

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
DRAFT COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: February 18, 2020

SUBJECT: Report on Bill 23-166, the “Potomac River Bridges Towing Compact Amendment Act of 2020”

The Committee of the Whole, to which Bill 23-166, the “Potomac River Bridges Towing Compact Amendment Act of 2020” was referred, reports favorably thereon, with technical amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

Bill 23-166, the “Potomac River Bridges Towing Compact Amendment Act of 2019”¹ was introduced by Chairman Phil Mendelson at the request of the Mayor on February 18, 2019. The purpose of Bill 23-166 is to amend the Potomac River Bridges Towing Compact of 1999² (Towing Compact) to add four new bridges: (1) the Governor Harry W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge; (2) the Sandy Hook Bridge; (3) the Brunswick Bridge; and (4) the Point of Rocks Bridge.

None of the bridges being added cross into the District. However, the District is a signatory to the Towing Compact, so Bill 23-166 has to be approved – along with similar legislation in Maryland and Virginia – for the Towing Compact to be enforceable on the four new bridges. The

¹ The title of the bill has been updated to reflect that the bill was introduced in 2019 but is being considered by the Council in 2020.

² Effective March 31, 2000 (D.C. Law 13-63; D.C. Official Code 9-1117.01 *et seq.*).

closest bridge being added to the Towing Compact is over 40 miles away from the District’s border.³

The purpose of the Towing Compact is to grant authority to law enforcement agencies from each of the respective jurisdictions to remove disabled and abandoned vehicles from the bridges.⁴ This allows for faster clearance of these vehicles in order to promptly free up clogged arteries. All vehicles towed or removed from the bridges shall be subject to the exclusive jurisdiction of the place to which the vehicle is taken.⁵ The handling and disposition of the vehicle is governed by the laws and procedures of the jurisdiction where it was taken.⁶

Table 1: Bridges Covered Under the Towing Compact

Bridges	Crossing Locations
American Legion Bridge	Connects Montgomery County, MD and Fairfax County, VA (I-495)
<i>Brunswick Bridge</i>	Connects Fredrick County, MD (State Route 17) and Loudon County, Virginia (State Route 287)
Chain Bridge	Connects Arlington County, VA (State Route 123) and Washington, DC (Canal Road, NW)
Francis Scott Key Bridge	Connects Arlington County, VA (Fort Myer Drive) and Washington, DC (M Street, NW)
George Mason Memorial Bridge (14 th Street Bridge)	Connects Arlington County, VA and Washington, DC (I-395/U.S. Route 1)
<i>Governor Harry W. Nice/Senator Thomas “Mac” Middleton Bridge</i>	Connects Charles County, MD and King George County, VA (U.S. Route 301)
<i>Point of Rocks Bridge</i>	Connects Fredrick County, MD and Loudon County, VA (U.S. Route 15)
Rochambeau Memorial Bridge (14 th Street Bridge)	Connects Arlington County, VA and Washington, DC (I-395/U.S. Route 1)
<i>Sandy Hook Bridge</i>	Connects Washington County, MD and Loudon County, VA (US 340)
Theodore Roosevelt Memorial Bridge	Connects Arlington County, VA and Washington, DC (I-66/U.S. Route 50)
Woodrow Wilson Memorial Bridge	Connects Prince George’s County, MD and the City of Alexandria, VA (I-495/I-95)

*Italicize means bridge is being proposed under Bill 23-166 to be added to the Towing Compact.

The Towing Compact idea was initiated by the Virginia Department of State Police in 1989, when it submitted draft language to the Metropolitan Washington Council of Governments (MWCOG).⁷ The draft language was endorsed by MWCOG’s Public Safety Policy Committee in 1990.⁸ By 1991, both Virginia and Maryland enacted legislation to enter into the Compact.⁹ The District did not approve legislation until 1999 after several problems associated with the “Million

³ See Lee Goodall, Chief of Staff, District Department of Transportation, Testimony before the DC Council Committee of the Whole, 2, January 23, 2020.

⁴ See D.C. Official Code §§ 9-1117.01(c) and 9-1117.02.

⁵ D.C. Official Code § 9-1117.03.

⁶ *Id.*

⁷ Committee on Local and Regional Affairs, Report on Bill 13-53, “Potomac River Bridges Towing Compact”, 1, September 17, 1999.

