

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: October 6, 2020

SUBJECT: Report on Bill 23-787, the “Black Lives Matter Plaza Designation Act of 2020”

The Committee of the Whole, to which Bill 23-787, the “Black Lives Matter Plaza Designation Act of 2020” was referred, reports favorably thereon and recommends approval by the Council.

CONTENTS

I.	Background and Need.....	1
II.	Legislative Chronology.....	3
III.	Position of the Executive	4
IV.	Comments of Advisory Neighborhood Commissions	4
V.	Summary of Testimony.....	4
VI.	Impact on Existing Law	4
VI.	Fiscal Impact.....	5
VII.	Section-by-Section Analysis.....	5
VIII.	Committee Action.....	5
IX.	Attachments	6

I. BACKGROUND AND NEED

On November 5, 2019, Bill 23-787, the “Black Lives Matter Plaza Designation Act of 2020” was introduced by Chairman Mendelson and Councilmembers Grosso, R. White, Cheh, Allen, McDuffie, Bonds, Silverman, Nadeau, and Todd. to symbolically designate 16th Street, N.W., between H Street, N.W., and K Street N.W., as “Black Lives Matter Plaza.” A symbolic naming is for ceremonial purposes and shall be in addition to and subordinate to any name that is an official name.

In the summer of 2013, Alicia Garza, Patrisse Cullors, and Opal Tometi created Black Lives Matter in response to the acquittal of George Zimmerman of second-degree murder for the death of Trayvon Martin, who Zimmerman stalked, assaulted and shot while on his way home from a convenience store. Black Lives Matter has been at the forefront of advocating for racial justice, including organizing protests, rallies and other actions in response to the deaths of Eric Garner, Michael Brown, Tamir Rice, Freddie Gray, Sandra Bland, Alton Sterling, Philando Castile, and other Black men and women at the hands of police.

The vestiges of slavery, segregation and “separate but equal” treatment persist in our culture, laws and institutions, leading to continued harm against Black communities in the form of discrimination and violence. Black Lives Matter is a rallying cry and social movement that affirms the worth of Black lives in a society where Black life is devalued and criminalized. Despite the violence and discrimination that the Black community faces, its achievements and contributions to the social, cultural, and political landscape of the District are vast. These contributions include building the city in the late 18th century while in bondage and leading efforts to abolish slavery, expand voting rights, and codify equal treatment under the law as a basic principle of America’s founding documents.

In addition, the District is home to Howard University, the only federally chartered historically Black college (HBCU) and one of the most prestigious colleges in the country. There is also a rich cultural history in the District including the creation of “Black Broadway” on U Street, a thriving community of artists, musicians, and writers whose work has had a profound effect on America’s culture and creation of our homegrown official music, Go-go. Finally, the black community in the District contributed to the foundation for the modern civil rights movement and has been at the forefront of the District’s Statehood Movement, including the passage of the District of Columbia Home Rule Act.

On May 25th, George Floyd, a 46-year old Black man in Minneapolis, was killed by a police officer who suffocated him with his knee, leading to a wave of protests across the country against racism and police brutality. In response to the protests in D.C. and across the country, and in recognition of the work that still needs to be done to ensure that Black lives do matter, Mayor Muriel Bowser stated publicly the portion of 16th Street N.W. between H Street N.W. and I Street N.W. should be designated as Black Lives Matter Plaza on June 5, 2020. The Council adopted the designation by emergency act on June 9, 2020. Passage of this legislation will make permanent the designation, re-affirming the value of the lives and legacy of D.C.’s Black community and re-affirming our commitment to racial justice and equity.

Black Lives Matter Plaza, NW



Legal Background

The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01 *et seq.*) (“Act”) establishes procedures for

closing streets and alleys, opening new streets and alleys, naming public spaces, and other procedures related to streets and alleys. The Act authorizes the Council to symbolically or officially designate or change the name of any public space in the District of Columbia, including streets and alleys.¹ In October 2016, the Act was amended to create a clear distinction between official and symbolic street and alley namings and to establish distinct processes and requirements for each type of naming.²

An “official name” refers to the legal designation of an alley or a street for mailing address and other purposes,³ whereas a “symbolic name” for a street or alley shall be in addition to and subordinate to any name that is an official name.⁴ An official name of an alley shall contain the suffix “Alley” or “Court.”⁵ A symbolic name of a street or alley shall contain only the suffix “Way” or “Plaza.”⁶ As established by Bill 23-787, “Black Lives Matter Plaza” is a symbolic street designation for the 2400 block of 4th Street, N.W.

