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2 Councilmember Jim Graham

Councilmember Tommy Wells

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6 Councilmember Kwame R. Brown

Chairman Vincent C. Gray

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10 Councilmember David A. Catania

Councilmember Michael A. Brown

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14 Councilmember Muriel Bowser

Councilmember Jack Evans

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18 Councilmember Yvette M. Alexander

Councilmember Mary M. Cheh

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22 Councilmember Harry Thomas, Jr

Councilmember Marion Barry

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29 A BILL

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33 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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37 Councilmember Tommy Wells, Jim Graham, Vincent C. Gray, Mary M. Cheh, Kwame R.
38 Brown, Michael A. Brown, David A. Catania, Jack Evans, Muriel Bowser, Yvette M. Alexander,
39 Marion Barry and Harry Thomas, Jr. introduced the following bill, which was referred to the
40 Committee on _____.

1 To prohibit the installation of any additional telephone, electric lighting, or other wires over any
2 of the streets or avenues of the City of Washington, except for those aerial wires the
3 Mayor may authorize for the purpose of powering transportation infrastructure projects;
4 to require the Mayor to submit a plan for each phase subsequent to the H Street/Benning
5 Road streetcar transit line; to repeal a section of an Act making appropriations to provide
6 for the expenses of the government of the District of Columbia for the fiscal year ending
7 June thirtieth, eighteen hundred and eighty-nine, and for other purposes; and to repeal a
8 section of an Act making appropriations to provide for the expenses of the government of
9 the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and
10 ninety.

11
12 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
13 act may be cited as the “Transportation Infrastructure Amendment Act of 2010”.

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15 Sec. 2. Aerial wires

16 (a) Except as provided in subsection (b) of this section, the Mayor of the District of
17 Columbia shall not permit or authorize any additional telephone, electric lighting or other wires
18 to be erected or maintained on or over any of the streets or avenues of the City of Washington (as
19 defined in D.C. Official Code §1-107) beyond those that existed on or before July 18, 1888.

20 (b) The Mayor is authorized to install aerial wires for the purpose of powering
21 transportation infrastructure projects, such as streetcar transit, where aerial-wire power is
22 necessary or, in the Mayor’s determination, is more feasible than other currently available forms
23 of motive power.

24 (1) The installation of aerial wires authorized by this section is limited to the H
25 Street/Benning Road streetcar transit line, between the intersection of North Capitol Street and H
26 Street NE on the west and the Anacostia River on the east, until the requirements of subsection
27 (b)(2) are met.

28 (2) Prior to the expansion or construction of streetcar transit beyond the H
29 Street/Benning Road line, the Mayor shall develop a plan for the use of aerial wires for each
30 phase of the streetcar transit system that falls within the City of Washington. Each streetcar
31 propulsion plan (“Plan”) shall be subject to Council approval by resolution or deemed approved

1 if the Council fails to take any action to approve or disapprove within 45 days, excluding
2 Saturdays, Sundays, holidays, and days of Council recess.

3 (A.) Each plan shall include written evaluation of the following:

4 1. The impact of aerial wires in areas of heightened federal
5 interest, including the L'Enfant view corridors; and

6 2. The impact on the character of any applicable Historic District,
7 including consultation and comments from the State Historic Preservation Officer on the
8 undertaking.

9 (B.) All streetcar procurements made by the District of Columbia or its
10 agent for use in a Plan within the City of Washington, subsequent to the purchase for the H
11 Street/Benning Road line, shall be capable of operating for up to one mile without aerial power,
12 unless the Mayor determines the technology is unreliable or is cost prohibitive.

13 (3) No aerial wires for streetcar transit shall be installed along the National Mall,
14 in the cross-axis area that extends from the U.S. Capitol on the east, to the Lincoln Memorial on
15 the west, and from the White House on the north to the Jefferson Memorial on the south, and
16 immediately abutting areas.

17 (4) The installation of aerial wires authorized by this section must comply with:

18 (A.) Section 602(a)(6) of the District of Columbia Home Rule Act,
19 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)(6));

20 (B.) An Act to regulate the height of buildings in the District of
21 Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.01 et seq.); and

22 (C.) All existing federal requirements for review by federal agencies,
23 including but not limited to, the Architect of the Capitol, the National Capital Planning
24 Commission, the National Park Service, the U.S. Commission of Fine Arts, and the U.S. Secret
25 Service.

26 (5) Beginning January 1, 2014 and every three years thereafter, the Mayor shall
27 submit to Council a report, with public comment included, on the feasibility of converting to
28 non-aerial power where aerial wiring has been installed.

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30 Sec. 3. Conforming Amendments.

1 (a) The section titled “Telegraph and Telephone Service” of an Act making
2 appropriations to provide for the expenses of the government of the District of Columbia for the
3 fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes,
4 approved July 18, 1888 (25 Stat. 323; D.C. Official Code § 34-1901.01), is repealed.

5 (b) The section titled “Repairs Streets, Avenues, and Alleys” of an Act making
6 appropriations to provide for the expenses of the government of the District of Columbia for the
7 fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes, approved
8 March 2, 1889 (25 Stat. 797), is repealed.

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10 Sec. 4. Fiscal impact statement.

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

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15 Sec. 5. Effective Date.

16 This act shall take effect following approval by the Mayor (or in the event of veto by the
17 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
18 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
19 24, 1973 (87 Stat.813; D.C. Official Code Sec. § 1-206.02(c)(1)), and publication in the District
20 of Columbia Register.