⁸ *Id.*

⁹ *Id.*

Man March” and “Justice for Janitors” demonstrations, and a suicide attempt on the Woodrow Wilson Bridge demonstrated the need for the District to enter into the Towing Compact.¹⁰

In 2019, Virginia approved legislation to modify the Towing Compact to add the four new bridges.¹¹ Virginia’s statute provides that the amendment to the Towing Compact will not become effective until 30 days after similar legislation is approved by the District and Maryland.¹² Maryland is in the process of adopting legislation to modify the Towing Compact before the end of its 2020 legislative session.¹³ Maryland’s proposed legislation takes effect on June 1, 2020, but it is contingent on similar legislation being approved by Virginia and the District.¹⁴

The Committee recommends approval of Bill 23-166, as it will contribute to the efficiency of traffic operations in the Washington metropolitan area.

II. LEGISLATIVE CHRONOLOGY

- | | |
|-------------------|--|
| February 28, 2019 | Bill 23-166, the “Potomac River Bridges Towing Compact Amendment Act of 2020” is introduced by Chairman Mendelson at the request of the Mayor. |
| March 5, 2019 | Bill 23-166 is “read” at a Legislative meeting and the referral to the Committee of the Whole is official. |
| March 8, 2019 | Notice of Intent to Act on Bill 23-166 is published in the <i>DC Register</i> . |
| December 27, 2019 | Notice of Public Hearing on Bill 23-166 is published in the <i>DC Register</i> . |
| January 23, 2020 | The Committee of the Whole holds a public hearing on Bill 23-166. |
| February 8, 2020 | The Committee of the Whole marks up Bill 23-166. |

III. POSITION OF THE EXECUTIVE

Lee Goodall, Chief of Staff, District Department of Transportation, testified on behalf of the Executive in support of Bill 23-166. His testimony is summarized below.

¹⁰ *Id.* at 2.

¹¹ See VA Code Ann. § 46.2-1239.1.

¹² *Id.*

¹³ See H.D. 162, 2020 Leg., 441st Sess. (Md. 2020).

¹⁴ *Id.*

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commissions on Bill 23-166.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 23-166 on Thursday, January 23, 2020. The testimony summarized below is from that hearing. A copy of the written testimony is attached to this report.

Lee Goodall, Chief of Staff, District Department of Transportation, testified in support of Bill 23-166 because it will update the Towing Compact, in collaboration with Maryland and Virginia, by adding four new bridges. He testified that the Towing Compact will only be enforceable on the four new bridges if each jurisdiction amends their respective versions of the Towing Compact.

VI. IMPACT ON EXISTING LAW

Bill 23-166 amends D.C. Official Code § 9-1117.01(c) to add the Governor Harry W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge to the list of bridges covered under the Towing Compact.

VII. FISCAL IMPACT

The attached February 10, 2020 fiscal impact statement from the District’s Chief Financial Officer states that funds are sufficient in the FY 2020 through FY 2023 budget and financial plan to implement Bill 23-166.

VIII. SECTION-BY-SECTION ANALYSIS

- | | |
|------------------|--|
| <u>Section 1</u> | States the short title of Bill 23-166. |
| <u>Section 2</u> | Amends section 2(c) of the Potomac River Bridges Towing Compact Act of 1999 to add the Governor Harry W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge to the list of bridges covered under the Towing Compact. None of the bridges being added cross into Washington, DC. |
| <u>Section 3</u> | Adopts the Fiscal Impact Statement. |
| <u>Section 4</u> | Establishes the effective date (standard 30-day congressional review language). |

IX. COMMITTEE ACTION

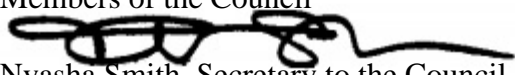
X. ATTACHMENTS

1. Bill 23-166 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement for Bill 23-166.
4. Legal Sufficiency Determination for Bill 23-166.
5. Comparative Print for Bill 23-166.
6. Committee Print for Bill 23-166.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : March 05, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Thursday, February 28, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Potomac River Bridges Towing Compact Amendment Act of 2019", B23-0166

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services



MURIEL BOWSER
MAYOR

FEB 28 2019

2019 FEB 28 AM 11:27
OFFICE OF THE
SECRETARY

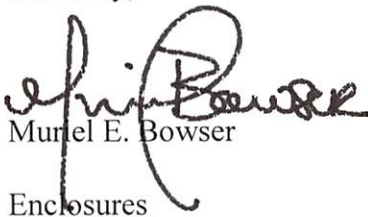
The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004

Dear Chairman Mendelson:


Enclosed for consideration and approval by the Council of the District of Columbia is the "Potomac River Bridges Towing Compact Act of 2019." This bill will add the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge to the list of bridges covered by the Potomac River Bridges Towing Compact (Compact). None of these four bridges cross into Washington, DC. The closest of the four is over 40 miles from the Washington, D.C. border. As such, no government resources will be expended to enforce this compact on these four bridges. However, these four bridges do cross between Maryland and Virginia, the other members of this Compact. In order for the Compact to be enforceable on the four new bridges, all three jurisdictions must add them to their respective versions of the Compact. Maryland and Virginia are passing substantially similar legislation to modify the Compact.

I urge the Council to take prompt and favorable action on this proposed legislation. If you have any questions on this matter, please contact Jeff Marootian, Director, District Department of Transportation, at (202) 673-6794.

Sincerely,


Muriel E. Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To amend, at the request of Maryland and Virginia, the Potomac River Bridges Towing Compact Act of 1999 to add the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge, none of which pass through the District of Columbia, to the list of bridges covered under the Compact.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Potomac River Bridges Towing Compact Amendment Act of 2019".

Sec. 2. Section 2(c) of the Potomac River Bridges Towing Compact Act of 1999, effective March 31, 2000 (D.C. Law 13-63; D.C. Official Code § 9-1117.01(c)) is amended by striking the phrase "the Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, and American Legion Memorial Bridge", and replacing it with "the Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, Point of Rocks Bridge and American Legion Memorial Bridge".

Sec. 3. Fiscal impact statement.

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

4 Sec. 4. Effective date.

5 This act shall take effect following approval by the Mayor (or in the event of veto by the
6 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
7 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
8 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
9 Columbia Register.


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: January 8, 2019

SUBJECT: Fiscal Impact Statement – Potomac River Bridges Towing Compact
Amendment Act of 2019

REFERENCE: Draft Bill as shared with the Office of Revenue Analysis on December
18, 2018

Conclusion

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

Background

The District of Columbia entered into a compact with the Commonwealth of Virginia and the State of Maryland that authorized all three jurisdictions to ensure the prompt and orderly removal of disabled and abandoned vehicles from Potomac River crossings.¹ The compact authorizes each jurisdiction to utilize its own authority to remove a vehicle and any vehicles removed are subject to the laws and regulations of the jurisdiction to which the vehicle was taken. The compact covers the Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, and American Legion Memorial Bridge.

The bill adds four bridges to the compact that connect Maryland and Virginia. These bridges are the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge.

¹ Potomac River Bridges Towing Compact Act of 1999, effective March 31, 2000 (D.C. Law 13-63; D.C. Official Code § 9-1117.01 et seq.).

The Honorable Phil Mendelson

FIS: "Potomac River Bridges Towing Compact Amendment Act of 2019," Draft Bill as shared with the Office of Revenue Analysis on December 18, 2018

Financial Plan Impact

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The new bridges do not cross into the District, but the compact requires all parties to include all covered bridges in their statutes. The inclusion of these four bridges in the compact does not impose a fiscal impact on the District.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: December 20, 2018

SUBJECT: Legal Certification of Draft Legislation, the "Potomac River Bridges Towing Compact Amendment Act of 2019"
(AE-18-673)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

A handwritten signature in black ink, appearing to read "JMR/a. Pader". The signature is written in a cursive style and is positioned above a horizontal line.

Janet M. Robins

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
Bill 23-166, Potomac River Bridges Towing Compact Amendment Act of 2019

Testimony of
Lee Goodall

Chief of Staff
District Department of Transportation

Before the
Committee of the Whole

Council of the District of Columbia

Thursday, January 23, 2020
12:30 p.m.
Hearing Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good afternoon Chairman Mendelson, members of the Council, staff, and District residents. My name is Lee Goodall, and I am Chief of Staff at the District Department of Transportation. I am here today to present testimony on behalf of Mayor Muriel Bowser and DDOT Director Jeff Marootian regarding Bill 23-166, the Potomac River Bridges Towing Compact Amendment Act of 2019.

My testimony will be brief. The Executive supports this legislation and recommends that it be passed. The stated purpose of Bill 23-166 is to amend the Potomac River Bridges Towing Compact Act of 1999 to add four more bridges to the number of bridges covered under the Compact. The bill will add the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge to the list of bridges covered by the Compact. The purpose of the Compact is to allow law enforcement officers from either side of a bridge to direct traffic around an accident occurring on the bridge and direct the safe clearance of the accident.

None of these four bridges cross into Washington, D.C. The closest of the four is over 40 miles from the District of Columbia border. As such, no District government resources will be expended to enforce this compact on these four additional bridges. However, these four bridges do cross between Maryland and Virginia, the other members of this Compact. For the Compact to be enforceable on the four new bridges, all three jurisdictions must add them to their respective versions of the Compact. Virginia updated their version of the legislation in 2019,

and Maryland is in the process of adopting substantially similar legislation to modify the Compact.

This concludes my testimony. Thank you for allowing me the opportunity to testify before you today. I am available to answer any questions that you may have.


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: February 10, 2020

SUBJECT: Fiscal Impact Statement – Potomac River Bridges Towing Compact
Amendment Act of 2020

REFERENCE: Bill 23-166, as Introduced

Conclusion

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

Background

The District of Columbia entered into a compact with the Commonwealth of Virginia and the State of Maryland that authorized all three jurisdictions to ensure the prompt and orderly removal of disabled and abandoned vehicles from Potomac River crossings.¹ The compact authorizes each jurisdiction to utilize its own authority to remove a vehicle and any vehicles removed are subject to the laws and regulations of the jurisdiction to which the vehicle was taken. The compact covers the Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, and American Legion Memorial Bridge.

The bill adds four bridges to the compact that connect Maryland and Virginia. These bridges are the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge.

Financial Plan Impact

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill. The new bridges do not cross into the District, but the compact requires all

¹ Potomac River Bridges Towing Compact Act of 1999, effective March 31, 2000 (D.C. Law 13-63; D.C. Official Code § 9-1117.01 et seq.).

The Honorable Phil Mendelson

FIS: "Potomac River Bridges Towing Compact Amendment Act of 2020," Bill 23-166, as Introduced.

parties to include all covered bridges in their statutes. The inclusion of these four bridges in the compact does not impose a fiscal impact on the District.

**Bill 23-166, “Potomac River Bridges Towing Compact Amendment Act of 2020”
Committee of the Whole
Draft Comparative Print**

**Section 2 of the Potomac River Bridges Towing Compact Act of 1999
(D.C. OFFICIAL CODE § 9-1117.01)**

§ 9–1117.01. Mayor authorized to enter into Compact; purpose.

(a) The Mayor is authorized to enter into and execute on behalf of the District a compact with any state or states legally joining the Potomac River Bridges Towing Compact (“Compact”).

(b) The parties to this Compact are the District of Columbia, the Commonwealth of Virginia, and the State of Maryland (“Parties”).

(c) The purpose of this Compact is to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving all 3 Parties jurisdiction to exercise appropriate authority anywhere on the following bridges which pass through the territory of 2 or more of the jurisdictions: the Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, Governor Harry W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge, Sandy Hook Bridge, Brunswick Bridge, Point of Rocks Bridge, and American Legion Memorial Bridge.

* * *

1 **DRAFT COMMITTEE PRINT**

2 Committee of the Whole

3 February 18, 2020

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7 **A BILL**

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10
11 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**

12
13
14 To amend the Potomac River Bridges Towing Compact Act of 1999 to add the Governor Harry
15 W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge, Sandy Hook Bridge,
16 Brunswick Bridge, and Point of Rocks Bridge to the list of bridges covered under the
17 Towing Compact.

18
19
20 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,** That this
21 act may be cited as the “Potomac River Bridges Towing Compact Amendment Act of 2020”.

22 **Sec. 2.** Section 2(c) of the Potomac River Bridges Towing Compact Act of 1999, effective
23 March 31, 2000 (D.C. Law 13-63; D.C. Official Code § 9-1117.01(c)), is amended by striking
24 the phrase “Chain Bridge, and American Legion Memorial Bridge.” and inserting the phrase
25 “Chain Bridge, Governor Harry W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge,
26 Sandy Hook Bridge, Brunswick Bridge, Point of Rocks Bridge, and American Legion Memorial
27 Bridge.” in its place.

28 **Sec. 3.** Fiscal impact statement.

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

32 **Sec. 4.** Effective date.

33 This act shall take effect following approval by the Mayor (or in the event of veto by the
34 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
35 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
36 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
37 Columbia Register.