

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Administrative Procedure Act to exempt routine parking and traffic sign changes from formal notice and comment rulemaking and publication requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Administrative Procedure Amendment Act of 2000".

Sec. 2. Section 3(6) of the District of Columbia Administrative Procedure Act is amended as follows:

(a) The existing text is designated as subparagraph (A).

(b) A new subparagraph (B) is added to read as follows:

"(B) The term "rule" does not include any statement for guiding, directing or otherwise regulating vehicular or pedestrian traffic, including any statement controlling parking, standing, stopping or a construction detour; provided, that:

"(i) The contents of the statement are indicated to the public on one or more signs, signals, meters, markings or other similar devices located on or adjacent to a street, avenue, road, highway or other public space;

"(ii) The proposed installation, modification or removal of the statement is based on engineering or other technical considerations;

"(iii) The proposed installation, modification or removal of the statement does not involve substantial policy considerations; and

"(iv) The Council and the affected Advisory Neighborhood Commissions ("ANC") are provided with 30-days written notice, excluding Saturdays, Sundays and legal holidays, of an agency's intent to install, modify or remove any of these statements, and any ANC recommendation, if provided, is given great weight pursuant to section 13 of the Advisory Neighborhood Commissions Act.".

Sec. 3. Section 301(e) of the District of Columbia Administrative Procedure Act is amended as follows:

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(a) The first sentence is designated as paragraph (1).

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

"(2) The phrase document having general applicability and legal effect does not include any act to be codified in the District of Columbia Code or a personnel manual or internal staff directive solely applicable to employees or agents of the District of Columbia, or any statement for guiding, directing or otherwise regulating vehicular or pedestrian traffic, including any statement controlling parking, standing, stopping or a construction detour; provided, that:

"(A) The contents of the statement are indicated to the public on one or more signs, signals, meters, markings or other similar devices located on or adjacent to a street, avenue, road, highway or other public space;

"(B) The proposed installation, modification or removal of the statement is based on engineering or other technical considerations;

"(C) The proposed installation, modification or removal of the statement does not involve substantial policy considerations; and

"(D) The Council and the affected Advisory Neighborhood Commissions ("ANC") are provided with 30-days written notice, excluding Saturdays, Sundays and legal holidays, of an agency's intent to install, modify or remove any of these statements, and any ANC recommendation, if provided, is given great weight pursuant to section 13 of the Advisory Neighborhood Commissions Act."

Sec. 4. 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. Code § 1-233(c)(3)).

Sec. 5. 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 by the Council), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia