

107TH CONGRESS
2^D SESSION

H. R. 5012

To amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2002

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LATOURETTE, Mr. KOLBE, Mr. KENNEDY of Rhode Island, and Mr. COSTELLO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “John F. Kennedy Cen-
5 ter Plaza Authorization Act of 2002”.

1 **SEC. 2. JOHN F. KENNEDY CENTER PLAZA.**

2 The John F. Kennedy Center Act (20 U.S.C. 76h et
3 seq.) is amended—

4 (1) by redesignating sections 12 and 13 as sec-
5 tions 13 and 14, respectively; and

6 (2) by inserting after section 11 the following:

7 **“SEC. 12. JOHN F. KENNEDY CENTER PLAZA.**

8 “(a) DEFINITIONS.—In this section, the following
9 definitions apply:

10 “(1) AIR RIGHTS.—The term ