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County records; said point of commencement being at right angles northerly and distant ninety-seven and five-tenths feet from the center line of the Central Pacific Railway Company's originally located main track at engineer's station 770+95.0; thence easterly, parallel to and distant ninety-seven and five-tenths feet northerly at right angles, from said center line of main track along the south line of lots 1, 2, and 3 of said block "C", a distance of sixty and sixty-seven one-hundredths feet to the point of beginning of the parcel of land to be described; thence continuing along the south line of lots 3, 4, and 5 of said block "C", sixty-four and thirty-three one-hundredths feet to the southeast corner of said lot 5; thence at right angles, northerly from the last-described course along the east line of said lot 5, a distance of ninety feet to the northeast corner of said lot 5; thence, at right angles westerly from the last-described course along the north line of said lots 1, 2, 3, 4, and 5 of said block "C", one hundred and twenty-five feet to the northwest corner of said lot 1; thence at right angles southerly from the last-described course along the west line of said lot 1, a distance of fifty-two and five-tenths feet to a point; thence at right angles easterly from the last-described course sixty and sixty-seven one-hundredths feet to a point; thence at right angles southerly from the last-described course thirty-seven and five-tenths feet to the point of beginning and containing an area of two hundred and six one-thousandths of an acre, more or less.

Parcel numbered 3: A strip of land six and seven-tenths feet wide, lying easterly of and adjacent to said lot 5 of said block "C" and extending northerly from the easterly prolongation of the south line of said lot 5 of said block "C", eighty-seven and eight-tenths feet, containing an area of fourteen one-thousands of an acre, more or less.

Provisos.
Width of right-of-way.

Provided, That such validation and confirmation shall not diminish the right-of-way to a width of less than fifty feet on either side of the center of the main track or tracks of the Central Pacific Railway Company as now established and maintained: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land and the right to prospect for, mine, and remove the same under the applicable mineral land laws.

Mineral reservation.

Approved, February 13, 1942.

[CHAPTER 76]

February 16, 1942
[S. 1945]
[Public Law 454]

AN ACT

To authorize the Commissioners of the District of Columbia to acquire, operate, and regulate public off-street parking facilities, and for other purposes.

District of Columbia Motor Vehicle Parking Facility Act of 1942.
Necessity declared.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared that the free circulation of traffic of all kinds through the highways of the District is necessary to the health, safety, and general welfare of the public, whether residing in said District, or traveling to, through, or from said District in the course of lawful pursuits; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion on the highways of the District; that the parking of motor vehicles on the highways of the District has contributed to this congestion to such an extent as to interfere seriously with the primary use of such highways for the movement of traffic; that such parking prevents the free circulation of traffic in, through, and from said District impedes rapid and effective fighting of fires and the disposition of police forces in the District, threatens irreparable loss in valuations of property in the District, which can no longer be readily reached by vehicular traffic,

and endangers the health, safety, and welfare of the general public; that this parking nuisance can be reduced by providing sufficient off-street parking facilities conveniently located in the several residential, commercial, industrial, and governmental areas of the District; that adequate off-street parking facilities have not been provided by private enterprise; that it may be necessary to supplement private parking spaces by off-street parking facilities provided by public undertaking; and that the enactment of this Act, as well as the use of land for the purposes set forth in this Act, is hereby declared to be a public necessity.

Definitions.

SEC. 2. That, when used in this Act, unless the context indicates otherwise—

"District."

The term "District" means the District of Columbia.

"Commissioners."

The term "Commissioners" means the Commissioners of the District of Columbia.

"Agency."

The term "agency" means the Motor Vehicle Parking Agency created in section 4 of this Act.

"Parking facilities."

The term "parking facilities" means one or more public off-street parking areas for motor vehicles, including necessary structures.

Powers of Commissioners.

SEC. 3. The Commissioners, within the limits of appropriations by Congress therefor, are authorized to exercise all powers necessary and convenient to carry out the purposes of this Act, the said purposes being hereby declared to be the acquisition, creation, and operation, in any manner hereinafter provided, under public regulation, of public off-street parking facilities in the District as a necessary incident to insuring in the public interest the free circulation of traffic in and through said District. Such powers shall include, but shall not be limited to, the powers hereinafter enumerated:

Acquisition of property.

(a) The power to acquire any property, real or personal, or any interest therein, by purchase, lease, gift, bequest, devise, or grant, or by condemnation under the provisions of sections 483 to 491, inclusive, of chapter XV, as amended, of the Code of Law for the District of Columbia, approved March 3, 1901 (31 Stat. 1265–1266) in any area of the District as to which the agency shall have made a determination that public parking facilities are necessary or expedient. Before acquiring any area for parking facilities the Commissioners shall request the National Capital Park and Planning Commission for its recommendations and it shall be the duty of said Commission to report thereon within thirty days of such request.

D. C. Code §§ 16–601 to 16–611.

Construction and operation of parking facilities, etc.

(b) The power to undertake, by contract or otherwise, the clearance and improvement of any such property as well as the construction, establishment, reconstruction, alteration, repair, maintenance, and operation thereon of parking facilities; to contract, by lease or otherwise, with competitive bidding, with any individual, firm, association, or corporation, private or public, for the operation of any parking facilities for such period, not exceeding five years, as the Commissioners shall determine, and to terminate, without prior notice, any contract in the event of any failure or omission of any party thereto to observe or enforce the rules or schedules of rates made under authority of paragraph (d) of this section.

Disposal of property.

(c) The power to sell, exchange, transfer, or assign any property, real or personal, or any interest therein, acquired under authority of this Act, whether or not improved: *Provided*, That such action shall be in accordance with the general law covering the disposal of such property by the District of Columbia: *Provided further*, That the agency shall have first determined such property to be no longer necessary for the purposes of this Act.

Provisos.

Rates.

(d) The power to establish and from time to time to revise, with or without public hearings, uniform schedules of rates to be charged

for use of space in each such parking facility; to provide rate differentials between said parking facilities for such reasons as the amount of space occupied, the location of the facility, and other reasonable differences; and to prescribe and promulgate such rules and regulations for the carrying out of the provisions of this Act as may be necessary to keep said parking facilities subject at all times to public regulation, and to insure the maintenance and operation of such parking facilities in a clean and orderly manner and in such a manner as to provide efficient and adequate service to the public. The rates to be charged for parking of motor vehicles within said parking facilities shall be fixed at the lowest possible rates, consistent with the achievement of the purposes of this Act, that will defray the cost of maintaining, operating, and administering the parking facilities; liquidate within such time as the Commissioners shall determine the cost of acquiring and improving the required property for parking-facility purposes; and provide for the acquisition and improvement of other necessary parking facilities, but without any purpose of obtaining for the District any profit or surplus revenue from the operation of said parking facilities. There shall be no discrimination in rates or privileges among the members of the public using said parking facilities.

Rules and regulations.

No discrimination.

Parking meters or devices.

(e) The power to secure and install mechanical parking meters or parking devices on the streets, avenues, roads, highways, and other public spaces in the District under the jurisdiction and control of the said Commissioners, in addition to those mechanical parking meters and devices installed pursuant to the authority conferred on the said Commissioners by section 11, of the District of Columbia Appropriation Act 1939, approved April 4, 1938 (52 Stat. 192), such meters or devices to be located at such points as the Commissioners may determine, and the said Commissioners are authorized and empowered to make and enforce rules and regulations for the control of parking of vehicles on such streets, avenues, roads, highways, and other public spaces, and as an aid to such regulation and control of the parking of vehicles the Commissioners may prescribe fees for the parking of vehicles where meters or devices are installed.

D. C. Code § 40-616.

Motor-vehicle parking agency.
Designation of members, etc.

SEC. 4. There is hereby created a motor-vehicle parking agency consisting of seven members, namely, a representative of the Federal Works Agency, to be designated by the Administrator thereof; a representative of the National Park Service, to be designated by the Secretary of the Interior; a representative of the Department of Vehicles and Traffic of the District, to be designated by the Commissioners, and four other members, each of whom shall have been a bona fide resident of the District for at least three years immediately preceding his appointment, to be appointed by the Commissioners, without regard to race or creed. The Secretary of the Interior, the Federal Works Administrator, and the Commissioners may from time to time, in their discretion, change their respective designates in office, and they shall name new designates to fill any vacancies caused by the death, resignation, or other inability to serve, of their respective designates in office. The terms of the other four members of the agency shall be four years each, except that in the case of the initial appointments, one shall be for a term of one year, one for a term of two years, and one for a term of three years. In the case of any vacancy in the position of the members appointed for definite terms the same shall be filled for the remainder of the term. The said agency shall perform the duties imposed upon it by this Act and such other duties as the Commissioners may assign to it. The Commissioners are authorized to delegate to the agency any or all

Change of designates.

Delegation of powers.

of the powers vested in the said Commissioners by this Act, except the powers set forth in paragraphs lettered (a) and (c) in section 3 of this Act.

Location of parking facilities.
Residential zones.

SEC. 5. Parking facilities may be established in any section or portion of the District except that no parking facilities shall be established upon any property zoned residential without the approval of the Zoning Commission of the District. The Zoning Commission may grant such approval only after public notice and hearing in accordance with section 3 of the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938.

52 Stat. 798.
D. C. Code § 5-415.

Records, services, etc., of other agencies.

SEC. 6. The National Capital Park and Planning Commission and the Highway Planning Survey Unit shall make available such records and factual data and make such additional surveys as the Commissioners or the agency may deem necessary to carry out the purposes of this Act.

Deposit and use of fees, etc.
D. C. Code § 40-616.

SEC. 7. All fees and other moneys collected under this Act, including all fees collected pursuant to section 11 of the District of Columbia Appropriation Act, 1939, approved April 4, 1938 (52 Stat. 192), and all moneys derived from the sale or assignment of any property, real or personal, shall be deposited in a special account in the Treasury of the United States entirely to the credit of the District of Columbia and shall be appropriated and used solely and exclusively for the purposes set forth in this Act, including the reimbursement of the highway fund of the District for any moneys advanced therefrom to carry out the purposes of this Act.

Appropriations from highway fund authorized.
Post, p. 455.

Annual estimates.

SEC. 8. Appropriations from the highway fund of the District are hereby authorized to carry out the provisions of this Act for the fiscal year ending June 30, 1942, and thereafter the Commissioners are authorized and directed to include in their annual estimates such amounts as may be required from said highway fund and the fund created by this Act for the purpose of carrying out the provisions of this Act, including the payment of salaries and necessary administrative expenses. The Commissioners are authorized to employ a director and such other personal services as may be necessary to carry out the provisions of this Act, and the salaries of such employees, other than members of said agency, are to be fixed in accordance with the provisions of the Classification Act of 1923, as amended. The Commissioners shall fix the compensation of the members of said agency without reference to the provisions of the Classification Act: *Provided, however*, That the compensation of any members shall not exceed $500 per annum: *And provided further*, That no compensation for services as a member of such agency shall be provided for any member who holds a salaried public office or position in the District of Columbia or the Federal Governments.

Employment of director, etc.
Salaries.
42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. I, ch. 13.
Post, p. 733.
Compensation of agency members.

Provisos.

Separability of provisions.

SEC. 9. If any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Short title.

SEC. 10. This Act may be cited as the "District of Columbia Motor Vehicle Parking Facility Act of 1942".

Approved, February 16, 1942.