The Act also establishes a notice requirement for symbolic designations. Pursuant to D.C. Official Code § 9-204.23(b), the ANC in which the symbolic designation is located must be put on notice of the public hearing regarding the proposed naming.⁷ Regarding Bill 23-787, ANC 2B was notified directly of Bill 23-787 containing the proposed name on August 6, 2020.

After the symbolic street or alley designation legislation becomes law and all conditions required by the Council and the Act have been satisfied, the District Department of Transportation (“DDOT”) shall install signage indicating the symbolic name of the alley or street, or portion thereof. Such signage shall be uniform and distinct from signs for official names⁸

Symbolically designating 16th Street, N.W., between H Street, N.W., and K Street N.W. as Black Lives Matter Plaza in the heart of the District and adjacent to the White House will reaffirm the District’s commitment to racial justice and equity. Thus, the Committee of the Whole recommends the approval of Bill 23-787, the “Black Lives Matter Plaza Designation Act of 2020.”

II. LEGISLATIVE CHRONOLOGY

June 15, 2020 Bill 23-787, the “Black Lives Matter Plaza Designation Act of 2020” is introduced by Chairman Mendelson and Councilmembers Grosso, R. White, Cheh, Allen, McDuffie, Bonds, Silverman, Nadeau, and Todd.

¹ See D.C. Official Code § 9-204.01 *et seq.*

² See D.C. Law 21-0161, effective from Oct. 8, 2016, Published in the *DC Register* Vol 63 and Page 12933.

³ D.C. Official Code § 9-201.01(5A).

⁴ D.C. Official Code § 9-204.03a(a).

⁵ D.C. Official Code § 9-204.03(c).

⁶ D.C. Official Code § 9-204.03a(c).

⁷ Notably, D.C. Official Code § 9-204.23(b) does not specify a time requirement as to when an ANC must be put on notice of a public hearing regarding a symbolic designation.

⁸ D.C. Official Code § 9-204.24(d).

June 16, 2020 Bill 23-787 is officially read at the regularly scheduled Committee of the Whole meeting and referred to the Committee of the Whole.

June 19, 2020 Notice of Intent to Act on Bill 23-787 is published in the *DC Register*.

August 7, 2020 Notice of a public hearing on Bill 23-787 is published in the *DC Register*.

September 15, 2020 The Committee of the Whole holds a hearing on Bill 23-787.

October 6, 2020 The Committee of the Whole marks up Bill 23-787.

III. POSITION OF THE EXECUTIVE

Lee Goodall, Chief of Staff, Office of the Director, District Department of Transportation, testified on behalf of the Executive that the symbolic street naming in Bill 23-787 would designation reaffirm the value of the lives and legacy of the District's Black community and reaffirm our commitment to racial justice and equity.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from Advisory Neighborhood Commissions.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills including Bill 23-787 on Thursday, September 15, 2020. The testimony summarized below pertains to Bill 23-787. Copies of written testimony are attached to this report.

Lee Goodall, Chief of Staff, Office of the Director, District Department of Transportation, testified on behalf of the Executive in support of the designation. His testimony is attached and also summarized above.

The Committee received no testimony or comments in opposition to Bill 23-787.

VI. IMPACT ON EXISTING LAW

Bill 23-787 has no impact on existing law. D.C. Official Code § 9-204.01⁹ authorizes the Council to name any public space. D.C. Official Code § 9-204.03(a) authorizes the Council to designate a symbolic name for an alley “that shall be in addition to and subordinate to any name

⁹ Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201).

that is an official name.”¹⁰ Bill 23-787 symbolically designates 16th Street, N.W., between H Street, N.W., and K Street N.W. as “Black Lives Matter Plaza.” Additionally, “a symbolic name of a street or alley shall contain only the suffix Way or Plaza,” such as proposed by Bill 23-787.¹¹ Lastly, the Act provides that, with limited exception, no public space shall be named in honor of any living person or in honor of any person who has been deceased less than two years.¹²

VI. FISCAL IMPACT

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the provisions of the proposed legislation. There is no estimated cost to the District Department of Transportation (DDOT) because the signs have already been fabricated and were hung on June 5, 2020.

VII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of Bill 23-787.
<u>Section 2</u>	Symbolically designates the alley 2400 block of 4 th Street, N.W. as “Black Lives Matter Plaza.”
<u>Section 3</u>	Adopts the Fiscal Impact Statement.
<u>Section 4</u>	Establishes the effective date by stating the standard 30-day congressional review language.

VIII. COMMITTEE ACTION

¹⁰ D.C. Code § 9-204.03(a).

¹¹ D.C. Code § 9-204.03(c).

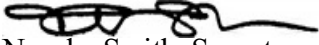
¹² See D.C. Code § 9-204.05.

IX. ATTACHMENTS

1. Bill 23-787 as introduced.
2. Written Testimony.
3. Proof of Notice.
4. Map of Proposed Designation.
5. Fiscal Impact Statement for Bill 23-787.
6. Legal Sufficiency Determination for Bill 23-787.
7. Committee Print for Bill 23-787.

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 : Monday, June 15, 2020
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, June 15, 2020. Copies are available in Room 10, the Legislative Services Division.

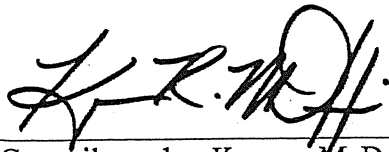
TITLE: "Black Lives Matter Plaza Designation Act of 2020", B23-0787

INTRODUCED BY: Chairman Mendelson and Councilmembers Grosso, R. White, Cheh, Allen, McDuffie, Bonds, Silverman, Nadeau, Todd, and Gray

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

Attachment
cc: General Counsel
Budget Director
Legislative Services

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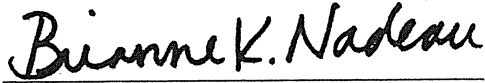
Councilmember Kenyan McDuffie



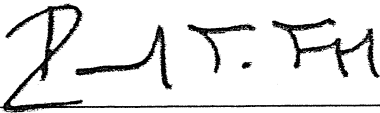
Councilmember Anita Bonds



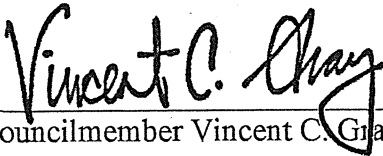
Councilmember Elissa Silverman



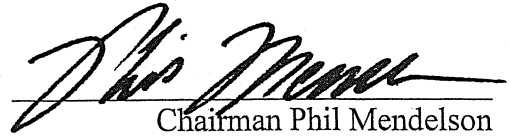
Councilmember Brianne K. Nadeau



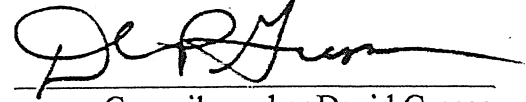
Councilmember Brandon Todd



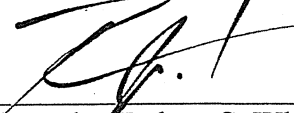
Councilmember Vincent C. Gray



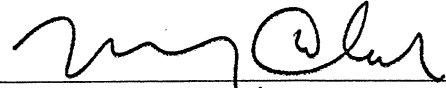
Chairman Phil Mendelson



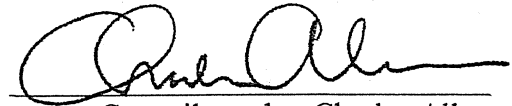
Councilmember David Grosso



Councilmember Robert C. White, Jr.



Councilmember Mary M. Cheh



Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To symbolically designate 16th Street, N.W., between H Street, N.W., and K Street N.W. as
Black Lives Matter Plaza.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
act may be cited as the "Black Lives Matter Plaza Designation Act of 2020".

