

DEPARTMENT OF TRANSPORTATION ADMINISTRATIVE ISSUANCE SYSTEM

DEPARTMENTAL ORDER NO. 05-2012 DATE: December 17, 2012

SUBJECT: DDOT Curb Cut Closure Policy

I. PURPOSE

To establish guidelines to aid District Department of Transportation (DDOT) staff when handling a request to close a curb cut and driveway. The request may come from within DDOT, from another District agency, or from a resident. All requests, regardless of their source, should be handled in a similar manner.

II. AUTHORITY

Sections 4(a)(5)(A) (assigning authority to coordinate and manage public space permits and records to the Department Director), 5(4)(A) (assigning duty to review and approve public space permit requests to the Department Director), and 6(b) (transferring the public right-of-way maintenance function previously delegated to the Department of Public Works under section III (F) of Reorganization Plan No. 4 of 1983 to the Department), of the Department of Transportation Establishment Act of 2002 (“DDOT Establishment Act”), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(5)(A), 50-921.04(4)(A), and 50-921.05(b)) and Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.01 et seq.), which was delegated to the Director of DPW pursuant to Mayor’s Order 96-175, dated December 9, 1996 and subsequently transferred to the Director of the Department in section 7 of the DDOT Establishment Act (transferring to the Director of the Department all transportation-related authority previously delegated to the Director of the Department of Public Works) (D.C. Official Code § 50-921.06)

III. POLICY

- A. The District Department of Transportation (DDOT) may close an existing curb cut at any time and require the property owner to vacate all or part of the public space occupied by the curb cut and driveway if DDOT determines that closing the curb cut is in the public interest or the public space is required to meet District transportation needs.
- B. DDOT shall use the following criteria to determine if a curb cut should be closed:

- (i) The use of the curb space for a public good, including, but not limited to, the use of the curb space for public transit;
 - (ii) Whether the curb cut has been blocked or otherwise taken out of active service by the property owner;
 - (iii) Whether the curb cut longer leads to a parking pad, parking garage or loading facility on private property;
 - (iv) Whether the curb cut conforms to current DDOT standards;
 - (v) Whether the curb cut creates a safety hazard to the public, as determined by DDOT;
 - (vi) The cost to the property owner for the closing of the curb cut, and
 - (vii) Any other criteria that the agency deems relevant.
- C. Following a decision by DDOT to close a curb cut and driveway, the Director or his designee shall notify the property owner in writing. Providing notice to the tenant of the property is effective notice to the property owner. However, every effort should be made to ensure the property owner receives the notice.
- D. The notice to close the curb cut shall include the basis for closing the curb cut, including any of the criteria listed in section III. B.
- E. The notice to close the curb cut shall also inform the property owner that he or she shall have ninety (90) days to close the curb cut and restore the public space or thirty (30) days to file a written appeal accompanied by the DDOT notification letter to the Associate Director (AD) for the Policy, Planning and Sustainability Administration (PPSA).
- F. Upon receipt of the PSC's decision to not permit the continued use of a curb cut or driveway, a DDOT employee shall notify the property owner in writing that he or she shall have ninety (90) days to close the curb cut and restore the public space in accordance with the current standards shown in the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- G. Following the decision by the PSC to allow the curb cut and driveway to remain, a DDOT employee shall issue a public space permit to continue the use of the existing curb cut and driveway.
- H. Notwithstanding sections III. D., III E. and III F., the DDOT employee may close the curb cut with less than ninety (90) days' notice, including no

notice at all, if the employee deems it necessary to do so in the best interest of the District Columbia.

IV. **GUIDELINES**

- A. **Contact for Requests:** All requests to close curb cuts should be forwarded to the PPSA AD or designee.
- B. **Assignment of Request:** The PPSA AD will refer the request to the appropriate reviewer, a DDOT employee.
- C. **Reviewer Tasks:** Within one hundred and twenty (120) days of the request, the reviewer will ensure the following actions are undertaken:
- (i) **Site Inspection:** A site visit accompanied by additional appropriate staff as required
 - (ii) **Assessment:** Assess the curb cut against the criteria listed above
 - (iii) **Recommendation:** Draft a memo to the PPSA AD outlining the results of the site inspection and a recommendation to either allow the curb cut to remain or to close the curb cut.
- D. **AD Review:** The Reviewer will draft a memo for the PPSA AD outlining the reasons for allowing the curb cut to remain or removing the curb cut. If the curb cut poses a hazard to the public, the recommendations should include actions required of the property owner to alleviate the danger. The PPSA AD will review the memo and determine whether a letter should be sent to the adjacent property owner, pursuant to the policy set forth in section III of this Departmental Order. If the AD determines that the curb cut can remain, the AD shall notify the requester including an explanation for the decision.
- E. **Notification Letter:**
- (i) In the event the curb cut closure is determined to be justified, the Reviewer shall draft a notification letter, for the PPSA AD's signature, to the property owner detailing the findings and recommendations. The notification letter shall provide the property owner with notice to remove the curb cut within ninety (90) days of receipt of the notice or to file a written appeal to the Public Space Committee (PSC) of the curb cut closing decision within thirty (30) days.
 - (ii) In the event that a curb cut poses a safety hazard to the public, a notification letter shall be sent to the property owner requiring action to

be initiated within 30 days of receipt of the notice to alleviate the unsafe condition.

- F. **Property Owner Compliance:** DDOT employees shall not take any further action if the property owner closes the curb cut within the allotted time.
- G. **Property Owner Non-compliance:** IPMA employees shall take the following action if the property owner does not close the curb cut or file a written appeal of the DDOT decision to close the curb cut within the allotted time:
- (i) Close the curb cut and restore the curb with temporary material or block the curb cut within the allotted time;
 - (ii) Restore the curb and sidewalk to DDOT standards as soon as practical; and
 - (iii) Bill the property owner for the cost of all expenses directly related to the curb cut closure incurred by DDOT.

H. **DDOT to Restore Curbscuts in Certain Circumstances:**

Notwithstanding section IV.E(i), in the event the curb cut closure is the curb cut closure is related to an Infrastructure Project Management Administration (IPMA) project, the Reviewer shall draft a notification letter, for the PPSA AD's signature, to the property owner detailing the findings and recommendations. The notification letter shall provide the property owner with notice to file a written appeal to the Public Space Committee (PSC) of the curb cut closing decision within thirty (30) days. If the property owner does not file a written appeal within the time allotted, DDOT shall close the curb cut and restore the public space at no charge to the property owner.

I. **Review of Property Owner Response:**

The AD or an assignee will review the response from the owner and determine if the curb cut should be removed or if alternative action can be taken, including but not limited to moving the curb cut or leaving the curb cut where it is.

The Director will review any decisions from the AD decision, if requested by the property owner, prior to the final determination to close or modify the curb cut.

V. ISSUANCE APPLICABILITY

This Departmental issuance is to be given to each DDOT employee for their review and retention, based on the applicability of this policy to the affected group.

VI. EFFECTIVE DATE

This Order is effective immediately.

TERRY BELLAMY, DIRECTOR