model in order to ensure that the pilot is overseen by someone with experience in running a self-operated food service program and that DCPS staff have proper training to manage the pilot and any future expansion of the pilot. The bill requires that the pilot run in school years 2021-2022 and 2021-2022 in order to give DCPS sufficient time to procure vendors and exercise its option to reduce the size of its current contracts with one or more FSMCs.

SECTION-BY-SECTION ANALYSIS

Sec. X01. Short title.

Sec. X02. Requires the Mayor to pilot a self-operated school food services model for 10 DCPS schools over a two-year time period; requires the Mayor to commission an independent consultant with relevant expertise to advise and provide training to DCPS staff on operating a self-operated school food service model; and requires the Mayor to provide a report to the Council assessing school food services during each year of the pilot, including a comparison of student satisfaction surveys and cost savings with schools not participating in the pilot.

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COMMITTEE ACTION AND VOTE

On Thursday, May 2, 2010, at 10:42 a.m. in Room 500 of the John A. Wilson Building, the Committee on Transportation and the Environment met to consider and vote on the Mayor's proposed FY 2020 budget for the agencies under its jurisdiction, the provisions of the FY 2020 Budget Support Act of 2019 referred to the Committee for comment, the Committee's budget report, and the ledger of committee actions. Chairperson Mary M. Cheh determined the existence of a quorum with the presence of Councilmembers Charles Allen, Jack Evans, Kenyan McDuffie, and Brandon T. Todd. Chairperson Cheh provided a brief overview of the draft report, the ledger of committee actions, and the changes recommended to the Mayor's proposed budget. Chairperson Cheh also noted changes made to the circulated report, reflected in a dais print.

At the mark-up, Councilmember McDuffie introduced an amendment to the report to strike Subtitle X. DDOT CBE Exemption Pilot. This subtitle would have exempted DDOT, for a period of two years, from the Certified Business Enterprise requirements for contracting when contracting out alley, street, or sidewalk maintenance, rehabilitation, or construction. The Members voted 3-2, to approve the amendment, voting as follows:

Members in favor:	Councilmembers Evans, McDuffie, and Todd
Members opposed:	Chairperson Cheh and Councilmembers Allen,
Members voting present:	None
Members absent:	None

As a result, the proposed subtitle is not included in this report.

Councilmember McDuffie then introduced a second amendment to the report. This amendment would have struck lines 416-418 from Subtitle X. Healthy Kids Revenue Amendment, and required the Committee to make additional cuts to balance its budget recommendations. Jen Budoff, Director of the Budget Office, noted that the Budget Office did not issue a Fiscal Impact Statement for the amendment. Because the amendment lacked a Fiscal Impact Statement, Chairperson Cheh ruled the amendment out of order. Councilmember McDuffie then proposed another version of the amendment, which only struck lines 416-418 from Subtitle X. Healthy Kids Revenue Amendment, but did not require the Committee to make additional cuts to balance its budget recommendations. Although this amendment had been scored by the Budget Office, its adoption would have resulted in the Committee approving an imbalanced budget. For that reason, Chairperson Cheh ruled the second amendment out of order.

Councilmember McDuffie then made a motion to adjourn. The Members voted 3-2, to adjourn, voting as follows:

Members in favor:	Councilmembers Evans, McDuffie, and Todd
Members opposed:	Chairperson Cheh and Councilmember Allen
Members voting present:	None
Members absent:	None

Accordingly, Chairperson Cheh adjourned the meeting at 12:15 p.m.

On Thursday, May 2, 2010, at 12:33 p.m. in Room 412 of the John A. Wilson Building, the Committee on Transportation and the Environment reconvened to consider and vote on the Committee's budget recommendations. Chairperson Cheh and Councilmembers Allen and McDuffie consented in writing to this meeting of the Committee without 24 hours notice, pursuant to Rule 403 of the Committee Rules. Chairperson Mary M. Cheh determined the existence of a quorum with the presence of Councilmembers Charles Allen, Jack Evans, Kenyan McDuffie, and Brandon T. Todd.

Chairperson Cheh then moved for approval of the Committee's Fiscal Year 2020 Local Budget Act recommendations, the Committee's Fiscal Year 2020 Budget Support Act recommendations, the Committee's budget report, and the ledger of committee actions, as amended, with leave for staff to make technical and conforming changes to reflect the Committee's actions. The Members voted 5-0 to approve the recommendations, voting as follows:

Members in favor:	Chairperson Cheh, Councilmembers Allen, Evans, McDuffie, and Todd
Members opposed:	None
Members voting present:	None
Members absent:	None

Chairperson Cheh then thanked the members of the Committee for all of their work and support during the budget process. She thanked her staff, including Chief of Staff Jonathan Willingham, Committee Director Nicole Rentz; Senior Legislative Counsel Anthony Catalino; Legislative Counsels Michael Porcello, Rachel Clark, and Cole Wogoman; and Committee Clerk Aukima Benjamin. She also thanked Joe Wolfe, Anne Phelps, and Jen Budoff of the Council Budget Office and Assistant General Counsel Zach Walter for their invaluable assistance.

Chairperson Cheh adjourned the meeting at 12:42 p.m.

ATTACHMENTS

- A. March 28, 2019, Fiscal Year 2020 Budget Oversight Hearing Witness List
- B. April 1, 2019, Fiscal Year 2020 Budget Oversight Hearing Witness List
- C. April 9, 2019, Fiscal Year 2020 Budget Oversight Hearing Witness List
- D. April 11, 2019, Fiscal Year 2020 Budget Oversight Hearing Witness List
- E. Recommended Subtitles for Inclusion in the Budget Support Act
- F. April 25, 2019 Report from the Office of Budget and Research on “Estimating the Cost of Expanding a Pilot Program to In-House Food Services at DCPS”

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Attachment A

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COMMITTEE ON
TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

WITNESS LIST FOR A BUDGET OVERSIGHT HEARING ON

Department of Public Works

Thursday, March 28, 2019 at 11:00 a.m.
in Room 500 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

DEPARTMENT OF PUBLIC WORKS

PUBLIC WITNESSES

1. Robb Dooling, ANC Commissioner 6C06
2. Chris Weiss, DC Environmental Network
3. Catherine Plume, DC Chapter of the Sierra Club
4. David Alpert, DC Sustainable Transportation
5. Sarah Fraser, Public Witness
6. Zeke Fraser-Plant, Public Witness
7. Cady Fraser-Plant, Public Witness
8. Bennett Hilly, ANC Commissioner 4C06

GOVERNMENT WITNESSES

1. Christopher Geldart, Acting Director of the Department of Public Works

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Attachment B

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COMMITTEE ON
TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

WITNESS LIST FOR A BUDGET OVERSIGHT HEARING ON

Department of Energy and Environment

Monday, April 1, 2019 at 11:00 a.m.
in Room 120 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC WITNESSES

1. Chris Weiss, DC Environmental Network
2. Dr. Jessica Sanders, Casey Trees
3. Sarah Fraser, Public Witness
4. Zeke Fraser-Plant, Public Witness
5. Cady Fraser-Plant, Public Witness
6. Randy Speck, Chair, ANC 3/4G
7. Alan Roth, Public Witness
8. Marchant Wentworth, Wentworth Green Strategies
9. Alexandra Wyatt, GRID Alternatives Mid-Atlantic
10. Jim Monsma, City Wildlife
11. Matthew Morton, DC Appleseed
12. Paul Bricker, Knollwood Military Retirement Community
13. Lennet Penate, Central American Resource Center

GOVERNMENT WITNESSES

1. Tommy Wells, Director, Department of Energy and Environment

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Attachment C

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COMMITTEE ON
TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

WITNESS LIST FOR A BUDGET OVERSIGHT HEARING ON

Department of Motor Vehicles

Tuesday, April 9, 2019 at 11:00 a.m.
in Room 123 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

OPERATIONS AND INFRASTRUCTURE

GOVERNMENT WITNESS

1. Lucinda Babers, Deputy Mayor, Operations and Infrastructure

DEPARTMENT OF MOTOR VEHICLES

PUBLIC WITNESSES

1. Rico Dancy, National Black Deaf Advocate
2. Jeffrey Martin, Public Witness
3. Kate Coventry, DC Fiscal Policy Institute

GOVERNMENT WITNESSES

1. Gabriel Robinson, Interim Director, Department of Motor Vehicles

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Attachment D

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COMMITTEE ON
TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

WITNESS LIST FOR A BUDGET OVERSIGHT HEARING ON

Department of Transportation

Thursday, April 11, 2019 at 11:00 a.m.
in Room 120 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

DISTRICT DEPARTMENT OF TRANSPORTATION

PUBLIC WITNESSES

1. Kerry Bedard, Public Witness
2. David Alpert, DC Sustainable Transportation
3. Kishan Putta, ANC Commissioner 2E01
4. Robb Dooling, ANC Commissioner 6C06
5. Alex Baca, Coalition for Smarter Growth
6. Evanna Powell, Community Rep of Bike Trail Segment
7. Randy Speck, Chair, ANC 3/4G
8. Dr. Jessica Sanders, Casey Trees
9. Joe McCann, Public Witness
10. Yancey Burns, Public Witness
11. Heather Foote, Public Witness
12. Conor Shaw, Eckington Civic Association
13. James Harnett, ANC Commissioner 2A08
14. Garrett Hennigan, Washing Area Bicycle Association
15. Ryan-Patrick McLaughlin, Studio Theatre'
16. Teresa Schwartz, Studio Board Member
17. Rachel Mehl, Telling Stories Program
18. Cheryl Cort, Coalition for Smarter Growth
19. Victor Robinson, Public Witness
20. Anders Pedersen, Bicycle Advisory Council
21. Daniel Hernandez, Public Witness
22. Ivy Benjenk, Pedestrian Advisory Council

23. Maggie Gendron, Lime
24. Scott Kratz, 11th Street Bridge Park Director (Same Panel as 32, 33)
25. Vaughn Perry, 11th Street Bridge Park Equitable Development Manager (Same Panel)
26. Joseph Leitmann-Santa Cruz, Capital Area Asset Builders (Same Panel)
27. Ulrich Hewer, Public Witness
28. Traci German, Director, Student Support Service for Academy of Hope PCS
29. Rodger McHugh, Public Witness
30. Bill Sisolak, Public Witness
31. Jennifer Kuyper, District Bridges
32. Payton Chung, Sierra Club DC Chapter
33. Michael Spiller, OPEIU Local 2
34. Jaonna Blotner, Campaign Manager, Jews United for Justice
35. Liz Thorstenssen, DC Recreational Trail
36. Jack Koczela, Chair, Capital Trails Coalition

GOVERNMENT WITNESSES

1. Jeff Marootian, Director, District Department of Transportation

Attachment E

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Committee on Transportation & the Environment
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1 **TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**

2

3 **SUBTITLE A. HALF STREET, SE, IMPROVEMENT GRANT**

4 Sec. 6001. Short title.

5 This subtitle may be cited as the “Half Street Improvement Amendment Act of 2019”.

6 Sec. 6002. Section 3(c) of the Department of Transportation Establishment Act of 2002,
7 effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(c)), is amended by
8 adding a new paragraph (4) to read as follows:

9 “(4) Notwithstanding paragraph (1) of this subsection, the Director may issue
10 grants, including grants in excess of \$1 million, for the purpose of improving the portion of Half
11 Street, S.E., between N Street, S.E., and M Street, S.E., to the Capitol Riverfront Business
12 Improvement District or to an owner of real property adjacent to the portion of Half Street, S.E.,
13 between N Street, S.E. and M Street, S.E.”.

14

15 **SUBTITLE B. DISTRICT DEPARTMENT OF TRANSPORTATION MASTER**

16 **CAPITAL PROJECTS**

17 Sec. 6011. Short title.

18 This subtitle may be cited as the “Master Transportation Capital Projects Amendment Act
19 of 2019”.

20 Sec. 6012. Section 3(e) of the Department of Transportation Establishment Act of 2002,
21 effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)), is amended as
22 follows:

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23 (a) Paragraph (1) is amended by striking the phrase “directly from capital projects” and
24 inserting the phrase “directly from Master capital projects” in its place.

25 (b) Paragraph (2) is amended as follows:

26 (1) Strike the phrase “each capital project created in fiscal year 2012 or later” and insert
27 the phrase “each capital project” in its place.

28 (2) Strike the phrase “created in Fiscal Year 2018 or later.” and insert a period in its
29 place.

30 (c) Paragraph (3) is amended as follows:

31 (1) Strike the phrase “capital project created in Fiscal Year 2012 or later” and insert the
32 phrase “capital project” in its place.

33 (2) Strike the phrase “created in Fiscal Year 2018 or later.” and insert a period in its
34 place.

35 (d) Paragraph (4) is amended as follows:

36 (1) Subparagraph (A) is amended by striking the phrase “to the applicable Master local
37 transportation capital project created in Fiscal Year 2018 or later” and inserting the phrase “to an
38 applicable Master local transportation capital project” in its place.

39 (2) Subparagraph (B) is amended to read as follows:

40 “(B) For the purposes of this paragraph, the term “associated project” means a Related
41 Project with a current fund balance.”.

42 (3) Subparagraph (C) is repealed.

43

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44 **SUBTITLE E. PARKING ENFORCEMENT AUTHORITY**

45 Sec. 6041. Short title.

46 This subtitle may be cited as the “Parking Enforcement When a Motor Vehicle Operator
47 Leaves the Site of a Violation Amendment Act of 2019”.

48 Sec. 6042. Section 303(c-1) of the District of Columbia Traffic Adjudication Act of 1978,
49 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.03(c-1)), is
50 amended by striking the phrase “When a violation is detected by an automated parking
51 enforcement system, the Mayor shall” and inserting the phrase “When a violation is detected by
52 an automated parking enforcement system, or when the operator of a motor vehicle leaves the
53 site of a violation before personal service or service by affixing the notice to the vehicle can be
54 effectuated, the Mayor may” in its place.

55

56 **SUBTITLE F. STUDENT, FOSTER YOUTH, SUMMER YOUTH EMPLOYEE,**
57 **AND ADULT LEARNER TRANSIT SUBSIDIES**

58 Sec. 6051. Short title.

59 This subtitle may be cited as the “Student, Foster Youth, Summer Youth Employee, and
60 Adult Learner Transit Subsidies Amendment Act of 2019”.

61 Sec. 6052. Definitions.

62 For the purposes of this subtitle, the term “public transit services operated by the District
63 government” means the D.C. Circulator bus system and the District’s streetcar system.

64 Sec. 6053. Transit subsidy agreement.

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65 To accomplish the mandates of this subtitle, the Mayor shall enter into one or more
66 agreements with the Washington Metropolitan Area Transit Authority for the transportation of
67 elementary and secondary school students, adult learners, foster youth, and summer youth
68 employees at subsidized or free fares.

69 Sec. 6054. Kids Ride Free transit subsidy program.

70 (a) The Mayor may establish a subsidy program, to be known as Kids Ride Free
71 (“program”), under which District elementary and secondary school students shall receive free
72 fares on the Metrorail system, Metrobus system, and public transit systems operated by the
73 District government.

74 (b) To be eligible for the program, a student shall be:

75 (1) A resident of the District under 22 years of age; and

76 (2) Enrolled in one of the following:

77 (A) A traditional District of Columbia public school or public charter
78 school;

79 (B) An alternative, adult, or special education District of Columbia public
80 school or public charter school;

81 (C) A private school, including a parochial school in the District;

82 (D) An education program operated by the Office of the State
83 Superintendent of Education; or

84 (E) Homeschooling in the District.

85 (c) The Mayor may require each student, student’s parent or guardian, or student’s school
86 to file an application on behalf of the student to participate in the program.

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87 (d) The Mayor may impose a fee for the issuance or replacement of a transit card.

88 (e) The Mayor may establish standards for eligibility to participate in the program and
89 may impose such other restrictions on eligibility and the use of free fares, including limiting the
90 use of free fares to educational and employment purposes, that the Mayor deems appropriate for
91 the proper operational and fiscal administration of the program.

92 Sec. 6055. Transit subsidy for youth in the District's foster care system.

93 (a) The Mayor shall establish a program to allow youth in the District's foster care system
94 to receive free fares on the Metrorail system, Metrobus system, and public transit services
95 provided by the District government.

96 (b) To be eligible to participate in the program, the foster youth must be under 21 years of
97 age.

98 (c) The Mayor may require each foster youth, or the foster youth's parent or guardian, to
99 file an application on behalf of the foster youth to participate in the program.

100 (d) The Mayor may impose a fee for the issuance or replacement of a transit card.

101 (e) The Mayor may establish standards for eligibility to participate in the program, and
102 may impose such other restrictions on eligibility and the use of free fares, including limiting the
103 use of free fares to educational and employment purposes, that the Mayor deems appropriate for
104 the proper operational and fiscal administration and of the program.

105 Sec. 6056. Summer Youth Employment Program transit subsidy.

106 (a) The Mayor shall establish a program to allow participants in the Summer Youth
107 Employment Program ("SYEP") administered by the Mayor pursuant to section 2(a)(1) of the
108 Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code

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109 § 32-241(2)(a)(1)), to travel at subsidized or free fares on the Metrorail system, Metrobus
110 system, and public transit services provided by the District government.

111 (b) To be eligible to participate in the program, an SYEP participant:

112 (1) Must be 24 years of age or younger; and

113 (2) May not receive a subsidy pursuant to section 6054 or 6055 during the
114 individual's SYEP participation.

115 (c) The Mayor may require each SYEP participant or the SYEP participant's parent or
116 guardian to file an application on the SYEP participant's behalf to participate in the program.

117 (d) The Mayor may impose a fee for the issuance or replacement of a transit card.

118 (e) The Mayor may:

119 (1) Establish standards for eligibility to participate in the program;

120 (2) Limit the use of subsidized fares to transportation to and from SYEP
121 employment, internships, and related activities; and

122 (3) Impose such other restrictions on eligibility and the use of subsidized or free
123 fares that the Mayor deems appropriate for the proper operational and fiscal administration of the
124 program.

125 Sec. 6057. Adult learners transit subsidy.

126 (a) Subject to available funds, the Mayor shall establish a program for students of adult
127 learning programs to receive subsidized fares on the Metrorail system, Metrobus system, and
128 public transit services provided by the District government.

129 (b) To be eligible to participate in the program, a student shall be:

130 (1) Eighteen years of age or older;

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131 (2) A District resident;
132 (3) Not eligible for a free fare pursuant to section 6054 or 6055; and
133 (4) Enrolled in an adult learning program that is operated by or receives funding
134 from:

135 (A) A local education agency in the District, including the District of
136 Columbia Public Schools or a public charter school;

137 (B) The District of Columbia Public Library;

138 (C) The Office of the State Superintendent of Education; or

139 (D) The University of the District of Columbia Workforce Development
140 and Lifelong Learning Program.

141 (c) Beginning in Fiscal Year 2020, an eligible student shall receive a subsidy equal to at
142 least \$70 per month for each month the student is enrolled in an adult learning program.

143 Sec. 6058. Rules.

144 The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act,
145 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules
146 to implement the provisions of this subtitle.

147 Sec. 6059. The School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law
148 2-152; D.C. Official Code § 35-231 *et seq.*), is repealed.

149

150 **SUBTITLE G. CLEANENERGY DC IMPLEMENTATION**

151 Sec. 6061. Short title.

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152 This subtitle may be cited as the “CleanEnergy Implementation Amendment Act of
153 2019”.

154 Sec. 6062. Section 210(c)(12)(A) of the Clean and Affordable Energy Act of 2008,
155 effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)(12)(A)), is
156 amended as follows:

157 (a) Sub-subparagraph (ii) is amended by striking the phrase “; and” and inserting a
158 semicolon in its place.

159 (b) Sub-subparagraph (iii) is amended by striking the period and inserting a semicolon in
160 its place.

161 (c) New sub-subparagraphs (iv) and (v) are added to read as follows:

162 “(iv) Support the implementation of the transportation emission
163 reduction initiative required by section 6(j)(1A) of the District of Columbia Traffic Act, 1925,
164 approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(1A)), including by
165 covering the costs incurred by other District agencies to implement the initiative; and

166 “(v) Support the implementation of the energy retrofit program
167 required by section 303(1) of the CleanEnergy DC Omnibus Amendment Act of 2018, effective
168 March 22, 2019 (D.C. Law 22-257; D.C. Official Code § 8-1772.22), including by covering the
169 costs incurred by other District agencies to implement the program.”.

170 Sec. 6063. Section 601 of the CleanEnergy DC Omnibus Amendment Act of 2018,
171 effective March 22, 2019 (D.C. Law 22-257; 66 DCR 1344), is repealed.

172

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173 **SUBTITLE H. CLEAN RIVERS IMPERVIOUS AREA CHARGE ASSISTANCE**

174 **FUND**

175 Sec. 6071. Short title.

176 This subtitle may be cited as the “Clean Rivers Impervious Area Charge Assistance Fund
177 Amendment Act of 2019”.

178 Sec. 6072. The District Department of the Environment Establishment Act of 2005,
179 effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is
180 amended by adding a new section 113a to read as follows:

181 “Sec. 113a. CRIAC Assistance Fund.

182 “(a) There is established as a special fund the Clean Rivers Impervious Area Charge
183 Assistance Fund (“Fund”), which shall be administered by the Mayor in accordance with
184 subsection (c) of this section.

185 “(b) Revenue from the following sources shall be deposited in the Fund:

186 “(1) Such amounts as may be appropriated to the Fund; and

187 “(2) Any amounts appropriated in Fiscal Year 2019 for the implementation of the
188 financial assistance programs authorized by section 216b of the Water and Sewer Authority
189 Establishment and Department of Public Works Reorganization Act of 1996, effective October
190 30, 2018 (D.C. Law 22-168; D.C. Official Code § 34–2202.16b), that remain unspent at the end
191 of that fiscal year.

192 “(c) Money in the Fund shall be used to pay for the costs of implementing the financial
193 assistance programs authorized by section 216b of the Water and Sewer Authority Establishment

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194 and Department of Public Works Reorganization Act of 1996, effective October 30, 2018 (D.C.
195 Law 22-168; D.C. Official Code § 34–2202.16b).

196 “(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund
197 balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any
198 other time.

199 “(2) Subject to authorization in an approved budget and financial plan, any funds
200 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

201 Sec. 6073. Applicability.

202 This subtitle shall apply as of September 30, 2019.

203

204 **SUBTITLE X. RESIDENTIAL PARKING PERMIT**

205 Sec. X01. Short title.

206 This subtitle may be cited as the “Residential Parking Permit Amendment Act of 2019”.

207 Sec. X02. Section 2415.3 of Title 18 of the District of Columbia Municipal Regulations
208 is amended to read as follows:

209 “2415.3 The fee for a one-year residential permit parking sticker shall be \$50 annually
210 for the first vehicle permitted per legal-mailing address, \$75 for the second vehicle permitted per
211 legal-mailing address, \$100 for the third vehicle permitted per legal-mailing address, and \$150
212 for any vehicle beyond the first three permitted per legal-mailing address, except permits issued
213 to residents 65 years of age or older shall be \$35 annually for the first vehicle permitted per
214 legal-mailing address.”.

215

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216 **SUBTITLE X. DRIVING WHILE USING A MOBILE TELEPHONE MINOR**
217 **PROHIBITION AMENDMENT**

218 Sec. X01. This subtitle may be cited as the “Driving While Using a Mobile Telephone
219 Minor Prohibition Amendment Act of 2019”.

220 Sec. X02. The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law
221 15-124; D.C. Official Code § 50-1731.01 *et seq.*), is amended as follows:

222 (a) Section 5(b) (D.C Official Code § 50-1731.05(b)) is amended by striking the phrase “A
223 person who holds a learner’s permit” and inserting the phrase “A person who holds a learner’s
224 permit or is under the age of 18” in its place.

225 (b) Section 6 (D.C Official Code § 50-1731.06) is amended by striking the phrase “that the
226 fine” and inserting the phrase “that, for a violation of section 4, the fine” in its place.

227

228 **SUBTITLE X. PERSONAL MOBILITY DEVICE PARKING PILOT**

229 Sec. X01. Short title.

230 This subtitle may be cited as the “Personal Mobility Device Parking Pilot Amendment Act
231 of 2019”.

232 Sec. X02. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
233 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

234 (a) A new section 6b is added to read as follows:

235 “Sec. 6b. Personal Mobility Device Parking Pilot.

236 “(a) By January 1, 2020, the Department of Transportation (“DDOT”) shall establish a
237 pilot program to create one or more painted parking spaces per BID, as that term is defined in

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238 section 3(7) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C.
239 Law 11-134; D.C. Official Code § 2-1215.02(7)) (“BID Act”), on sidewalks or on streets for the
240 exclusive use of personal mobility devices.

241 “(b)(1) At a minimum, the parking spaces shall:

242 “(A) Be painted a color that sets the parking space apart from its
243 surroundings; and

244 “(B) Be clearly labelled to indicate that the parking space is intended for
245 personal mobility devices only.

246 “(2) Labelling a parking space as “Scooters Only” or a similar variant is
247 acceptable for satisfying the requirement of paragraph (1)(B) of this subsection.

248 “(c) Nothing in this section shall be construed to limit DDOT’s authority to create
249 parking spaces designated exclusively for personal mobility devices only throughout the District.

250 “(d) DDOT may accept funds from a BID corporation, established in accordance with the
251 Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11- 134; D.C.
252 Official Code § 2–1215.01 *et seq.*), and donated pursuant to section 115 of Title III of Division C
253 of the Consolidated Appropriations Resolution, 2003, approved February 20, 2003 (117 Stat.
254 123; D.C. Official Code § 1-329.01); provided, that such funds be expended for the purpose of
255 painted parking spaces for personal mobility devices in that BID corporation’s business
256 improvement district.

257 “(e) Before the date described in subsection (f) of this section, DDOT shall transmit a
258 report to the Council on the efficacy of the pilot program, which shall include recommendations

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259 on whether there is a continued need for parking spaces designated exclusively for personal
260 mobility devices in the District.

261 “(f) This section shall expire on December 31, 2020.”.

262 (b) Section 9a(3) (D.C. Official Code § 50-2201.04a(3)) is amended by striking the
263 semicolon and inserting the phrase “while on a sidewalk, or above the maximum speed limit of
264 15 miles per hour while on a street, in a bike lane, or while being operated in any other
265 permissible location;” in its place.

266 Sec. X0. Section 1200.11 of Title 18 of the District of Columbia Municipal Regulations
267 is amended to read as follows:

268 “1200.11 No person shall travel above the maximum speed of 10 miles per hour while
269 on a sidewalk or above the maximum speed of 15 miles per hour while on a street, in a bike lane,
270 or while being operated in any other permissible location. Any person traveling faster than the
271 maximum speed allowed under this subsection may be required to pay a fine.”.

272 Sec. X0. Section 1200.10 of Title 18 of the District of Columbia Municipal Regulations
273 is amended by striking period and inserting the phrase “; provided further, that a personal
274 mobility device shall travel at a speed no greater than 10 miles per hour while on a sidewalk.

275

276 **SUBTITLE X. BICYCLE ADVISORY COUNCIL DPW ADDITION**

277 Sec. X01. Short title.

278 This subtitle may be cited as the “BAC DPW Addition Amendment Act of 2019”.

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279 Sec. X02. Section 5(b)(1) of the District of Columbia Comprehensive Bicycle
280 Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official
281 Code § 50-1604(b)(1)), is amended as follows:

282 (a) The lead-in language is amended by striking the number “17” and inserting the
283 number “18” in its place.

284 (b) Subparagraph (D) is amended by striking the phrase “; and” and inserting a semicolon
285 in its place.

286 (c) A new subparagraph (D-1) is added to read as follows:

287 “(D-1) The Director of the Department of Public Works or his or her
288 designee; and”.

289

290 **SUBTITLE X. OFFICE OF URBAN AGRICULTURE ESTABLISHMENT**

291 Sec. X01. Short title.

292 This subtitle may be cited as the “Office of Urban Agriculture Establishment Amendment
293 Act of 2019”.

294 Sec. X02. The District Department of the Environment Establishment Act of 2005,
295 effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is
296 amended by adding a new section 109a to read as follows:

297 “Sec. 109a. Office of Urban Agriculture establishment.

298 “(a) There is established an Office of Urban Agriculture (“Office”) within DOEE.

299 “(b) The mission of the Office shall be to encourage and promote urban, indoor, and
300 other emerging agriculture practices in the District, including:

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301 “(1) Community gardens and farms;

302 “(2) Rooftop farms, indoor farms, and greenhouses;

303 “(3) Hydroponic, aeroponic, and aquaponic farm facilities; and

304 “(4) Other innovations in urban agricultural production.

305 “(c) The duties of the Office shall include:

306 “(1) Developing and implementing District-wide policies and programs to
307 promote urban farming and agriculture, including the Urban Farming Land Lease Program under
308 section 3a of the Food Production and Urban Gardens Program Act of 1986, effective April 30,
309 2015 (D.C. Law 20-248; D.C. Official Code § 48-402.01), the tax abatements under D.C.
310 Official Code § 47-868, and the Sustainable Urban Agriculture Apiculture Act of 2012, effective
311 April 20, 2013 (D.C. Law 19-262; D.C. Official Code § 8-1825.01 *et seq.*);

312 “(2) Collaborating with and providing guidance to other District agencies
313 implementing urban agriculture programs;

314 “(3) Engaging in outreach to share best practices, provide mentorship, and offer
315 technical assistance with urban agriculture programs; and

316 “(4) Applying for and accepting agriculture grants on behalf of DOEE.”.

317 Sec. X03. Section 2(1) of the Food Production and Urban Gardens Program Act of 1986,
318 effective February 28, 1987 D.C. Law 6-210; D.C. Official Code § 48-401(1)), is
319 amended by striking the phrase “Department of General Services” and inserting the phrase
320 “Department of Energy and Environment” in its place.

321 Sec. X04. Section 2a(b)(4)(B) of the Division of Park Services Act of 1988, effective
322 March 16, 1988 (D.C. Law 7-209; D.C. Official Code § 10-166.01(b)(4)(B)), is repealed.

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323 Sec. X05. Section 47-868(d)(1) of Title 47 of the District of Columbia Official Code is
324 amended by striking the phrase “Department of General Services” and inserting the phrase
325 “Department of Energy and Environment” in its place.

326

327 **SUBTITLE X. HEALTHY KIDS REVENUE AMENDMENT**

328 Sec. X01. Short title.

329 This subtitle may be cited as the “Healthy Kids Revenue Amendment Act of 2019”.

330 Sec. X02. Chapter 20 of Title 47 of the District of Columbia Official Code is amended as
331 follows:

332 (a) Section 47-2001(r-1)(1) is amended as follows:

333 (1) Subparagraph (A) is amended to read as follows:

334 “(A) At least 50% milk, including soy, rice, or similar milk substitutes;
335 or”.

336 (2) Subparagraph (B) is repealed.

337 (3) Subparagraph (C) is amended to read as follows:

338 “(C) 100% fruit or vegetable juice.”.

339 (4) Subparagraph (D) is repealed.

340 (b) Section 47-2002(a) is amended by adding a new paragraph (8) to read as follows:

341 “(8) The rate of tax shall be 8% of the gross receipts from the sale of or charges
342 for soft drinks.”.

343 (c) Section 47-2002.02(2)(A) is amended by striking the phrase “as described in § 47-
344 2001(n)(1)(A)” and inserting the phrase “from vending machines” in its place.

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345

346 **SUBTITLE X. LEGITIMATE THEATER SIDEWALK CAFÉ**

347 **AUTHORIZATION**

348 Sec. X01. Short title.

349 This act may be cited as the “Legitimate Theater Sidewalk Café Authorization
350 Amendment Act of 2019”.

351 Sec. X02. The District of Columbia Public Space Rental Act, approved October 17, 1968
352 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended by adding a new section
353 201b to read as follows:

354 “Sec. 201b. Legitimate theater sidewalk café authorization.

355 “(a) The Mayor shall allow the use by a legitimate theater of public space abutting the
356 legitimate theater as a sidewalk café; provided, that the applicant:

357 “(1) Meets the administrative procedures for a sidewalk café as set forth in
358 Chapter 3 of Title 24 of the District of Columbia Municipal Regulations; and

359 “(2) Obtains the necessary licenses and license endorsements to serve alcoholic
360 beverages in a sidewalk café or summer garden by the Alcoholic Beverage Regulation
361 Administration, established by D.C. Official Code § 25-202.

362 “(b) For the purposes of this section, the terms: “Legitimate theater” and “Sidewalk Café”
363 shall have the same meaning as provided in section 399.1 of Title 24 of the District of Columbia
364 Municipal Regulations (24 DCMR 399.1).”.

365 Sec. X03. Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24
366 DCMR 300 *et seq.*), is amended as follows:

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367 (a) Section 301.3 is amended by striking the phrase “restaurant, grocery store, brewery,
368 winery, or distillery” both times it appears and inserting the phrase “Legitimate Theater,
369 restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food
370 shop” in its place.

371 (b) Section 303.13(h) is amended by striking the phrase “abutting restaurant” and insert
372 the phrase “abutting Legitimate Theater, restaurant” in its place.

373 (c) Section 399.1 is amended by adding a new definition after the definition of
374 “Incombustible materials” to read as follows:

375 “Legitimate Theater - a building, or a part of a building, that is designed and used for the
376 presentation of live plays and other forms of dramatic performance. The facility typically has a
377 stage or other performing area plus tiers of seats for the audience, or other arrangements for the
378 audience to sit or stand to view the performance.”.

379

380 **SUBTITLE X. TEMPORARY VISITOR PARKING PERMIT PROGRAM**

381 **TRANSFER**

382 Sec. X01. Short title

383 This subtitle may be cited as the “Temporary Visitor Parking Permit Program Transfer
384 Regulation Amendment Act of 2019”.

385 Sec. X02. Section 2414.5 of Title 18 of the District of Columbia Municipal Regulations
386 is amended by striking the phrase “Chief of Police” both times it appears and inserting the phrase
387 “Director of the District Department of Transportation” in its place.

388 Sec. X03. Applicability.

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389 This subtitle shall apply as of January 1, 2020.

390

391 **SUBTITLE X. CONGESTION PRICING STUDY AMENDMENT**

392 Sec. X01. This subtitle may be cited as the “Congestion Pricing Study Amendment Act
393 of 2019”.

394 Sec. X02. Section 9(m) of the Department of Transportation Establishment Act of 2002,
395 effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.21), is amended as
396 follows:

397 (a) The section heading is amended by striking the word “study” and inserting the word
398 “studies” in its place.

399 (b) The existing text is designated as subsection (a).

400 (c) A new subsection (b) is added to read as follows:

401 “(b) By July 1, 2020, the District Department of Transportation, in consultation with the
402 Office of the Chief Financial Officer, other District agencies, or organizations such as DC
403 Sustainable Transit, as needed, shall make publicly available a study that evaluates and makes
404 recommendations regarding the potential benefits of congestion pricing on the District,
405 including:

406 “(1) An analysis of the effect of intra-district tolls;

407 “(2) An analysis of the effect of tolls for vehicles entering the District via the
408 District’s bridges;

409 “(3) An analysis of the effect of different pricing strategies;

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410 “(4) An analysis of how different pricing strategies would be compatible with the
411 introduction of autonomous vehicles;

412 “(5) An analysis of the effect on demographic, geographical, and income-level
413 equity, as well as the effect on District residents and non-residents;

414 “(6) An analysis of the potential to raise revenue; and

415 “(7) An analysis of the potential benefits of regional collaboration.”.

416

417 **SUBTITLE X. SUBJECT TO APPROPRIATIONS REPEAL**

418 Sec. X01. Short title.

419 This subtitle may be cited as the “Subject to Appropriations Repeal Amendment Act of
420 2019”.

421 Sec. X02. Section 4 of the DC Water Consumer Protection Amendment Act of 2018,
422 enacted on February 6, 2019 (D.C. Act 22-636; 66 DCR 2020), is repealed.

423 Sec. X03. Section 5 of the Lead Water Service Line Replacement and Disclosure
424 Amendment Act of 2018, effective March 13, 2019 (D.C. Law 22-241; 66 DCR 923), is
425 repealed.

426

427 **SUBTITLE X. USE OF SCHOOL PERMIT FEES**

428 Sec. X01. Short title.

429 This subtitle may be cited as the “Use of School Permit Fees Amendment Act of 2019”.

430 Sec. X02. Section 5(c)(1)(A) of the Ensuring Community Access to Recreational Spaces
431 Act of 2018, effective February 22, 2019 (D.C. Law 22-210; D.C. Official Code § 38-

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432 434(c)(1)(A)), is amended by striking the phrase “subsection, for cleaning, maintaining, and
433 repairing school facilities.” and inserting the phrase “subsection.” in its place.

434

435 **SUBTITLE X. SELF-OPERATED SCHOOL FOOD SERVICE**

436 Sec. X01. Short title.

437 This subtitle may be cited as the “Self-Operated School Food Service Amendment Act of
438 2019”.

439 Sec. X02. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209;
440 D.C. Official Code § 38-821.01 *et seq.*), is amended as follows:

441 (a) Section 101 (D.C. Official Code § 38-821.01) is amended by adding a new paragraph
442 (8B) is to read as follows:

443 “(8B) “Self-operated school food service” means a District-run program of
444 planning, purchasing, preparing, storing, serving, and ensuring the safety of food served to
445 students in public schools staffed and overseen by District employees and established pursuant to
446 section 203a.”.

447 (b) A new section 203a is added to read as follows:

448 “Sec. 203a. Self-operated school food service pilot program.

449 “(a)(1) During the 2020-2021 and the 2021-2022 school years, the Mayor shall operate a
450 self-operated school food service pilot program (“pilot”) in 10 public schools or the maximum
451 number of schools that the funding appropriated will support.

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452 “(2) At least twice during the 2020-2021 school year and twice during the 2021-
453 2022 school year, the Mayor shall administer a student satisfaction survey regarding meals
454 provided through the pilot.

455 “(b) Within 3 months after the last day of the 2020-2021 and 2021-2022 school years, the
456 Mayor shall provide to the Council a report on food services at all public schools, which shall
457 include:

458 “(1) Results from student satisfaction surveys conducted at pilot and non-pilot
459 schools during the 2 years of the pilot, including a comparison of the level of student satisfaction
460 with meals provided under the pilot and meals not provided under the pilot;

461 “(2) A description of the costs of the pilot, including a comparison of the costs of
462 food services provided under the pilot and the costs of the food services at non-pilot public
463 schools;

464 “(3) An analysis of whether meals served through the pilot and meals served by
465 non-pilot public schools complied with federal and local school meals nutrition standards and
466 requirements; and

467 “(4) An analysis of what infrastructure and operating enhancements would be
468 necessary for District of Columbia Public Schools to successfully administer self-operated food
469 services in all public schools, including whether the District should fund the central kitchen
470 required to be established by section 204.

471 “(c)(1) The Mayor shall assist all eligible local educational agencies in deciding whether
472 to elect the community eligibility provision described in 7 C.F.R. § 245.9(f) for the local
473 educational agency or for a school or group of schools within the local educational agency.

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474 “(2) For the purposes of this subsection, the terms “local educational agency” and
475 “school” shall have the same meaning as provided in 7 C.F.R. § 245.2.

476 “(d) Within 1 month after the last day of the 2019-2020 and 2020-2021 school years, the
477 Mayor shall provide to the Council a report on the offset of costs created by the self-operated
478 food service pilot due to changes to the existing food service contracts entered into by the
479 District, and an estimate of any federal reimbursements or other federal funding made available
480 to the District through the implementation of a self-operated school food service model at
481 participating schools.”

482 (c) Section 801 (D.C. Official Code § 38-828.01) is amended as follows:

483 (1) Designate the existing text as subsection (a).

484 (2) A new subsection (b) is added to read as follows:

485 “(b) Before January 1, 2020, the Mayor, pursuant to Title I of the District of Columbia
486 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §
487 2-501 *et seq.*), shall issue rules to implement the provisions of the Self-Operated School Food
488 Service Amendment Act of 2019, as approved by the Committee on [XX] on May 2, 2019 (Bill
489 23-209).”.

490

491

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MEMORANDUM

TO: COUNCILMEMBER MARY CHEH

FROM: JENNIFER BUDOFF, JASON KIM, AND SUSANNA GROVES - OFFICE OF BUDGET AND RESEARCH

DATE: APRIL 25, 2019

SUBJECT: ESTIMATING THE COST OF EXPANDING A PILOT PROGRAM TO IN-HOUSE FOOD SERVICES AT DCPS

INTRODUCTION

On the promise of reducing costs, the District of Columbia Public Schools (DCPS) privatized its food preparation services in 2009.¹ Yet, the cost savings projected when DCPS outsourced food service have not been realized, and the District pays significantly more per meal than comparable cities².

This memorandum evaluates the cost to the District of Columbia Public Schools (DCPS) of expanding a pilot program for in-housing food preparation and service. The Office of Budget and Research prepared this analysis at the request of Ward 3 Councilmember Mary Cheh.

DCPS'S FOOD SERVICE MANAGEMENT CONTRACTS

DCPS provides approximately 9.6 million meals each academic year, including breakfast, lunch, and supper plus snacks.³ Two food services management companies prepare and serve these meals: SodexoMAGIC, LLC and D.C. Central Kitchen.⁴ SodexoMAGIC, LLC and D.C. Central Kitchen only receive

¹ Before the 2009 academic year, DCPS had a hybrid food services model, consisting of both in-house and contractor meal preparation and delivery. Contractors delivered pre-plated meals to all elementary schools, and District government employees prepared meals for secondary schools in full-service kitchens.

² D.C. Auditor, *Contracting Out School Food Services Failed to Control Costs as Promised*, (2016), <http://dcauditor.org/report/contracting-out-school-food-services-failed-to-control-costs-as-promised/>.

³ DCPS, *Responses to FY 2017 Performance Oversight Questions*, (Washington, DC, D.C. Council, 2018), <http://dccouncil.us/wp-content/uploads/2018/10/dcps.pdf>.

⁴ SodexoMAGIC, LLC is a partnership between Sodexo USA (49%) and Magic Johnson Enterprises (51%). SodexoMAGIC has 4,900 employees across 1,629 sites, whereas Sodexo USA has 160,000 employees and annual revenues totaling \$9.6 billion. D.C. Central Kitchen is a non-profit organization based in the District with 130 employees and annual revenues of \$17.7 million. SodexoMagic LLC, "About Us," 2019, accessed April 14, 2019, <http://sodexomagic.com/about-us/>; Sodexo, "About Us," 2019, accessed April 19, 2019, <https://www.sodexousa.com/home/about-us.html>; D.C. Central Kitchen, *Annual Report - Fiscal Year 2018*, (2019), <https://dccentralkitchen.org/annual-report-2019/>.

compensation for meals that a student accepts from them, and assume the financial risks related to school closings and chronic absenteeism.

The larger of the two operators is SodexoMAGIC, LLC, which is responsible for 100 schools with a contract worth up to \$36,893,407 in the 2018-2019 academic year. Per the terms of their agreement, the District pays SodexoMAGIC, LLC an average of \$5.05 per lunch.⁵ In fiscal year (FY) 2017, SodexoMAGIC, LLC served 8,514,256 snacks and meals at DCPS schools.⁶ In contrast, D.C. Central Kitchen works in 12 schools with a contract totaling \$5,312,422. The District pays D.C. Central Kitchen \$4.34 per lunch.⁷ D.C. Central Kitchen provided 1,129,923 meals and snacks in FY 2017.⁸

TABLE 1: DCPS Food Services Contracts, 2018-2019 Academic Year

	SodexoMAGIC, LLC 100 Schools		D.C. Central Kitchen 12 Schools	
	Unit Price	Estimated Total	Unit Price	Estimated Total
Breakfast	\$2.47	\$7,547,710	\$4.03	\$1,745,220
Cafeteria Lunch	\$5.05	\$22,458,926	\$4.34	\$2,429,927
Early Childhood Family-Style Lunch	\$5.05	\$856,778	\$4.34	\$89,217
Afterschool Supper	\$4.25	\$4,164,333	\$4.39	\$940,189
Afterschool Snack	\$1.74	\$1,005,120	-	-
Summer Food Service: Breakfast	\$2.47	\$199,490	\$4.03	\$36,431
Summer Food Service: Lunch	\$5.05	\$631,063	\$4.34	\$68,498
Adult Meals: Breakfast	\$2.46	\$718	\$3.00	\$108
Adult Meals: Lunch	\$5.05	\$29,270	\$4.00	\$2,832
Estimated Total (Not-to-Exceed)		\$36,893,407		\$5,312,422

⁵ *Proposed contract to exercise Option Year Two (2) with SodexoMAGIC, LLC, CA22-530*, <http://lims.dccouncil.us/Legislation/CA22-0530>.

⁶ DCPS.

⁷ *Proposed contract to exercise Option Year Two (2) with D.C. Central Kitchen, CA-531*, <http://lims.dccouncil.us/Legislation/CA22-0531>.

⁸ DCPS.

COST DRIVERS

Many DCPS schools already have much of the equipment and infrastructure capacity necessary for a self-operating model, but currently they do not manage their food services or directly employ food services staff. Other school systems that privatized their school services have successfully returned to an in-house or a hybrid model, including Detroit, Philadelphia, Baltimore, and Boston. Leadership at DCPS has expressed a hesitance to in-house school meal services, citing immediate budgetary strains, financial risk, and the effort required to negotiate new contracts and invest in new equipment.⁹

In the 2018-2019 academic year, DCPS launched a pilot full-service kitchen at Excel Academy, an all-girls pre-K through 9th-grade school in Ward 8 with an enrollment of 469 students. Excel Academy prepares all meals on-site. It directly employs staff to prepare and serve these meals. In its first year of operation, Excel Academy has found its principle cost drivers for operating an in-house food services program are labor, food, supplies, administrative expenses, and overhead.

The Budget Office leveraged cost projections for Excel Academy in the 2018-2019 academic year and inflation-adjusted estimates formulated by DCPS and the Department of General Services (DGS) in FY 2018 to develop a roadmap for estimating the costs of in-housing food service. Nevertheless, these costs will vary among schools based on the food service model, enrollment, the number of meals served, and their existing equipment and infrastructure capacity.

TABLE 2: Estimates of In-House Food Service Costs per School, 2019-2020 Academic Year

	DCPS Estimate	DGS Estimate	Excel Academy (Year-end Projection)
Labor	\$181,928	---	\$233,266
Food & Materials	\$110,831	---	\$170,809
Supplies & Administrative Costs	\$48,514	--	\$21,630
Construction & Equipment (One-time)	\$77,250	\$154,500	\$82,400
Estimated Total Initial Investment (One-time + Recurring)	\$418,523	---	\$508,105
Total Recurring Expenses (Estimated)	\$341,273	---	\$425,705

The cost estimates in Table 2 were adjusted to the 2020-2021 academic year using a 3% inflation rate.

Both Excel Academy's food service program's experience and DCPS's estimate predicted that labor will be the primary cost driver. During the 2018-2019 academic year, Excel Academy's budget included a cafeteria lead, a cook, and three food service workers. In addition, DCPS's centralized Food and

⁹ D.C. Auditor.

Nutrition Services team provided support and oversight to Excel Academy. This academic year, Excel Academy is on track to accrue \$226,472 in labor costs for on-site meal preparation and service and central staff support. In contrast, DCPS projected that all ten locations' labor and oversight costs would amount to \$1,766,295, which is approximately \$176,629 per site.

Excel Academy's experience in the 2018-2019 academic year and DCPS' projections put food as the second greatest expense of an in-house food services model. DCPS purchases food for Excel Academy's pilot through contracts with Performance Food Group Inc., Cloverland Dairy, and Keany Produce for a total 2018-2019 academic year-end projected cost of \$165,834. This projected cost is higher than DCPS's FY 2018 estimate of \$107,603.

Other costs may include a delivery or service vehicle leasing (for satellite model), training, equipment maintenance, point-of-sale systems, marketing services, uniforms, and other supplies. Such supplies would include pots and other cooking utensils, sanitation items, and printing.

In addition, returning to an in-house food service model can require capital investments. To prepare and serve meals in-house, schools would need full-service industrial kitchens, including high-capacity stoves, ovens, refrigerators and freezers, and dishwashers. They would also have infrastructure requirements, such as water lines, high-capacity electrical outlets, trenching, and loading docks.

TABLE 3: DGS's Estimated Cost of Retrofitting 10 School Kitchens Under a Satellite Food Services Model, 2019-2020 Academic Year

	Estimate (10 Sites)
Kitchen Equipment	\$360,500
Electrical	\$257,500
Plumbing	\$206,000
HVAC	\$154,500
Contingency	\$154,500
Design	\$103,000
Finishes	\$103,000
Sprinkler System	\$103,000
General Conditions + Fee	\$103,000
Total (10 Sites)	\$1,545,000

The cost estimates in Table 3 were adjusted to FY 2020 using a 3% inflation rate.

Excel Academy spent about \$60,000 to \$80,000 to retro-fit its kitchen for an in-house meal preparation and delivery model. In FY 2018, the Department of General Services (DGS) estimated that retrofitting nine school satellite kitchens and one school hub kitchen would cost approximately \$1,545,000 or roughly \$154,000 per school. When Boston's public schools returned to an in-house food

service model last fiscal year, they spent approximately \$60,000 per school for kitchen renovations, which is estimated to be \$80,000 to \$100,000 in today's construction market.¹⁰

REVENUE SOURCES

DCPS's meal service is supported by Federal Funds, Local Funds, and a dedicated tax. DCPS can leverage federal funding sources to help defray the cost of providing meals in schools, regardless of whether they are prepared in-house or through a contract with a provider operator. The U.S. Department of Agriculture (USDA)'s Food and Nutrition Services reimburses school systems for meals that are served to students and meet federal nutrition standards. Meals that schools prepare but students do not take are not reimbursed.

TABLE 4: Federal Food Services Reimbursement Rates, 2018-2019 Academic Year

Student Subsidy Tier	Breakfast	Lunch	Snack	Supper
Free Meal	\$2.14	\$3.54	\$0.91	\$3.31
Reduced-Priced Meal	\$1.84	\$3.14	\$0.45	\$2.91
Student-Paid Meal	\$0.31	\$0.45	\$0.08	\$0.31

See footnotes for citations¹¹

The USDA subsidizes qualifying meals at three different rate tiers based on students' household income, offering greater subsidies to students with the most need. Students whose income falls at or below 130% of the Federal Poverty Level (FPL) qualify for free meals, and students whose income is from 131% to 185% of the FPL qualify for reduced-price meals.¹² In the 2017-2018 academic year, 77% of DCPS

¹⁰ Ross Wilson, Executive Director, interview by Jason Kim, February 1, 2019, Shah Family Foundation.

¹¹ U.S. Department of Agriculture, "National School Lunch, Special Milk, and School Breakfast Programs, National Average Payments/Maximum Reimbursement Rates," *Federal Register*, (Washington, DC: U.S. Government Printing Office, 2018), Vol. 83, No. 139, 34105-08, <https://www.govinfo.gov/content/pkg/FR-2018-07-19/pdf/2018-15465.pdf>; "Child and Adult Care Food Program: National Average Payment Rates, Day Care Home Food Service Payment Rates, and Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes for the Period July 1, 2018 through June 30, 2019," *Federal Register*, (Washington, DC: U.S. Government Printing Office, 2018), Vol. 83, No. 139, 34108-10, <https://www.govinfo.gov/content/pkg/FR-2018-07-19/pdf/2018-15464.pdf>.

¹² "Child Nutrition Programs: Income Eligibility Guidelines," *Federal Register*, (Washington, DC: U.S. Government Printing Office, 2019), Vol. 84, No. 54, 10295-97, <https://www.govinfo.gov/content/pkg/FR-2019-03-20/pdf/2019-05183.pdf>.

students were economically disadvantaged.¹³ Eighty-six schools receive a federal subsidy to provide free breakfast and lunch to all of their students during the 2018-2019 academic year.¹⁴ Nine of every ten (90.1%) meals and snacks served at DCPS schools in FY 2017 were free, and students paid for one in every ten (9.3%) meals and snacks. Less than one percent (0.6%) of meals and snacks DCPS served were provided with at a reduced price.¹⁵

If in-housing food services results in higher participation, DCPS could generate greater federal revenue from meal reimbursements and potentially reduce costs associated with food waste.

The USDA provides school systems with several other forms of financial support. The agency offers in-kind assistance in the form of commodity foods, such as produce, meats, and dairy products. Its Fresh Food and Vegetable Program can be used to purchase fruits and vegetables outside of breakfast or lunch periods.

The District subsidizes the cost of DCPS meals with Local Funds and the Healthy Schools Fund, which is supported by sales tax revenue collected from soft drinks. The D.C. Office of the Chief Financial Officer (OCFO) projects that the Healthy Schools Fund will collect \$4,675,766 in revenue in FY 2020.¹⁶

COST OFFSET FROM REDUCING EXISTING FOOD SERVICE MANAGEMENT CONTRACTS

In-housing school food services would result in a cost offset to DCPS's food services contracts, because schools that participate in an in the pilot program would not participate in the agency's contract with SodexoMAGIC, LLC and D.C. Central Kitchen. The Budget Office estimates that the resulting cost offset would be the difference between what SodexoMAGIC, LLC and D.C. Central Kitchen charge per meal and the federal per meal reimbursement, adjusted to a per school basis. The offset could be worth between \$120,000 and \$150,000 per school that transitions from a contracted to an in-house food services model in FY 2020.

¹³ DCPS defines "economically disadvantaged" students as those who receive free or reduced-price lunch, are eligible for Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) benefits, identified as homeless, or under the care of the Child and Family Services Agency (CFSA). DCPS, "DCPS at a Glance: Enrollment," 2019, accessed April 22, 2019, <https://dcps.dc.gov/page/dcps-glance-enrollment>.

¹⁴ These schools qualify for the Community Eligibility Provision (CEP). This provision allows high poverty schools to serve breakfast and lunch at no cost to all their enrolled students without collecting household applications. "Community Eligibility Provision (CEP) Schools," 2019, accessed April 22, 2019, <https://dcps.dc.gov/page/community-eligibility-provision-cep-schools>.

¹⁵ *Responses to FY 2017 Performance Oversight Questions*.

¹⁶ D.C. Government, *FY 2020 Proposed Budget and Financial Plan*, (2019), Executive Summary, https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC_OCFO_Budget_Vol_1_Text.pdf.

TABLE 5: Estimated Cost Offset from Reducing Existing Food Services Contracts

D.C. Central Kitchen	FY2018	FY2017	FY2016	FY2015
Federal & Other Revenues	\$3,036,031	\$3,582,791	\$2,962,247	\$3,339,940
Local Funds	\$1,343,040	\$1,202,814	\$1,128,959	\$437,900
Healthy Schools Act (HSA)	\$117,651	\$120,945	\$103,000	\$191,979
Total Expenditures	(\$4,496,722)	(\$4,906,550)	(\$4,194,206)	(\$3,969,819)
Cost Offset	(\$1,460,691)	(\$1,323,759)	(\$1,231,959)	(\$629,879)
Projected Offset/School	(\$121,724)			

SodexoMAGIC, LLC	FY2018	FY2017	FY2016
Federal & Other Revenues	\$22,874,336	\$26,026,233	\$4,847,968
Local Funds	\$13,658,189	\$7,162,986	\$54,888
Healthy Schools Act (HSA)	\$979,452	\$973,912	\$155,667
Total Expenditures	(\$37,511,977)	(\$34,163,131)	(\$5,058,524)
Cost Offset	(\$14,637,641)	(\$8,136,898)	(\$210,556)
Projected Offset/School	(\$146,376)		

ESTIMATED COST OF PILOT

To reflect the uncertainty around estimating the cost of in-housing food services, the Budget Office is presenting a range of costs reflecting the least and most expensive estimates as well as an average.

TABLE 6: Estimated Cost of Pilot

	Low Estimate	High Estimate	Average
Operating Costs	\$341,273	\$425,705	\$383,489
Federal Revenue	\$228,743	\$253,002	\$240,873
Contract Offset	\$121,724	\$146,376	\$134,050
Net operating costs, per school	(\$9,194)	\$26,327	\$8,567
Net operating costs, 10 school pilot	(\$90,194)	\$263,270	\$85,567
Capital costs, per school	\$60,000	\$154,500	\$107,250
Capital costs, 10 school pilot	\$600,000	\$1,545,000	\$1,072,500

Net of federal revenue and the contract savings, in-housing food services pilot program will have an annual net savings of \$9,194 to an annual net cost of \$26,327 or an average cost of \$8,567. If the pilot includes ten schools, it would result in an estimated annual cost of approximately \$85,567 based on a range of -\$90,194 to \$263,270.

Each school in the pilot program would need between \$60,000 to \$154,500 in capital resources to retrofit their kitchen to provide in-house meal services. This averages to a per school cost of \$107,250. It would cost approximately \$1.07 million to retrofit ten schools for a pilot based on an estimated range of \$600,000 to \$1.55 million.

ROADMAP FOR FUNDING AN IN-HOUSE PILOT

1. *Fiscal Year 2020 Budget Support Act of 2019:*
 - a. Include a subtitle to authorize a pilot program for up to 10 schools. It should require that DCPS submits a financial reconciliation report to the Council by January 1, 2020 on SodexoMAGIC, LLC and D.C. Central Kitchen expenditures and offsetting costs by revenue stream. This report should include specific revenue stream related information and a breakdown of costs by meal type and quantity with totals provided at the school, cluster, and agency levels.
2. *FY 2020 Funding Needs:*
 - a. Establish a new capital project in the FY 2020 budget to retrofit up to 10 school kitchens to support in-house food services with a budget of \$600,000 to \$1,545,000.
 - b. Fund approximately \$76,879 to \$90,951 for labor, food, materials, supplies, and administrative costs for a two-month period. This would allow DCPS to conduct a third-party evaluation and assessment by a qualified contractor based on their own estimate. DCPS would be able to onboard staff, provide appropriate training, market the program, print materials, and stock initial supplies in advance of the 2020–2021 academic year. The range of costs include inflation and are based on DCPS' estimate provided in FY 2018 versus Excel Academy's year-end expenditure projections.
3. *FY 2020 Funding Resources:*
 - a. Convert fund balance from the Special Purpose Revenue (SPR) fund, Healthy Schools Fund to paygo capital to fund the capital improvements.

- b. Budget the fund balance in the special purpose revenue fund, DCPS Nonprofit School Food Service Fund (0640) to fund the operations or improvement of food service.¹⁷

4. *FY 2021 Funding Resources:*

- a. Reserve SPR funds via a FY 2020 BSA subtitle to fund the operating costs of the pilot in the 2020-2021 academic year. Use the financial reconciliation report to modify the reserved amounts during FY 2021 budget oversight.

¹⁷ This would need to be done in accordance to the provision of 7 CFR 210.14(a). Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that, such revenues shall not be used to purchase land or buildings, unless otherwise approved by the USDA Food and Nutrition Services, or to construct buildings.

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1 **TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**

2

3 **SUBTITLE A. HALF STREET, SE, IMPROVEMENT GRANT**

4 Sec. 6001. Short title.

5 This subtitle may be cited as the “Half Street Improvement Amendment Act of 2019”.

6 Sec. 6002. Section 3(c) of the Department of Transportation Establishment Act of 2002,
7 effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(c)), is amended by
8 adding a new paragraph (4) to read as follows:

9 “(4) Notwithstanding paragraph (1) of this subsection, the Director may issue
10 grants, including grants in excess of \$1 million, for the purpose of improving the portion of Half
11 Street, S.E., between N Street, S.E., and M Street, S.E., to the Capitol Riverfront Business
12 Improvement District or to an owner of real property adjacent to the portion of Half Street, S.E.,
13 between N Street, S.E. and M Street, S.E.”.

14

15 **SUBTITLE B. DISTRICT DEPARTMENT OF TRANSPORTATION MASTER**

16 **CAPITAL PROJECTS**

17 Sec. 6011. Short title.

18 This subtitle may be cited as the “Master Transportation Capital Projects Amendment Act
19 of 2019”.

20 Sec. 6012. Section 3(e) of the Department of Transportation Establishment Act of 2002,
21 effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)), is amended as
22 follows:

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23 (a) Paragraph (1) is amended by striking the phrase “directly from capital projects” and
24 inserting the phrase “directly from Master capital projects” in its place.

25 (b) Paragraph (2) is amended as follows:

26 (1) Strike the phrase “each capital project created in fiscal year 2012 or later” and insert
27 the phrase “each capital project” in its place.

28 (2) Strike the phrase “created in Fiscal Year 2018 or later.” and insert a period in its
29 place.

30 (c) Paragraph (3) is amended as follows:

31 (1) Strike the phrase “capital project created in Fiscal Year 2012 or later” and insert the
32 phrase “capital project” in its place.

33 (2) Strike the phrase “created in Fiscal Year 2018 or later.” and insert a period in its
34 place.

35 (d) Paragraph (4) is amended as follows:

36 (1) Subparagraph (A) is amended by striking the phrase “to the applicable Master local
37 transportation capital project created in Fiscal Year 2018 or later” and inserting the phrase “to an
38 applicable Master local transportation capital project” in its place.

39 (2) Subparagraph (B) is amended to read as follows:

40 “(B) For the purposes of this paragraph, the term “associated project” means a Related
41 Project with a current fund balance.”.

42 (3) Subparagraph (C) is repealed.

43

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44 **SUBTITLE E. PARKING ENFORCEMENT AUTHORITY**

45 Sec. 6041. Short title.

46 This subtitle may be cited as the “Parking Enforcement When a Motor Vehicle Operator
47 Leaves the Site of a Violation Amendment Act of 2019”.

48 Sec. 6042. Section 303(c-1) of the District of Columbia Traffic Adjudication Act of 1978,
49 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.03(c-1)), is
50 amended by striking the phrase “When a violation is detected by an automated parking
51 enforcement system, the Mayor shall” and inserting the phrase “When a violation is detected by
52 an automated parking enforcement system, or when the operator of a motor vehicle leaves the
53 site of a violation before personal service or service by affixing the notice to the vehicle can be
54 effectuated, the Mayor may” in its place.

55

56 **SUBTITLE F. STUDENT, FOSTER YOUTH, SUMMER YOUTH EMPLOYEE,**
57 **AND ADULT LEARNER TRANSIT SUBSIDIES**

58 Sec. 6051. Short title.

59 This subtitle may be cited as the “Student, Foster Youth, Summer Youth Employee, and
60 Adult Learner Transit Subsidies Amendment Act of 2019”.

61 Sec. 6052. Definitions.

62 For the purposes of this subtitle, the term “public transit services operated by the District
63 government” means the D.C. Circulator bus system and the District’s streetcar system.

64 Sec. 6053. Transit subsidy agreement.

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65 To accomplish the mandates of this subtitle, the Mayor shall enter into one or more
66 agreements with the Washington Metropolitan Area Transit Authority for the transportation of
67 elementary and secondary school students, adult learners, foster youth, and summer youth
68 employees at subsidized or free fares.

69 Sec. 6054. Kids Ride Free transit subsidy program.

70 (a) The Mayor may establish a subsidy program, to be known as Kids Ride Free
71 (“program”), under which District elementary and secondary school students shall receive free
72 fares on the Metrorail system, Metrobus system, and public transit systems operated by the
73 District government.

74 (b) To be eligible for the program, a student shall be:

75 (1) A resident of the District under 22 years of age; and

76 (2) Enrolled in one of the following:

77 (A) A traditional District of Columbia public school or public charter
78 school;

79 (B) An alternative, adult, or special education District of Columbia public
80 school or public charter school;

81 (C) A private school, including a parochial school in the District;

82 (D) An education program operated by the Office of the State
83 Superintendent of Education; or

84 (E) Homeschooling in the District.

85 (c) The Mayor may require each student, student’s parent or guardian, or student’s school
86 to file an application on behalf of the student to participate in the program.

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87 (d) The Mayor may impose a fee for the issuance or replacement of a transit card.

88 (e) The Mayor may establish standards for eligibility to participate in the program and
89 may impose such other restrictions on eligibility and the use of free fares, including limiting the
90 use of free fares to educational and employment purposes, that the Mayor deems appropriate for
91 the proper operational and fiscal administration of the program.

92 Sec. 6055. Transit subsidy for youth in the District's foster care system.

93 (a) The Mayor shall establish a program to allow youth in the District's foster care system
94 to receive free fares on the Metrorail system, Metrobus system, and public transit services
95 provided by the District government.

96 (b) To be eligible to participate in the program, the foster youth must be under 21 years of
97 age.

98 (c) The Mayor may require each foster youth, or the foster youth's parent or guardian, to
99 file an application on behalf of the foster youth to participate in the program.

100 (d) The Mayor may impose a fee for the issuance or replacement of a transit card.

101 (e) The Mayor may establish standards for eligibility to participate in the program, and
102 may impose such other restrictions on eligibility and the use of free fares, including limiting the
103 use of free fares to educational and employment purposes, that the Mayor deems appropriate for
104 the proper operational and fiscal administration and of the program.

105 Sec. 6056. Summer Youth Employment Program transit subsidy.

106 (a) The Mayor shall establish a program to allow participants in the Summer Youth
107 Employment Program ("SYEP") administered by the Mayor pursuant to section 2(a)(1) of the
108 Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code

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109 § 32-241(2)(a)(1)), to travel at subsidized or free fares on the Metrorail system, Metrobus
110 system, and public transit services provided by the District government.

111 (b) To be eligible to participate in the program, an SYEP participant:

112 (1) Must be 24 years of age or younger; and

113 (2) May not receive a subsidy pursuant to section 6054 or 6055 during the
114 individual's SYEP participation.

115 (c) The Mayor may require each SYEP participant or the SYEP participant's parent or
116 guardian to file an application on the SYEP participant's behalf to participate in the program.

117 (d) The Mayor may impose a fee for the issuance or replacement of a transit card.

118 (e) The Mayor may:

119 (1) Establish standards for eligibility to participate in the program;

120 (2) Limit the use of subsidized fares to transportation to and from SYEP
121 employment, internships, and related activities; and

122 (3) Impose such other restrictions on eligibility and the use of subsidized or free
123 fares that the Mayor deems appropriate for the proper operational and fiscal administration of the
124 program.

125 Sec. 6057. Adult learners transit subsidy.

126 (a) Subject to available funds, the Mayor shall establish a program for students of adult
127 learning programs to receive subsidized fares on the Metrorail system, Metrobus system, and
128 public transit services provided by the District government.

129 (b) To be eligible to participate in the program, a student shall be:

130 (1) Eighteen years of age or older;

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131 (2) A District resident;
132 (3) Not eligible for a free fare pursuant to section 6054 or 6055; and
133 (4) Enrolled in an adult learning program that is operated by or receives funding
134 from:

135 (A) A local education agency in the District, including the District of
136 Columbia Public Schools or a public charter school;

137 (B) The District of Columbia Public Library;

138 (C) The Office of the State Superintendent of Education; or

139 (D) The University of the District of Columbia Workforce Development
140 and Lifelong Learning Program.

141 (c) Beginning in Fiscal Year 2020, an eligible student shall receive a subsidy equal to at
142 least \$70 per month for each month the student is enrolled in an adult learning program.

143 Sec. 6058. Rules.

144 The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act,
145 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules
146 to implement the provisions of this subtitle.

147 Sec. 6059. The School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law
148 2-152; D.C. Official Code § 35-231 *et seq.*), is repealed.

149

150 **SUBTITLE G. CLEANENERGY DC IMPLEMENTATION**

151 Sec. 6061. Short title.

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173 **SUBTITLE H. CLEAN RIVERS IMPERVIOUS AREA CHARGE ASSISTANCE**

174 **FUND**

175 Sec. 6071. Short title.

176 This subtitle may be cited as the “Clean Rivers Impervious Area Charge Assistance Fund
177 Amendment Act of 2019”.

178 Sec. 6072. The District Department of the Environment Establishment Act of 2005,
179 effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is
180 amended by adding a new section 113a to read as follows:

181 “Sec. 113a. CRIAC Assistance Fund.

182 “(a) There is established as a special fund the Clean Rivers Impervious Area Charge
183 Assistance Fund (“Fund”), which shall be administered by the Mayor in accordance with
184 subsection (c) of this section.

185 “(b) Revenue from the following sources shall be deposited in the Fund:

186 “(1) Such amounts as may be appropriated to the Fund; and

187 “(2) Any amounts appropriated in Fiscal Year 2019 for the implementation of the
188 financial assistance programs authorized by section 216b of the Water and Sewer Authority
189 Establishment and Department of Public Works Reorganization Act of 1996, effective October
190 30, 2018 (D.C. Law 22-168; D.C. Official Code § 34–2202.16b), that remain unspent at the end
191 of that fiscal year.

192 “(c) Money in the Fund shall be used to pay for the costs of implementing the financial
193 assistance programs authorized by section 216b of the Water and Sewer Authority Establishment

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194 and Department of Public Works Reorganization Act of 1996, effective October 30, 2018 (D.C.
195 Law 22-168; D.C. Official Code § 34–2202.16b).

196 “(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund
197 balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any
198 other time.

199 “(2) Subject to authorization in an approved budget and financial plan, any funds
200 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

201 Sec. 6073. Applicability.

202 This subtitle shall apply as of September 30, 2019.

203

204 **SUBTITLE X. USE OF SCHOOL PERMIT FEES**

205 Sec. X01. Short title.

206 This subtitle may be cited as the “Use of School Permit Fees Amendment Act of 2019”.

207 Sec. X02. Section 5(c)(1)(A) of the Ensuring Community Access to Recreational Spaces

208 Act of 2018, effective February 22, 2019 (D.C. Law 22-210; D.C. Official Code § 38-

209 434(c)(1)(A)), is amended by striking the phrase “subsection, for cleaning, maintaining, and

210 repairing school facilities.” and inserting the phrase “subsection.” in its place.

211

212 **SUBTITLE X. SELF-OPERATED SCHOOL FOOD SERVICE**

213 Sec. X01. Short title.

214 This subtitle may be cited as the “Self-Operated School Food Service Amendment Act of

215 2019”.

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216 Sec. X02. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209;
217 D.C. Official Code § 38-821.01 *et seq.*), is amended as follows:

218 (a) Section 101 (D.C. Official Code § 38-821.01) is amended by adding a new paragraph
219 (8B) is to read as follows:

220 “(8B) “Self-operated school food service” means a District-run program of
221 planning, purchasing, preparing, storing, serving, and ensuring the safety of food served to
222 students in public schools staffed and overseen by District employees and established pursuant to
223 section 203a.”.

224 (b) A new section 203a is added to read as follows:

225 “Sec. 203a. Self-operated school food service pilot program.

226 “(a)(1) During the 2020-2021 and the 2021-2022 school years, the Mayor shall operate a
227 self-operated school food service pilot program (“pilot”) in 10 public schools or the maximum
228 number of schools that the funding appropriated will support.

229 “(2) At least twice during the 2020-2021 school year and twice during the 2021-
230 2022 school year, the Mayor shall administer a student satisfaction survey regarding meals
231 provided through the pilot.

232 “(b) Within 3 months after the last day of the 2020-2021 and 2021-2022 school years, the
233 Mayor shall provide to the Council a report on food services at all public schools, which shall
234 include:

235 “(1) Results from student satisfaction surveys conducted at pilot and non-pilot
236 schools during the 2 years of the pilot, including a comparison of the level of student satisfaction
237 with meals provided under the pilot and meals not provided under the pilot;

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238 “(2) A description of the costs of the pilot, including a comparison of the costs of
239 food services provided under the pilot and the costs of the food services at non-pilot public
240 schools;

241 “(3) An analysis of whether meals served through the pilot and meals served by
242 non-pilot public schools complied with federal and local school meals nutrition standards and
243 requirements; and

244 “(4) An analysis of what infrastructure and operating enhancements would be
245 necessary for District of Columbia Public Schools to successfully administer self-operated food
246 services in all public schools, including whether the District should fund the central kitchen
247 required to be established by section 204.

248 “(c)(1) The Mayor shall assist all eligible local educational agencies in deciding whether
249 to elect the community eligibility provision described in 7 C.F.R. § 245.9(f) for the local
250 educational agency or for a school or group of schools within the local educational agency.

251 “(2) For the purposes of this subsection, the terms “local educational agency” and
252 “school” shall have the same meaning as provided in 7 C.F.R. § 245.2.

253 “(d) Within 1 month after the last day of the 2019-2020 and 2020-2021 school years, the
254 Mayor shall provide to the Council a report on the offset of costs created by the self-operated
255 food service pilot due to changes to the existing food service contracts entered into by the
256 District, and an estimate of any federal reimbursements or other federal funding made available
257 to the District through the implementation of a self-operated school food service model at
258 participating schools.”

259 (c) Section 801 (D.C. Official Code § 38-828.01) is amended as follows:

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260 (1) Designate the existing text as subsection (a).

261 (2) A new subsection (b) is added to read as follows:

262 “(b) Before January 1, 2020, the Mayor, pursuant to Title I of the District of Columbia
263 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §
264 2-501 *et seq.*), shall issue rules to implement the provisions of the Self-Operated School Food
265 Service Amendment Act of 2019, as approved by the Committee on [XX] on May 2, 2019 (Bill
266 23-209).”.

267

268 **SUBTITLE X. RESIDENTIAL PARKING PERMIT**

269 Sec. X01. Short title.

270 This subtitle may be cited as the “Residential Parking Permit Amendment Act of 2019”.

271 Sec. X02. Section 2415.3 of Title 18 of the District of Columbia Municipal Regulations
272 is amended to read as follows:

273 “2415.3 The fee for a one-year residential permit parking sticker shall be \$50 annually
274 for the first vehicle permitted per legal-mailing address, \$75 for the second vehicle permitted per
275 legal-mailing address, \$100 for the third vehicle permitted per legal-mailing address, and \$150
276 for any vehicle beyond the first three permitted per legal-mailing address, except permits issued
277 to residents 65 years of age or older shall be \$35 annually for the first vehicle permitted per
278 legal-mailing address.”.

279

280 **SUBTITLE X. DRIVING WHILE USING A MOBILE TELEPHONE MINOR**

281 **PROHIBITION AMENDMENT**

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282 Sec. X01. This subtitle may be cited as the “Driving While Using a Mobile Telephone
283 Minor Prohibition Amendment Act of 2019”.

284 Sec. X02. The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law
285 15-124; D.C. Official Code § 50-1731.01 *et seq.*), is amended as follows:

286 (a) Section 5(b) (D.C Official Code § 50-1731.05(b)) is amended by striking the phrase “A
287 person who holds a learner’s permit” and inserting the phrase “A person who holds a learner’s
288 permit or is under the age of 18” in its place.

289 (b) Section 6 (D.C Official Code § 50-1731.06) is amended by striking the phrase “that the
290 fine” and inserting the phrase “that, for a violation of section 4, the fine” in its place.

291

292 **SUBTITLE X. PERSONAL MOBILITY DEVICE PARKING PILOT**

293 Sec. X01. Short title.

294 This subtitle may be cited as the “Personal Mobility Device Parking Pilot Amendment Act
295 of 2019”.

296 Sec. X02. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
297 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

298 (a) A new section 6b is added to read as follows:

299 “Sec. 6b. Personal Mobility Device Parking Pilot.

300 “(a) By January 1, 2020, the Department of Transportation (“DDOT”) shall establish a
301 pilot program to create one or more painted parking spaces per BID, as that term is defined in
302 section 3(7) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C.

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303 Law 11-134; D.C. Official Code § 2-1215.02(7)) (“BID Act”), on sidewalks or on streets for the
304 exclusive use of personal mobility devices.

305 “(b)(1) At a minimum, the parking spaces shall:

306 “(A) Be painted a color that sets the parking space apart from its
307 surroundings; and

308 “(B) Be clearly labelled to indicate that the parking space is intended for
309 personal mobility devices only.

310 “(2) Labelling a parking space as “Scooters Only” or a similar variant is
311 acceptable for satisfying the requirement of paragraph (1)(B) of this subsection.

312 “(c) Nothing in this section shall be construed to limit DDOT’s authority to create
313 parking spaces designated exclusively for personal mobility devices only throughout the District.

314 “(d) DDOT may accept funds from a BID corporation, established in accordance with the
315 Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11- 134; D.C.
316 Official Code § 2–1215.01 *et seq.*), and donated pursuant to section 115 of Title III of Division C
317 of the Consolidated Appropriations Resolution, 2003, approved February 20, 2003 (117 Stat.
318 123; D.C. Official Code § 1-329.01); provided, that such funds be expended for the purpose of
319 painted parking spaces for personal mobility devices in that BID corporation’s business
320 improvement district.

