

AN ACT

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Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require the installation of sidewalks to ensure a safe and accessible environment for pedestrians and persons with disabilities, to establish minimum design and consultation requirements, and to provide for exemptions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Priority Sidewalk Assurance Act of 2010".

Sec. 2. Sidewalk installation requirements.

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

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

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

(5) Roadway segments for which residents petitioned to have sidewalks.

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

Sec. 3. Notice and design requirements.

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

(1) A statement of intent to design and construct a new sidewalk no less than 60 days before construction is scheduled, including a 30-day period for public comment on the proposed design;

(2) A statement of how affected parties can comment on the proposed sidewalk, including a statement on how Advisory Neighborhood Commissions can submit resolutions on the potential impact of the proposed sidewalk; and

(3) A construction schedule.

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

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

(d) The recommendations of the affected Advisory Neighborhood Commission shall be given great weight, as that term is described in section 13(d)(3)(A) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(d)(3)(A)).

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

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

Sec. 4. Exemptions.

(a) The District Department of Transportation may be exempted from the requirements of this act upon a written determination by the Director of the District Department of Transportation (“Director”) that it is impractical or unnecessary to install a sidewalk because:

(1) The physical site conditions would make it unduly expensive to construct the sidewalk;

(2) The sidewalk would not be used by pedestrians;

(3) The Director certifies that, due to the specific nature or design of the road segment under consideration, pedestrian travel can be safely accommodated without sidewalks, including travel by children and people with disabilities; or

(4) There would be damage to park land by the construction of the sidewalk on park land, or the District would be required to acquire an easement or property interest to establish the sidewalk.

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

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia