TITLE 7. HIGHWAYS, STREETS, BRIDGES.

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CHAPTER 1. HIGHWAY PLANS.

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Sec.
7-138. Authority to acquire and transfer to Secretary of the Interior real property in exchange for real property transferred to the District; payments in lieu of transfer of property.

§ 7-101. Control and repair of streets.

The Mayor of the District of Columbia shall have entire control of, and the Council of the District of Columbia shall make all regulations which it shall deem necessary for keeping in repair, the streets, avenues, alleys, and sewers of the City, and all other works which may be intrusted to the Mayor's charge by the Congress. (R.S., D.C., § 77; June 20, 1874, 18 Stat. 116, ch. 337, § 2; June 11, 1878, 20 Stat. 103, ch. 180, § 2; 1973 Ed., § 7-101.)

Cross references. — As to rules and regulations for protection of life, health, and property, see § 1-319.

As to cleaning streets and repairing and cleaning sewers, see § 1-329.

As to repair of streets sought to be abandoned, see § 7-114.

As to appropriations for removal of snow and ice, see § 7-907.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(150) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

District officials must regard title. — The District of Columbia officials responsible for the planning and construction of highway projects in the District lack the authority to proceed with the planning and construction of 4 links of a proposed District of Columbia freeway system without regard for this title. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

Compliance with hearing requirements. — Congress, having accorded all citizens the right to participate in the determination of federally financed highway projects through public hearings, could not, without adequate justification, discriminate against the citizens of the District of Columbia by directing that the construction of a bridge in the District proceed without compliance with hearing requirements. District of Columbia Fed'n of Civic Ass'ns v. Volpe, 434 F.2d 436 (D.C. Cir. 1970).

§ 7-102. Jurisdiction over public roads and bridges.

The Mayor of the District of Columbia shall have the care and charge of, and the exclusive jurisdiction over, all the public roads and bridges, except such as belong to and are under the care of the United States, and except such as may be otherwise specially provided for by Congress. (R.S., D.C., § 247; June 20, 1874, 18 Stat. 116, ch. 337, § 2; June 11, 1878, 20 Stat. 103, ch. 180, § 2; 1973 Ed., § 7-102.)

Cross references. — As to duty to obtain street right-of-way through burial ground, see § 1-915.

As to power of administrator of Alley Dwelling Act over streets and alleys, see § 5-103.

As to authority to change names of streets and highways, see §§ 7-106, and 7-111.

As to highway plans, see §§ 7-107 to 7-138.

As to Council authorization to name public spaces, see § 7-451.

As to duplicative names prohibited for public spaces, see § 7-454.

As to jurisdiction and control over bridges, see § 7-501.

As to control and repair bridges, see §§ 7-501 and 7-502.

As to jurisdiction and control of Highway Bridge, see § 7-507.

As to regulations concerning gas mains for street lighting, see § 7-706.

As to permits to maintain barbed-wire fence and to remove illegal barbed-wire fences, see §§ 7-802 to 7-805.

As to removal of ice and snow from sidewalks and streets, see §§ 7-901 to 7-906.

As to transfer of jurisdiction over MacArthur Boulevard to Council from Secretary of the Army, see § 7-1401.

As to miscellaneous provisions concerning jurisdiction and control over public roadways, see §§ 7-1401 to 7-1438.

As to power of federal government over certain streets, see §§ 7-1404, 7-1407 to 7-1410, and 7-1417 to 7-1420.

As to designation of streets and sidewalks for business use and parking, see § 7-1405.

As to conduits and overhead wires, see §§ 7-1432, 43-1201 to 43-1208, 43-1301 to 43-1304, and 43-1401 to 43-1417.

As to jurisdiction and control of streets, avenues, and sidewalks in public parks and playgrounds, see §§ 8-104 to 8-165.

As to jurisdiction and control over street parking, see § 8-106.

As to transfer of certain lands from public park system, see § 8-114.

As to permit to widen roads or establish sidewalks adjacent to public parks and playgrounds, see § 8-123.

As to prohibition to opening, widening, or extending any street which will permanently diminish flow of Rock Creek, see § 8-145.

As to closing of alleys or streets in municipal center, see § 9-201.

As to obstructing public highways, see §§ 22-3120 to 22-3122.

As to public intoxication in street, alley or park, see § 25-128.

As to traffic regulation for vehicular traffic, see §§ 40-701 to 40-725.

As to laying of water mains and sewers, see §§ 43-1501 to 43-1553.

As to construction and type of rails and removal of street railway tracks, see §§ 44-206, 44-209, and 44-211.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Right of access is property right, subject to reasonable regulation, which cannot be taken away without just compensation. Brownlow v. O'Donoghue Bros., 276 F. 636 (D.C. Cir. 1922).

District has primary responsibility for maintaining streets and sidewalks in reasonably safe condition, regardless of who owns the fee in such streets and sidewalks, in the absence of special circumstances such as the accumulation of snow or ice or an improvement of the way in question by the United States. Conner v. United States, 309 F. Supp. 446 (D.D.C. 1970).

Liability of District for negligence of officers. — The District is responsible to individuals for personal injuries sustained as a result of the negligence of its officers in the maintenance of the streets, avenues, and sidewalks. District of Columbia v. Woodbury, 136 U.S. 450, 10 S. Ct. 990, 34 L. Ed. 472 (1890).

Cited in Bauman v. Ross, 167 U.S. 548, 17 S. Ct. 966, 42 L. Ed. 270 (1897); Leary v. District of Columbia, 166 F. Supp. 542 (D.D.C. 1958).

§ 7-103. Abutment of Highway Bridge.

Repealed. Mar. 10, 1983, D.C. Law 4-201, § 725, 30 DCR 148.

Legislative history of Law 4-201. — Law 4-201, the "Street and Alley Closing and Acquisition Procedures Act of 1982," was introduced in Council and assigned Bill No. 4-341, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respec-

tively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-285 and transmitted to both Houses of Congress for its review.

§ 7-104. Certain public roads declared public highways.

All public roads within said District, outside the limits of Washington and Georgetown, which were duly laid out or declared and recorded as such on June 22, 1874, are public highways. (R.S., D.C., § 246; 1973 Ed., § 7-104.)

Cross references. — As to abolition of Georgetown as separate and distinct city and incorporation of it as part of City of Washington, see § 1-107.

As to establishment of new roads in subdivision of land, see § 1-914.

§ 7-105. Boundaries of public highways to be permanently marked.

Repealed. Mar. 10, 1983, D.C. Law 4-201, § 709, 30 DCR 148.

Legislative history of Law 4-201. — See note to § 7-103.

§ 7-106. Council may change names of streets when 2 streets have same name.

Repealed. Mar. 10, 1983, D.C. Law 4-201, § 702, 30 DCR 148.

Cross references. — As to duplicative names prohibited for public spaces, see § 7-454.

Legislative history of Law 4-201. — See note to § 7-103.

§ 7-107. Permanent highway plan — Width of highways.

The Mayor of the District of Columbia is hereby authorized and directed to prepare a plan for the extension of a permanent system of highways over all that portion of said District not included within the limits of the Cities of Washington and Georgetown. Said system shall be made as nearly in conformity with the street plan of the City of Washington as the Council of the District of Columbia may deem advisable and practicable. The highways provided in such plans shall not in any case be less than 90 feet nor more than 160 feet wide, except in cases of existing highways, which may be established of any width not less than their existing width and not more than 160 feet in width. (Mar. 2, 1893, 27 Stat. 532, ch. 197, § 1; 1973 Ed., § 7-108.)

Cross references. — As to abolition of Georgetown as separate and distinct city and incorporation of it as part of City of Washington, see § 1-107.

As to duties of Surveyor, see §§ 1-901 to 1-929.

As to inapplicability of §§ 7-107 to 7-110 to Interstate System, see § 7-112.

As to new plan, see § 7-122.

As to street and alley closing procedures, see §§ 7-421 to 7-435.

As to width of pavement of streets, see § 7-618.

As to authorization of minor changes in highway width in connection with resurfacing or other street improvements, see § 7-619.

Section references. — This section is re-

ferred to in §§ 1-2007, 5-819, 7-108, 7-112, 7-114, 7-116, 7-118, and 7-122.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(153) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Section inapplicable. — This section does not apply to highway improvements constructed with federal aid. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Federal-aid highway legislation is not inconsistent with this section. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

Sections 7-107 to 7-110 were intended to regulate interstate expressways. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

Effect of procedures. — The procedures set out in §§ 7-107 to 7-110 are even more important for regulating the "wide interstate expressways" for these projects generally affect more people and larger areas of the District than any other type of street and, therefore, are potentially more destructive of aesthetic values and fundamental property rights. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

District officials must regard title. — The District of Columbia officials responsible for the planning and construction of highway projects in the District are not authorized by Congress to disregard the requirements of this title in the planning and construction of 4 links of the proposed District of Columbia freeway system. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

Standing to sue. — Taxpayers of the District of Columbia had standing to maintain a suit against the District of Columbia officials, but not against federal officials, to restrain expenditure of funds for proposed highway projects to be constructed with municipal and federal funds. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Property owners who owned property the value of which might be reduced by proposed highway projects did not have any legal personal rights that were being adversely affected, and such owners did not have standing to maintain suit against District of Columbia officials to restrain expenditure of municipal funds for proposed highway projects. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Users of public parks within the sites of proposed highway projects who contended that their rights to use the parks would be interfered with by the construction had no rights, separate and apart from those of the rest of the public, and the park users had no standing to sue to restrain the District of Columbia officials from expending municipal funds for a proposed highway project. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Civic associations did not have standing to sue District of Columbia officials to restrain expenditure of municipal funds for highway projects. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

The central committee of a political party which was not incorporated was not an entity and had no capacity to sue or be sued and could not maintain action against District of Columbia officials to restrain expenditure of municipal funds for construction of proposed highway projects. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Cited in Rudolph v. Warwick, 10 F.2d 993 (D.C. Cir. 1926); Wilkinson v. Dougherty, 24 F.2d 1007 (D.C. Cir.), cert. denied, 278 U.S. 603, 49 S. Ct. 10, 73 L. Ed. 531 (1928).

§ 7-108. Same — Preparation by Mayor; maps.

The said plans shall be prepared from time to time in sections, each of which shall cover such an area as the Mayor of the District of Columbia may deem advisable to include therein, and it shall be the duty of the Mayor in preparing such plan by sections, as far as may be practicable, to select first such areas as are covered by existing suburban subdivisions not in conformity with the general plan of the City of Washington. The Mayor in making such plans shall

adopt and conform to any then existing subdivisions which shall have been made in compliance with the provisions of the Act of Congress approved August 27, 1888, entitled "An act to regulate the subdivision of land within the District of Columbia" (25 Stat. 451), or which shall, in the opinion of the Mayor, conform to the general plan of the City of Washington: Provided, however, that no place or street extending no farther than from 1 principal street to another, which has been opened under the direction of the Mayor, or in conformity with any subdivision approved by them prior to August 27, 1888, and recorded, and which was on March 2, 1893, paved with asphalt or other sheet pavement, shall be altered, affected, or interfered with by any plan adopted or anything done under or by virtue of §§ 7-107 to 7-111. Whenever the plan of any such section shall have been adopted by the Mayor, he shall cause a map of the same to be made showing the boundaries and dimensions of and number of square feet in the streets, avenues, and roads established by him therein; the boundaries and dimensions of and number of square feet in each, if any, of the then existing highway in the area covered by such map, and the boundaries and dimensions of and number of square feet in each lot of any then existing subdivision owned by private persons; and containing such explanations as shall be necessary to a complete understanding of such map. In making such maps the Mayor is further authorized to lay out at the intersections of the principal avenues and streets thereof circles or other reservations corresponding in number and dimensions with those existing on March 2, 1893, at such intersections in the City of Washington. A copy of such map, duly certified by the Mayor, shall be delivered to the National Capital Planning Commission, which shall make such alterations, if any, therein, as it shall deem advisable, keeping in view the intention and provisions of §§ 7-107 to 7-111, and the necessity of harmonizing as far as possible the public convenience with economy of expenditure; and if such Commission shall see fit, it may cause to be made a new map in place of the one submitted to them. When such Commission, or a majority thereof, shall have come to a final determination in the matter, it shall approve in writing the map which it shall adopt, and shall deliver it to said Mayor of the District of Columbia, and the same shall at once be filed and recorded in the Office of the Surveyor of the District of Columbia, and after any such map shall have been so recorded no further subdivision of any land included therein shall be admitted to record in the Office of the Surveyor of said District, or in the Office of the Recorder of Deeds thereof, unless the same be first approved by the Mayor and be in conformity to such map. Nor shall it be lawful when any such map shall have been so recorded for the Mayor of the District of Columbia, or any other officer or person representing the United States or the District of Columbia, to thereafter improve, repair, or assume any responsibility in regard to any abandoned highway within the area covered by such map, or to accept, improve, repair, or assume any responsibility in regard to any highway that any owner of land in such area shall thereafter attempt to lay out or establish, unless such landowner shall first have submitted to the Mayor a plat of such proposed highway and the Mayor shall have found the same to be in conformity to such map, and shall have approved such plat and caused it to be recorded in the Office of said Surveyor. (Mar. 2, 1893, 27 Stat. 532, ch. 197, § 2; 1973 Ed., § 7-109.)

Cross references. — As to Surveyor of District, see §§ 1-901 to 1-929.

As to recording maps and plats, see § 1-906.

As to inapplicability of §§ 7-107 to 7-110 to Interstate System, see § 7-112.

Section references. — This section is referred to in §§ 1-2007 and 7-411.

References in text. — "Section 7-111", referred to in the second and fifth sentences, was repealed by § 711 of D.C. Law 4-201, effective March 10, 1983.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Transfer of functions. — The functions, powers, and duties of the National Capital Park and Planning Commission were transferred to the National Capital Planning Commission by the Act of June 6, 1924, ch. 270, § 9, as added by the Act of July 19, 1952, 66 Stat. 790, ch. 949, § 1.

Section is inapplicable to highway improvements constructed with federal aid. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Sections 7-107 to 7-110 were intended to regulate interstate expressways. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

Effect of procedures. — The procedures set out in §§ 7-107 to 7-110 are even more important for regulating the "wide interstate expressways", for these projects generally affect more people and larger areas of the District than any other type of street and, therefore, are potentially more destructive of aesthetic values and fundamental property rights. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

District officials must regard title. — The District of Columbia officials responsible for the planning and construction of highway projects in the District are not authorized by Congress to disregard the requirements of this title in the planning and construction of 4 links of the proposed District of Columbia freeway system. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

Standing to sue. — The taxpayers of the District of Columbia had standing to maintain a suit against the District of Columbia officials, but not against the federal officials, to restrain against expenditure of funds for proposed highway projects to be constructed with municipal and federal funds. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Property owners who owned property the value of which might be reduced by proposed highway projects did not have any legal personal rights that were being adversely affected and such owners did not have standing to maintain suit against the District of Columbia official to restrain the expenditure of municipal funds for proposed highway projects. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

The users of public parks within the sites of proposed highway projects who contended that their rights to use the parks would be interfered with by the construction had no rights, separate and apart from those of the rest of the public, and the park users had no standing to sue to restrain the District of Columbia officials from expending municipal funds for the proposed highway project. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Civic associations did not have standing to sue the District of Columbia officials to restrain the expenditure of municipal funds for highway projects. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

The central committee of a political party which was not incorporated was not an entity and had no capacity to sue or be sued and could not maintain an action against the District of Columbia officials to restrain expenditure of municipal funds for the construction of proposed highway projects. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Cited in Bauman v. Ross, 167 U.S. 548, 17 S. Ct. 966, 42 L. Ed. 270 (1897).

§ 7-109. Same — Adoption of subdivision by reference.

When any such map shall have been recorded as aforesaid in the Office of the Surveyor of the District it shall be lawful for the owner of any land included within such map to adopt the subdivision thereby made by a reference thereto

and to this section in any deed or will which he shall thereafter make, and when any deed or will containing any such reference shall have been made and recorded in the proper office it shall have the same effect as though the grantor or grantors in such deed or the maker of such will had made such subdivision and recorded the same in compliance with law. (Mar. 2, 1893, 27 Stat. 533, ch. 197, § 3; 1973 Ed., § 7-110.)

Cross references. — As to Surveyor of District, see §§ 1-901 to 1-929.

Section references. — This section is referred to in § 1-2007.

Sections 7-107 to 7-110 were intended to regulate interstate expressways. District of Columbia Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

Cited in Bauman v. Ross, 167 U.S. 548, 17 S. Ct. 966, 42 L. Ed. 270 (1897).

§ 7-110. Same — Entry upon property for survey authorized.

For the purpose of making surveys for such plans and maps the Mayor of the District of Columbia and his agents and employees necessarily engaged in making such surveys are authorized to enter upon any lands through or on which any projected highway or reservation may run or lie. (Mar. 2, 1893, 27 Stat. 534, ch. 197, § 4; 1973 Ed., § 7-111.)

Section references. — This section is referred to in § 1-2007.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Sections 7-107 to 7-110 were intended to regulate interstate expressways. D.C. Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

§ 7-111. Council authorized to name streets.

Repealed. Mar. 10, 1983, D.C. Law 4-201, § 711, 30 DCR 148.

Cross references. — As to Council authorization to name public spaces, see § 7-451.

Legislative history of Law 4-201. — See note to § 7-103.

§ 7-112. Inapplicability of §§ 7-107 to 7-111 to Interstate System.

None of the provisions of §§ 7-107 to 7-111 shall apply to any segment of the Interstate System within the District of Columbia. (1973 Ed., § 7-112a; Aug. 13, 1973, 87 Stat. 268, Pub. L. 93-87, title I, § 135.)

References in text. — "Section 7-111", referred to in the catchline and text, was repealed by § 711 of D.C. Law 4-201, effective March 10, 1983.

§ 7-113. Abandonment or readjustment of streets to provide ground for educational, religious, or similar institutions.

Repealed. Mar. 10, 1983, D.C. Law 4-201, § 712, 30 DCR 148.

Legislative history of Law 4-201. — See note to § 7-103.

§ 7-114. Use of property by owner until condemnation.

The owner or owners of land over or upon which any highway or reservation shall be projected upon any map filed under §§ 7-107 to 7-111 shall have the free right to the use and enjoyment of the same for building or any other lawful purpose, and the free right to transfer the title thereof, until proceedings looking to the condemnation of such land shall have been authorized and actually begun. And as to any highway or part of highway which by any such map is to be abandoned neither the right of those occupying or owning land abutting thereon or adjacent thereto, nor the right of the public to use such highway or part of highway, shall be affected by the filing of such map until condemnation proceedings looking to the ascertainment of the damages resulting from such proposed abandonment shall have been authorized and actually begun; nor shall the obligation of the municipal authorities to keep the same in repair be affected until they are rendered useless by the opening and improvement of new highways, to be evidenced by public notice by the Mayor of the District of Columbia. (June 28, 1898, 30 Stat. 520, ch. 519, § 5; 1973 Ed., § 7-114.)

References in text. — "Section 7-111", referred to in the first sentence, was repealed by § 711 of D.C. Law 4-201, effective March 10, 1983.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-115. Public notice of proposed plan.

(a) At least 30 days prior to the submissions by the Mayor of the District of Columbia to the National Capital Planning Commission and to the Council of the District of Columbia for approvals of a proposed modification to the permanent system of highways, the Mayor shall provide written notice of an opportunity to submit comments on the proposed modification to:

(1) Each owner of land within the squares in which or adjacent to which the proposed modification is located, by registered mail to the address to which taxation notifications are sent by the District of Columbia Department of Finance and Revenue;

(2) Each Advisory Neighborhood Commission within whose commission area the proposed modification is located; and

(3) The public, by publishing the proposed modification in the District of Columbia Register.

(b) Copies of comments received by the Mayor shall be included in any subsequent submission by the Mayor to the Council of the District of Columbia of a resolution to consider the proposed modification to the permanent system of highways. (June 28, 1898, 30 Stat. 520, ch. 519, § 6; 1973 Ed., § 7-115; May 10, 1988, D.C. Law 7-106, § 3, 35 DCR 2170.)

Section references. — This section is referred to in § 7-122.

Legislative history of Law 7-106. — Law 7-106, the "New Streets or Alleys Amendment Act of 1988," was introduced in Council and assigned Bill No. 7-100, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on February 16, 1988 and March 1, 1988, respectively. Signed by the Mayor on March 16, 1988, it was assigned Act No. 7-148 and transmitted to both Houses of Congress for its review.

Delegation of authority pursuant to D.C. Law 7-106, "New Street or Alley Amendment Act of 1988". — See Mayor's Order 88-162, July 11, 1988.

Approval of abandonment of highway plan. — Section 4 of D.C. Law 8-76 provided that the Council approved the abandonment of the highway plan for the portion of 42nd Street, N.W., South of W Street, N.W., as shown on the Surveyor's plat filed under S.O. 87-51.

Procedures outlined in this title are designed to protect property rights by insuring that the highway plans are evolved democratically rather than arbitrarily. D.C. Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

Purpose of public hearing. — The public hearing required by this section offers the public an opportunity to participate in the administrative decision and forces the administrators to spell out the reasons for their decision. D.C. Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

District officials must regard title. — The District of Columbia officials responsible for the planning and construction of highway projects in the District are not authorized by Congress to disregard the requirements of this title in the planning and construction of 4 links of the proposed District of Columbia freeway system. D.C. Fed'n of Civic Ass'ns v. Airis, 391 F.2d 478 (D.C. Cir. 1968).

§ 7-116. Beatty and Hawkins's Addition to Georgetown.

All the powers given to the Mayor and Council of the District of Columbia and others under §§ 7-107 to 7-111 shall apply to and be capable of being exercised upon and through Beatty and Hawkins's Addition to Georgetown, where it may be necessary to connect streets in parts of the District lying outside of cities, or to connect any street in the city with streets in the District of Columbia. (Apr. 12, 1904, 33 Stat. 587, Joint Res. No. 21; 1973 Ed., § 7-116.)

References in text. — "Section 7-111", has been repealed by § 711 of D.C. Law 4-201, effective March 10, 1983.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(154, 156) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of

Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-117. Acceptance of dedicated streets; building restriction lines; right-of-way for sewers and water mains.

Repealed. Mar. 10, 1983, D.C. Law 4-201, § 713, 30 DCR 148.

Legislative history of Law 4-201. — See note to § 7-103.

§ 7-118. Reversion of title upon abandonment of streets.

Upon the abandonment of any street, avenue, road, or highway, or part thereof, under the provisions of §§ 7-107 to 7-111, the title to the land contained in such abandoned portion shall revert to the owners of the land abutting thereon. (Feb. 16, 1904, 33 Stat. 14, ch. 159, § 2; 1973 Ed., § 7-118.)

Cross references. — As to closing of alleys or minor streets, see §§ 7-421 to 7-435.

References in text. — "Section 7-111", has been repealed by § 711 of D.C. Law 4-201, effective March 10, 1983.

§ 7-119. Resubdivision of property affected by highway plan pending condemnation proceedings.

Where any proposed street of the permanent system of highways affects any lot or block of a subdivision recorded in the Office of the Surveyor of the District of Columbia, the Mayor of the District of Columbia may, in his discretion, allow the resubdivision of such lot or block in a manner conforming to the original subdivision until such time as condemnation proceedings are begun for the opening of the proposed street affecting the land to be subdivided. (Feb. 26, 1904, 33 Stat. 51, ch. 164; 1973 Ed., § 7-119.)

Cross references. — As to Surveyor of District, see §§ 1-901 to 1-929.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-120. Street, avenue, or public thoroughfare prohibited within 1,000 feet of Naval Observatory.

No street, avenue, or public thoroughfare in the neighborhood of the buildings erected upon the United States Naval Observatory grounds, Georgetown Heights, District of Columbia, shall extend within the area of a circle described with a radius of 1,000 feet from the center of the building known as the clock room of the said Observatory. (Aug. 1, 1894, 28 Stat. 588, Joint Res. No. 40, § 1; 1973 Ed., § 7-120.)

Section references. — This section is referred to in § 7-121.

§ 7-121. Massachusetts Avenue through grounds of United States Naval Observatory.

Massachusetts Avenue, as laid down in conformity with § 7-120 upon the maps of the engineer department of the District of Columbia, through the grounds of the United States Naval Observatory is declared to be a public street in all respects as the other public streets of the District of Columbia. (Aug. 1, 1894, 28 Stat. 588, Joint Res. No. 40, § 2; 1973 Ed., § 7-121.)

§ 7-122. New highway plans authorized.

The Mayor of the District of Columbia is hereby authorized, whenever in his judgment the public interests require it, to prepare a new highway plan for any portion of the District of Columbia, and submit the same for approval, after public hearing, to the National Capital Planning Commission; such highway plans shall be prepared under §§ 7-107 to 7-115, and upon approval and recording of any such new highway plan it shall take the place of and stand for any previous plan for the portion of the District of Columbia affected. (Mar. 4, 1913, 37 Stat. 949, ch. 150; 1973 Ed., § 7-122.)

Section references. — This section is referred to in § 5-819.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Transfer of functions. — The functions, powers, and duties of the National Capital Park and Planning Commission were transferred to the National Capital Planning Commission by the Act of June 6, 1924, ch. 270, § 9, as added by the Act of July 19, 1952, 66 Stat. 790, ch. 949, § 1.

Section is inapplicable to highway improvements constructed with federal aid. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (D.D.C. 1967).

Assessment of benefits against property owners without notice of hearing is a denial of due process of law. Wilkinson v. Dougherty, 24 F.2d 1007 (D.C. Cir.), cert. denied, 278 U.S. 603, 49 S. Ct. 10, 73 L. Ed. 531 (1928).

Standing to sue. — The taxpayers of District of Columbia had standing to maintain a suit against the District of Columbia officials, but not against the federal officials, to restrain the expenditure of funds for proposed highway projects to be constructed with municipal and federal funds. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (1967).

Users of public parks, within the sites of proposed highway projects, who contended that their rights to use the parks would be interfered with by the construction, had no rights, separate and apart from those of the rest of the public, and the park users had no standing to sue to restrain the District of Columbia officials from expending municipal funds for the proposed highway project. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (1967).

The central committee of a political party, which was not incorporated, was not an entity and which lacked the capacity to sue or be sued, could not maintain an action against the District of Columbia officials to restrain the expenditure of municipal funds for the construction of proposed highway projects. D.C. Fed'n of Civic Ass'ns v. Airis, 275 F. Supp. 533 (1967).

§§ 7-123, 7-124. Certain roads authorized to be closed — Title to revert; filing of plat; apportionment of property.

Repealed. Mar. 10, 1983, D.C. Law 4-201, § 722, 30 DCR 148.

Legislative history of Law 4-201. — See note to § 7-103.

§ 7-125. Subdivision to conform to plan of Washington.

No subdivision of land in the District of Columbia without the limits of the City of Washington shall be recorded in the Office of the Surveyor or in the Office of the Recorder of Deeds unless the same shall have been first approved by the Mayor of the District of Columbia and be in conformity with the recorded plans for a permanent system of highways. (Mar. 3, 1901, 31 Stat. 1428, ch. 854, § 1604; 1973 Ed., § 7-125.)

Cross references. — As to Surveyor, see §§ 1-901 to 1-929.

As to approval of subdivisions, see § 1-913.

As to Recorder of Deeds, see §§ 45-901 to 45-915.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-126. District authorized to use certain land owned by United States for street purposes.

The Mayor of the District of Columbia is authorized to use for street purposes 1,651 square feet of a tract of land known as parcel 17/93, 708 square feet of a tract of land known as parcel 18/52, and 380 square feet of a tract of land known as parcel 18/23, all for the widening of Reservoir Road, and to use for street purposes 23,779.63 square feet of a tract of land known as parcel

28/12 for the widening of Reservoir Road and Forty-fourth Street; and to use for street purposes a strip of land 60 feet wide containing 258,750 square feet, more or less, lying immediately northeasterly of the southwesterly boundary of a tract of land known as parcel 173/23 for the widening of South Dakota Avenue; and to use for street purposes 9,000 square feet, more or less, of a tract of land known as parcel 243/15 for the extension of Trenton Street and for the widening of 4th Street Southeast; and to use for street purposes 1,521.28 square feet of lot 802, square 1932, and 3,669.88 square feet of lot 837, square 1300, for the widening of Wisconsin Avenue, all as shown on maps designated as Street Extension Maps 1150 and 1154, and Surveyor's Office Maps 1314 and 1373, on file in the Office of the Surveyor of the District of Columbia, all the above-described property herein authorized to be used for street purposes being owned by the United States of America. (Feb. 27, 1929, 45 Stat. 1341, ch. 353; 1973 Ed., § 7-126.)

Cross references. — As to Surveyor of District, see §§ 1-901 to 1-929.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-127. Relocation of Michigan Avenue authorized.

In order to relocate the line of Michigan Avenue from Franklin Street as laid down on the plan of the permanent system of highways for the District of Columbia to Lincoln Road, bordering the southeast corner of the grounds of the United States Soldiers' Home, and to straighten and shorten the route of said Avenue, the Mayor of the District of Columbia is authorized to close, vacate, and abandon the portion of Michigan Avenue known and designated as Parcel E on map filed in the Office of the Surveyor of the District of Columbia and numbered as Map 1429, containing 54,380 square feet, said part so closed, vacated, and abandoned to be transferred by said Mayor of the District of Columbia to the United States as part of the grounds of the United States Military Asylum, known as the United States Soldiers' Home. (Mar. 4, 1929, 45 Stat. 1543, ch. 682, § 1; 1973 Ed., § 7-127.)

Section references. — This section is referred to in §§ 7-130 and 7-131.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia.

These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Extension and widening of Michigan Avenue. — See the Act of April 22, 1932, 47 Stat. 135, ch. 133, §§ 1 to 5.

§ 7-128. Use of part of Soldiers' Home for street purposes.

The Mayor of the District of Columbia is authorized to use for street purposes all that part of the United States Soldiers' Home grounds designated as Parcel A, containing 57,613 square feet, and Parcel B containing 11,870 square feet, as shown on map filed in the Office of the Surveyor of the District of Columbia and numbered as Map 1429; and the proper authorities having title, control, or jurisdiction are authorized to make the necessary transfer of said parcels of land to the District of Columbia for street purposes. (Mar. 4, 1929, 45 Stat. 1543, ch. 682, § 2; 1973 Ed., § 7-128.)

Cross references. — As to Surveyor of District, see §§ 1-901 to 1-929.

Section references. — This section is referred to in §§ 7-130 and 7-131.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-129. Portion of Michigan Avenue abandoned.

The Mayor of the District of Columbia is authorized to close, vacate, and abandon the portion of Michigan Avenue known and designated as Parcel D, containing 69,336 square feet, and Parcel H, containing 7,279 square feet, as shown on map filed in the Office of the Surveyor of the District of Columbia and numbered as Map 1429, title to said parcels so closed, vacated, and abandoned to revert in fee simple to the owner or owners of the parcel numbered on the assessment records of the District of Columbia as parcel 120/1, said closing of said street and the transfer of title thereto to be upon the condition and with the express stipulation that the owner or owners of said parcel 120/1 shall dedicate to the District of Columbia for street purposes all of the parcel known and designated as Parcel F, containing 43,161 square feet, as shown on map filed in the Office of the Surveyor of the District of Columbia and numbered as Map 1429 and shall further, in consideration of the increase in area of the property of said owner or owners of said parcel 120/1 by reason of the transfers as provided herein, dedicate to the District of Columbia about 36,000 square feet of land, the location of which shall be mutually agreed upon by the Mayor of the District of Columbia and the owner or owners of parcel 120/1, and that said owner or owners of said parcel 120/1 shall transfer to the United States as part of the grounds of the United States Military Asylum, known as the United

States Soldiers' Home, all of the parcel known and designated as Parcel G, containing 1,543 square feet, as shown on said Map No. 1429 in the Office of the Surveyor of the District of Columbia: Provided, however, that the Board of Commissioners of the United States Soldiers' Home, or the proper authorities having title, control, or jurisdiction, shall transfer to the owner or owners of the parcel designated on the assessment and taxation records of the District of Columbia as parcel 120/1 all the land comprised within the parcel known and designated as Parcel C containing 4,517 square feet, as shown on map filed in the Office of the Surveyor of the District of Columbia and numbered as Map 1429. (Mar. 4, 1929, 45 Stat. 1543, ch. 682, § 3; 1973 Ed., § 7-129.)

Cross references. — As to Surveyor of District, see §§ 1-901 to 1-929.

Section references. — This section is referred to in §§ 7-130 and 7-131.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-130. Plats showing relocation of Michigan Avenue.

The Surveyor of the District of Columbia is hereby authorized to prepare the necessary plat or plats showing all parcels of land to be transferred in accordance with the provisions of §§ 7-127 to 7-131, with a certificate affixed thereon to be signed by the parties in interest making the necessary transfers; which plat and certificate, after being signed by the various interested parties and approved by the Mayor of the District of Columbia, shall be recorded upon order of said Mayor in the Office of the Surveyor of the District of Columbia; and said plat or plats, when duly recorded in said Office of the Surveyor of the District of Columbia, shall constitute a legal transfer of title of the various parcels to the parties in interest according to the provisions contained in §§ 7-127 to 7-131. (Mar. 4, 1929, 45 Stat. 1544, ch. 682, § 4; 1973 Ed., § 7-130.)

Cross references. — As to recording maps and plats, see § 1-906.

As to duties of Surveyor, see § 1-916.

Section references. — This section is referred to in § 7-131.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-131. Right-of-way over Michigan Avenue to Washington Railway and Electric Company.

The Mayor of the District of Columbia is hereby authorized, upon the straightening and shortening of Michigan Avenue as provided by §§ 7-127 to 7-131, to do any and all acts which may be necessary to give the Washington Railway and Electric Company such easement or right-of-way over said Michigan Avenue as is necessary for the proper operation of the railway lines and cars of said company over said avenue as straightened and shortened by the provisions of said sections. (Mar. 4, 1929, 45 Stat. 1545, ch. 682, § 7; 1973 Ed., § 7-131.)

Section references. — This section is referred to in § 7-130.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Consolidation of transit companies. — The Washington Railway and Electric Company and the Capital Traction Company were consolidated under the name of Capital Transit Company by the Act of January 14, 1933, 47 Stat. 752, ch. 10, § 1.

§ 7-132. Highway construction program authorized.

A program of construction projects to meet immediate capital needs for highways in the District is hereby authorized. (May 18, 1954, 68 Stat. 110, ch. 218, title IV, § 401; 1973 Ed., § 7-132.)

§ 7-133. Use of land in squares 354 and 355 for Southwest Freeway and for redevelopment of Southwest area of District.

The Mayor of the District of Columbia is hereby authorized to use the land in squares 354 and 355 in the District of Columbia, and the water frontage on the Washington Channel of the Potomac River lying south of Maine Avenue between 11th and 12th Streets, including the buildings and wharves thereon, for the proposed Southwest Freeway and Washington Channel approaches thereto, and for the redevelopment of the Southwest area of the District of Columbia pursuant to authority contained in §§ 5-801 to 5-820. (Aug. 28, 1958, 72 Stat. 983, Pub. L. 85-821; 1973 Ed., § 7-134.)

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners

under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-134. Federal-aid highway projects — Authority to provide payments and services.

For the purpose of enabling the District of Columbia to have its federal-aid highway projects approved under § 106 or 117 of Title 23, United States Code, the Mayor of the District of Columbia may, in connection with the acquisition of real property in the District of Columbia for any federal-aid highway project, provide the payments and services described in §§ 505, 506, 507, and 508 of Title 23, United States Code. (Aug. 23, 1968, 82 Stat. 827, Pub. L. 90-495, § 23(d); 1973 Ed., § 7-135.)

Cross references. — As to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, see § 5-834.

References in text. — Sections 505, 506, 507, and 508 of Title 23, United States Code, referred to at the end of this section, related to relocation payments and assistance, and were a part of Chapter 5 of Title 23. That chapter was repealed January 2, 1971, by § 220(a)(10) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646.

Change in government. — This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Appropriations authorized. — Public Law 103-334, 108 Stat. 2581, the District of Columbia Appropriations Act, 1995, provided for construction projects $5,600,000, as authorized by §§ 43-1512 through 43-1519; §§ 43-1524 and 43-1527; [§§ 9-219 and 47-3402; § 40-805(7); and §§ 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457]; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That $140,000 shall be available for project management and $110,000 shall be available for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: Provided further, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1996, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1996: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

Compliance with hearing requirements. — Congress, having accorded all citizens the right to participate in the determination of federally financed highway projects through public hearings, could not, without adequate justification, discriminate against the citizens of the District of Columbia by directing that the construction of a bridge in the District proceed without compliance with hearing requirements. District of Columbia Fed'n of Civic Ass'ns v. Volpe, 434 F.2d 436 (D.C. Cir. 1970).

§ 7-135. Same — Authority to pay public utility relocation expenses; definitions.

(a) Notwithstanding any provisions of law to the contrary, whenever the Mayor of the District of Columbia shall determine that the construction or modification of a project, on or a part of the National System of Interstate and Defense Highways within the District of Columbia under Title 23 of the United States Code, necessitates the relocation, adjustment, replacement, removal, or abandonment of utility facilities, the utility owning such facilities shall relocate, adjust, replace, remove, or abandon the same, as the case may be. The cost of relocation, adjustment, replacement, or removal, and the cost of abandonment of such facilities, shall be paid to the utility by the District of Columbia, as a part of the cost of such project.

(b) As used in this section:

(1) The term "utility" means any gas plant, gas corporation, electric plant, electrical corporation, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipeline company, whether publicly or privately owned, as those terms are defined in §§ 43-212 to 43-221.

(2) The term "utility facility" means all real and personal property, buildings, and equipment owned or held by a utility in connection with the conduct of its lawful business.

(3) The term "cost of relocation, adjustment, replacement, or removal" means the entire amount paid by such utility properly attributable to such relocation, adjustment, replacement, or removal, as the case may be, less any increase in value on account of any betterment of the new utility facilities over the old utility facilities, and less any salvage value derived from the old utility facilities.

(4) The term "cost of abandonment" means the actual cost to abandon any utility facilities which are not to be used, relocated, adjusted, replaced, removed, or salvaged, together with the original cost of such abandoned facilities, less depreciation. (Oct. 14, 1972, 86 Stat. 812, Pub. L. 92-495, § 4; 1973 Ed., § 7-135a.)

Cross references. — As to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, see § 5-834.

Section references. — This section is referred to in § 7-606.

Change in government. — This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-136. Same — Contract authority.

The Mayor of the District of Columbia is authorized to enter into contracts in connection with projects undertaken as federal-aid highway projects under the provisions of the Federal Aid Highway Act of 1944 in such amounts as shall be approved by the Federal Highway Administration, Department of Trans-

poration. (1973 Ed., § 7-135b; Oct. 26, 1973, 87 Stat. 507, Pub. L. 93-140, § 15.)

References in text. — The Federal Aid Highway Act of 1944, referred to near the middle of this section, was repealed by § 2(28) of the Act of August 27, 1958, 72 Stat. 919, Pub. L. 85-767.

Change in government. — This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-137. Same — Grade crossing elimination projects.

The Mayor of the District of Columbia is authorized to construct grade crossing elimination and other wholly District construction projects or those authorized under § 8 of the Act of June 16, 1936 (49 Stat. 1521), and § 1(b) of the Federal Aid Highway Act of 1938, in accordance with the provisions of such acts. Pursuant to this authority, the Mayor may make payment to contractors and payment for other expenses in connection with the costs of surveys, design, construction, and inspection pending reimbursement to the District of Columbia by the Federal Highway Administration, Department of Transporation, or other parties participating in such projects. (1973 Ed., § 7-135c; Oct. 26, 1973, 87 Stat. 507, Pub. L. 93-140, § 16.)

References in text. — Section 8 of the Act of June 16, 1936 (49 Stat. 1521), and § 1(b) of the Federal Aid Highway Act of 1938, both referred to in the first sentence of this section, were repealed by § 2(19) and (21) of the Act of August 27, 1958, 72 Stat. 919, Pub. L. 85-767.

Change in government. — This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 7-138. Authority to acquire and transfer to Secretary of the Interior real property in exchange for real property transferred to the District; payments in lieu of transfer of property.

(a) The Mayor of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to § 8-111 and the Mayor is further authorized to transfer to the United States title to property so acquired.

(b) Payments are authorized to be made by the Mayor, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection

(a) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Mayor and the head of said agency and shall be available for the acquiring of the replacement property. (Aug. 23, 1968, 82 Stat. 828, Pub. L. 90-495, § 23(e), (f); 1973 Ed., § 7-136.)

Cross references. — As to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, see § 5-834.

Change in government. — This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.