

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

DISTRICT BUILDING

WASHINGTON, D. C. 20004



November 9, 1978

IN REPLY REFER TO:

LCD:JCM:ls

VAB90652

CCO 4040

Honorable Marion Barry
Council of the District of Columbia
District Building
Washington, D.C.

Re: Car Impoundment Lots

Dear Councilmember Barry:

This is in response to your memorandum of November 2, 1978, with regard to the location of car impoundment lots by the Department of Transportation at Michigan Ave.-Irving St., N.E. (Soldiers Home) and Harmony Center. The establishment of these impoundment sites is part of the Department's new program of civilian traffic enforcement pursuant to the District of Columbia Traffic Adjudication Act of 1978, D.C. Law No. 2-104. Specifically, you inquire whether the notice given to the public was legally sufficient.

As you stated, the only notice given the public of the location of these sites was in the booklet attached to your memorandum, which was issued jointly by the Department of Transportation, the Metropolitan Police Department, and this Office. As you mentioned, the booklet contains a paragraph at page 30 describing the proposed impoundment sites:

A towed vehicle would be taken to one of three impoundment yards located in various parts of the District. Land owned by the District is available for use as impoundment lots with a combined capacity of 1,600 spaces: Soldier's Home, 250 spaces; Georgetown Harbor, 400 spaces; Harmony Cemetery, 950 spaces.

The Department of Transportation has informed this Office that this booklet was distributed to each Advisory Neighborhood Commission on July 14, 1977.

Section 13 of the ANC Act, as amended, D.C. Code, S 1-171i (Supp. V, 1973), sets forth the requirements of notice to ANC's with respect to actions of the District Government, in pertinent part, as follows:

(a) Each Advisory Neighborhood Commission may advise the Council of the District of Columbia, the Mayor and each Executive Agency and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including decisions regarding planning, streets, recreation, social services programs, education, health, safety and sanitation which affect that Commission area

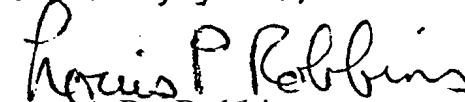
(b) Thirty days written notice of such District government actions or proposed actions shall be given by mail to each Commission affected by said actions

The location of impoundment lots would, of course, be a "government action" within the meaning of this Act. At the same time, the above quoted paragraph in the booklet distributed to all ANC's would constitute legally sufficient "written notice". It is true that the booklet contained a number of proposals relating to a comprehensive revision of the enforcement and adjudication of traffic offenses. However, nothing in the ANC Act requires that separate notice be given for each part of such a comprehensive proposal. In view of the extensive hearings on the Traffic Adjudication Act, which was uniformly supported by citizens groups, and the fact that notice was given more than a year in advance of the governmental action, it is difficult to say that the notice was inadequate.

The Department of Transportation has informed this Office that the specific controversy to which you refer was resolved by the relocation of the Soldiers Home impoundment lot to a portion of the uncompleted Center Leg Freeway.

If you have any further questions, please feel free to call upon me.

Sincerely yours,



LOUIS P. Robbins
Acting Corporation Counsel, D.C.

cc: Douglas Schneider