321 “(e) Before the date described in subsection (f) of this section, DDOT shall transmit a
322 report to the Council on the efficacy of the pilot program, which shall include recommendations
323 on whether there is a continued need for parking spaces designated exclusively for personal
324 mobility devices in the District.

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325 “(f) This section shall expire on December 31, 2020.”.

326 (b) Section 9a(3) (D.C. Official Code § 50-2201.04a(3)) is amended by striking the
327 semicolon and inserting the phrase “while on a sidewalk, or above the maximum speed limit of
328 15 miles per hour while on a street, in a bike lane, or while being operated in any other
329 permissible location;” in its place.

330 Sec. X0. Section 1200.11 of Title 18 of the District of Columbia Municipal Regulations
331 is amended to read as follows:

332 “1200.11 No person shall travel above the maximum speed of 10 miles per hour while
333 on a sidewalk or above the maximum speed of 15 miles per hour while on a street, in a bike lane,
334 or while being operated in any other permissible location. Any person traveling faster than the
335 maximum speed allowed under this subsection may be required to pay a fine.”.

336 Sec. X0. Section 1200.10 of Title 18 of the District of Columbia Municipal Regulations
337 is amended by striking period and inserting the phrase “; provided further, that a personal
338 mobility device shall travel at a speed no greater than 10 miles per hour while on a sidewalk.

339

340 **SUBTITLE X. DDOT CBE EXEMPTION PILOT**

341 Sec. X01. Short title.

342 This subtitle may be cited as the “DDOT CBE Exemption Amendment Act of 2019”.

343 Sec. X02. Section 2355 of the Small and Certified Business Enterprise Development and
344 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
345 218.55), is amended as follows:

346 (a) The section heading is amended to read as follows:

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347 “Sec. 2355. Exemptions from program requirements.”.

348 (b) A new subsection (c) is added to read as follows:

349 “(c) The District Department of Transportation shall be exempt from the requirements of
350 this subtitle for contracts entered into between October 1, 2019, and December 31, 2022.”.

351

352 **SUBTITLE X. BICYCLE ADVISORY COUNCIL DPW ADDITION**

353 Sec. X01. Short title.

354 This subtitle may be cited as the “BAC DPW Addition Amendment Act of 2019”.

355 Sec. X02. Section 5(b)(1) of the District of Columbia Comprehensive Bicycle

356 Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official

357 Code § 50-1604(b)(1)), is amended as follows:

358 (a) The lead-in language is amended by striking the number “17” and inserting the
359 number “18” in its place.

360 (b) Subparagraph (D) is amended by striking the phrase “; and” and inserting a semicolon
361 in its place.

362 (c) A new subparagraph (D-1) is added to read as follows:

363 “(D-1) The Director of the Department of Public Works or his or her
364 designee; and”.

365

366 **SUBTITLE X. OFFICE OF URBAN AGRICULTURE ESTABLISHMENT**

367 Sec. X01. Short title.

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368 This subtitle may be cited as the “Office of Urban Agriculture Establishment Amendment
369 Act of 2019”.

370 Sec. X02. The District Department of the Environment Establishment Act of 2005,
371 effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is
372 amended by adding a new section 109a to read as follows:

373 “Sec. 109a. Office of Urban Agriculture establishment.

374 “(a) There is established an Office of Urban Agriculture (“Office”) within DOEE.

375 “(b) The mission of the Office shall be to encourage and promote urban, indoor, and
376 other emerging agriculture practices in the District, including:

377 “(1) Community gardens and farms;

378 “(2) Rooftop farms, indoor farms, and greenhouses;

379 “(3) Hydroponic, aeroponic, and aquaponic farm facilities; and

380 “(4) Other innovations in urban agricultural production.

381 “(c) The duties of the Office shall include:

382 “(1) Developing and implementing District-wide policies and programs to
383 promote urban farming and agriculture, including the Urban Farming Land Lease Program under
384 section 3a of the Food Production and Urban Gardens Program Act of 1986, effective April 30,
385 2015 (D.C. Law 20-248; D.C. Official Code § 48-402.01), the tax abatements under D.C.
386 Official Code § 47-868, and the Sustainable Urban Agriculture Apiculture Act of 2012, effective
387 April 20, 2013 (D.C. Law 19-262; D.C. Official Code § 8-1825.01 *et seq.*);

388 “(2) Collaborating with and providing guidance to other District agencies
389 implementing urban agriculture programs;

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390 “(3) Engaging in outreach to share best practices, provide mentorship, and offer
391 technical assistance with urban agriculture programs; and

392 “(4) Applying for and accepting agriculture grants on behalf of DOEE.”.

393 Sec. X03. Section 2(1) of the Food Production and Urban Gardens Program Act of 1986,
394 effective February 28, 1987 D.C. Law 6-210; D.C. Official Code § 48-401(1)), is
395 amended by striking the phrase “Department of General Services” and inserting the phrase
396 “Department of Energy and Environment” in its place.

397 Sec. X04. Section 2a(b)(4)(B) of the Division of Park Services Act of 1988, effective
398 March 16, 1988 (D.C. Law 7-209; D.C. Official Code § 10-166.01(b)(4)(B)), is repealed.

399 Sec. X05. Section 47-868(d)(1) of Title 47 of the District of Columbia Official Code is
400 amended by striking the phrase “Department of General Services” and inserting the phrase
401 “Department of Energy and Environment” in its place.

402

403 **SUBTITLE X. HEALTHY KIDS REVENUE AMENDMENT**

404 Sec. X01. Short title.

405 This subtitle may be cited as the “Healthy Kids Revenue Amendment Act of 2019”.

406 Sec. X02. Chapter 20 of Title 47 of the District of Columbia Official Code is amended as
407 follows:

408 (a) Section 47-2001(r-1)(1) is amended as follows:

409 (1) Subparagraph (A) is amended to read as follows:

410 “(A) At least 50% milk, including soy, rice, or similar milk substitutes;

411 or”.

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412 (2) Subparagraph (B) is repealed.

413 (3) Subparagraph (C) is amended to read as follows:

414 “(C) 100% fruit or vegetable juice.”.

415 (4) Subparagraph (D) is repealed.

416 (b) Section 47-2002(a) is amended by adding a new paragraph (8) to read as follows:

417 “(8) The rate of tax shall be 7% of the gross receipts from the sale of or charges
418 for soft drinks.”.

419 (c) Section 47-2002.02(2)(A) is amended by striking the phrase “as described in § 47-
420 2001(n)(1)(A)” and inserting the phrase “from vending machines” in its place.

421

422 **SUBTITLE X. LEGITIMATE THEATER SIDEWALK CAFÉ**

423 **AUTHORIZATION**

424 Sec. X01. Short title.

425 This act may be cited as the “Legitimate Theater Sidewalk Café Authorization
426 Amendment Act of 2019”.

427 Sec. X02. The District of Columbia Public Space Rental Act, approved October 17, 1968
428 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended by adding a new section
429 201b to read as follows:

430 “Sec. 201b. Legitimate theater sidewalk café authorization.

431 “(a) The Mayor shall allow the use by a legitimate theater of public space abutting the
432 legitimate theater as a sidewalk café; provided, that the applicant:

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433 “(1) Meets the administrative procedures for a sidewalk café as set forth in
434 Chapter 3 of Title 24 of the District of Columbia Municipal Regulations; and

435 “(2) Obtains the necessary licenses and license endorsements to serve alcoholic
436 beverages in a sidewalk café or summer garden by the Alcoholic Beverage Regulation
437 Administration, established by D.C. Official Code § 25-202.

438 “(b) For the purposes of this section, the terms: “Legitimate theater” and “Sidewalk Café”
439 shall have the same meaning as provided in section 399.1 of Title 24 of the District of Columbia
440 Municipal Regulations (24 DCMR 399.1).”.

441 Sec. X03. Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24
442 DCMR 300 *et seq.*), is amended as follows:

443 (a) Section 301.3 is amended by striking the phrase “restaurant, grocery store, brewery,
444 winery, or distillery” both times it appears and inserting the phrase “Legitimate Theater,
445 restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food
446 shop” in its place.

447 (b) Section 303.13(h) is amended by striking the phrase “abutting restaurant” and insert
448 the phrase “abutting Legitimate Theater, restaurant” in its place.

449 (c) Section 399.1 is amended by adding a new definition after the definition of
450 “Incombustible materials” to read as follows:

451 “Legitimate Theater - a building, or a part of a building, that is designed and used for the
452 presentation of live plays and other forms of dramatic performance. The facility typically has a
453 stage or other performing area plus tiers of seats for the audience, or other arrangements for the
454 audience to sit or stand to view the performance.”.

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456 **SUBTITLE X. TEMPORARY VISITOR PARKING PERMIT PROGRAM**

457 **TRANSFER**

458 Sec. X01. Short title

459 This subtitle may be cited as the “Temporary Visitor Parking Permit Program Transfer
460 Regulation Amendment Act of 2019”.

461 Sec. X02. Section 2414.5 of Title 18 of the District of Columbia Municipal Regulations
462 is amended by striking the phrase “Chief of Police” both times it appears and inserting the phrase
463 “Director of the District Department of Transportation” in its place.

464 Sec. X03. Applicability.

465 This subtitle shall apply as of January 1, 2020.

466

467 **SUBTITLE X. CONGESTION PRICING STUDY AMENDMENT**

468 Sec. X01. This subtitle may be cited as the “Congestion Pricing Study Amendment Act
469 of 2019”.

470 Sec. X02. Section 9(m) of the Department of Transportation Establishment Act of 2002,
471 effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.21), is amended as
472 follows:

473 (a) The section heading is amended by striking the word “study” and inserting the word
474 “studies” in its place.

475 (b) The existing text is designated as subsection (a).

476 (c) A new subsection (b) is added to read as follows:

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477 “(b) By July 1, 2020, the District Department of Transportation, in consultation with the
478 Office of the Chief Financial Officer, other District agencies, or organizations, as needed, shall
479 make publicly available a study that evaluates and makes recommendations regarding the
480 potential benefits of congestion pricing on the District, including:

481 “(1) An analysis of the effect of intra-district tolls;

482 “(2) An analysis of the effect of tolls for vehicles entering the District via the
483 District’s bridges;

484 “(3) An analysis of the effect of different pricing strategies;

485 “(4) An analysis of how different pricing strategies would be compatible with the
486 introduction of autonomous vehicles;

487 “(5) An analysis of the effect on demographic, geographical, and income-level
488 equity, as well as the effect on District residents and non-residents;

489 “(6) An analysis of the potential to raise revenue; and

490 “(7) An analysis of the potential benefits of regional collaboration.”.

491

492 **SUBTITLE X. SUBJECT TO APPROPRIATIONS REPEAL**

493 Sec. X01. Short title.

494 This subtitle may be cited as the “Subject to Appropriations Repeal Amendment Act of
495 2019”.

496 Sec. X02. Section 4 of the DC Water Consumer Protection Amendment Act of 2018,
497 enacted on February 6, 2019 (D.C. Act 22-636; 66 DCR 2020), is repealed.

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498 Sec. X03. Section 5 of the Lead Water Service Line Replacement and Disclosure
499 Amendment Act of 2018, effective March 13, 2019 (D.C. Law 22-241; 66 DCR 923), is
500 repealed.
501