43 Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition
44 Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-
45 204.01 and 9-204.03a) (“Act”), the Council symbolically designates 16th Street, N.W., between
46 H Street, N.W., and K Street N.W. as Black Lives Matter Plaza.

47 Sec. 3. Applicability.

48 This act shall apply as of June 5, 2020.

49 Sec. 4. Fiscal impact statement.

50 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
51 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
52 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

53 Sec. 5. Effective date.

54 This act shall take effect following approval by the Mayor (or in the event of veto by the
55 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
56 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
57 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
58 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
Bill 23-532, the “Dr. Montague Cobb Way Designation Act of 2019”
Bill 23-533, the “Lucy Diggs Slowe Way Designation Act of 2019”
Bill 23-538, the “Elaine M. Carter Way Designation Act of 2019”
Bill 23-609, the “Gail Cobb Way Designation Act of 2020”
Bill 23-680, the “Cecelia's Way Designation Act of 2020”
Bill 23-787, the “Black Lives Matter Plaza Designation Act of 2020,” and
Bill 23-839, the “Earl Wright, Jr. Way Designation Act of 2020”

Testimony of
Lee Goodall

Chief of Staff
District Department of Transportation

Before the
Committee of the Whole

Council of the District of Columbia

Tuesday, September 15, 2020
9:00 a.m.

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good morning Chairman Mendelson, members of the Council, staff, and District residents. My name is Lee Goodall, and I am the Chief of Staff at the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser and DDOT Director Jeff Marootian regarding seven bills, which are Bill 23-532, the “Dr. Montague Cobb Way Designation Act of 2019,” Bill 23-533, the “Lucy Diggs Slowe Way Designation Act of 2019,” Bill 23-538, the “Elaine M. Carter Way Designation Act of 2019,” Bill 23-609, the “Gail Cobb Way Designation Act of 2020,” Bill 23-680, the “Cecelia's Way Designation Act of 2020,” Bill 23-787, the “Black Lives Matter Plaza Designation Act of 2020,” and Bill 23-839, the “Earl Wright, Jr. Way Designation Act of 2020.”

The stated purpose of Bill 23-532 is to symbolically designate the 600 block of W Street N.W., in Ward 1, as *Dr. Montague Cobb Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. In fiscal terms, the cost of each installed sign for this designation is approximately \$190 (\$65 for sign fabrication and \$125 for sign installation). Sufficient signage requires two total signs, totaling \$380.

The stated purpose of Bill 23-533 is to symbolically designate the 2400 block of 4th Street N.W., in Ward 1, as *Lucy Diggs Slowe Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map

highlighting the designated street. Sufficient signage requires two total signs, totaling \$380.

The stated purpose of Bill 23-538 is to symbolically designate the Frederick Douglass Court, SE in Square 5880, in Ward 8, as *Elaine M. Carter Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. Sufficient signage requires one total sign, totaling \$190.

The stated purpose of Bill 23-609 is to symbolically designate the 300 block of 14th Place, N.E., in Ward 6, as *Gail Cobb Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. Sufficient signage requires two total signs, totaling \$380.

The stated purpose of Bill 23-680 is to symbolically designate Wiltberger Street, N.W., between S Street, N.W., and T Street, N.W., on the border of Wards 1 and 6, as *Cecelia's Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. Sufficient signage requires one total sign, totaling \$190.

The stated purpose of Bill 23-839 is to symbolically designate the 3800 block of 10th street NW, between Quincy, Randolph, and 10th Streets, N.W., in Ward 4, as *Earl Wright, Jr. Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. Sufficient signage requires two total signs, totaling \$380.

Sufficient signage requires 11 total signs, totaling \$2,090. DDOT is able to absorb the costs of these signs within its current budget and does not foresee any operational impact these designations would have on the District's transportation network.

The stated purpose of Bill 23-787 is to symbolically designate 16th Street, N.W., between H Street, N.W, and K Street N.W., in Ward 2, as *Black Lives Matter Plaza*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. Signs have already been installed, pursuant to emergency and temporary legislation that effectuated this symbolic designation. On behalf of Mayor Muriel Bowser, I want to take a moment to reflect on the special significance of this designation. Black Lives Matter has been at the forefront of advocating for racial justice, including organizing protests, rallies, and other actions in response to the deaths of Eric Garner, Michael Brown, Tamir Rice, Freddie Gray, Sandra Bland, Alton Sterling, Philando Castile, and other Black men and women at the hands of police. In 2020, the deaths of George Floyd, Breonna Taylor, and several other Black men and women sparked new outrage, leading to a wave of protests across the country against racism and police brutality. In response to the protests in the District and across the country, and in recognition of the work that still needs to be done to ensure that Black lives do matter, Mayor Muriel Bowser stated publicly on June 5, 2020, that the portion of 16th Street N.W., between H Street N.W., and K Street

N.W., should be designated as Black Lives Matter Plaza. This designation reaffirms the value of the lives and legacy of the District's Black community and reaffirms our commitment to racial justice and equity.

Therefore, the Administration has no objection to these designations, and DDOT stands ready to assist the Council and all other stakeholders with any ceremonial unveiling activities that may materialize as a result of these Bills being passed.

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.

Committee of the Whole (Council)

From: Cash, Evan W. (Council)
Sent: Thursday, August 6, 2020 3:35 PM
To: ANC 2B Office (ANC 2B); Downs, Randy (SMD 2B05)
Cc: Hulick, Genevieve (Council); Kimbel, Sherri (COUNCIL)
Subject: Public Hearing on B23-787: BLM Plaza
Attachments: 9.15.20 Public Space Namings.pdf; B23-0787-Introduction.pdf

Dear Advisory Neighborhood Commission 2B:

Pursuant to D.C. Official Code § 9-204.22(b), this communication puts ANC 2B and its Commissioners on notice of an upcoming Committee of the Whole Public Hearing on Bill 23-787 the “Black Lives Matter Plaza Designation Act of 2020.” The hearing is scheduled for **Tuesday, September 15, 2020 at 9:00 a.m.** on the virtual Zoom platform. The stated purpose of Bill 23-787 is to symbolically designate 16th Street, N.W., between H Street, N.W., and K Street N.W. as Black Lives Matter Plaza. A symbolic designation is for ceremonial purposes and shall be in addition to and subordinate to any name that is an official name.

Attached, please find the hearing notice and a copy of the legislation as introduced. Let me know if you have any follow up questions.

Thank you,

Evan Cash

Committee and Legislative Director
Committee of the Whole
Chairman Phil Mendelson

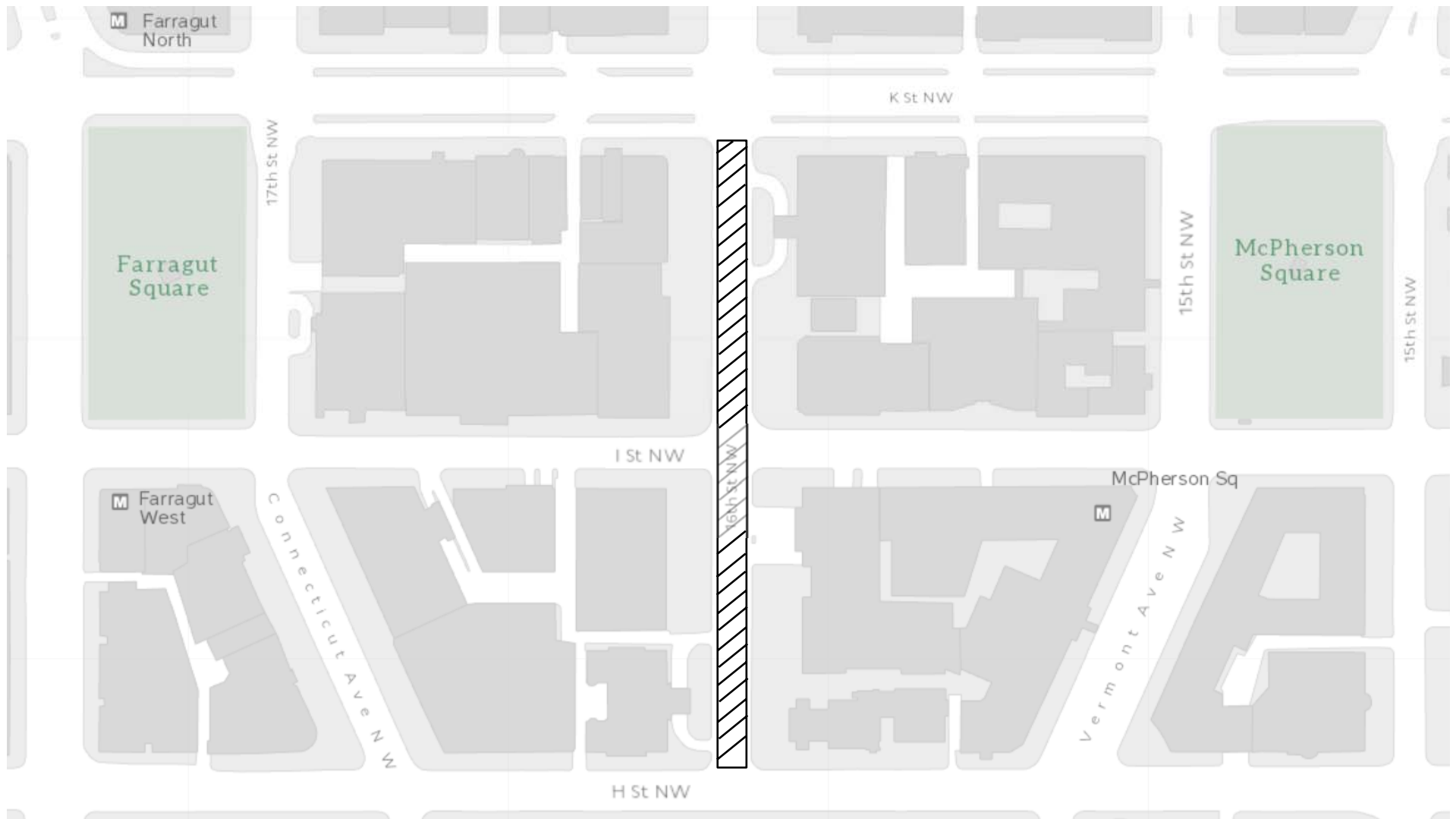
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<http://www.chairmanmendelson.com/cow>



Subscribe to e-mail updates for news and notice of upcoming hearing at <http://chairmanmendelson.com/updates/>.

Bill 23-787, Black Lives Matter Plaza Designation Act of 2020



THE AREA SHOWN THUS



IS SYMBOLICALLY DESIGNATED AS BLACK LIVES MATTER PLAZA




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: October 2, 2020

SUBJECT: Fiscal Impact Statement – Black Lives Matter Plaza Designation Act of 2020

REFERENCE: Bill 23-787, Committee Print provided to the Office of Revenue Analysis on October 1, 2020

Conclusion

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

Background

The bill permanently designates 16th Street, N.W., between H Street, N.W., and K Street N.W., in Ward 2, as “Black Lives Matter Plaza”. The plaza was already designated on an emergency basis¹ in June 2020.

Financial Plan Impact

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. Signage has already been erected pursuant to the emergency designation.

¹ Black Lives Matter Plaza Designation Emergency Act of 2020, D.C. Act 23-0337 (67 DCR 9348), expires on Oct 24, 2020.

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **October 6, 2020**

4
5 A BILL

6
7
8 23-787
9

10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12
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14

15 To symbolically designate 16th Street, N.W., between H Street, N.W., and K Street N.W. as
16 Black Lives Matter Plaza.

17
18 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
19 act may be cited as the “Black Lives Matter Plaza Designation Act of 2020”.

20 Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition
21 Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-
22 204.01 and 9-204.03a) (“Act”), and notwithstanding section 423 of the Act (D.C. Law 4-201;
23 D.C. Official Code § 9-204.23), the Council symbolically designates 16th Street, N.W., between
24 H Street, N.W., and K Street N.W. as Black Lives Matter Plaza.

25 Sec. 3. Fiscal impact statement.

26 The Council adopts the fiscal impact statement in the committee report as the fiscal
27 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
28 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

29 Sec. 4. Effective date.

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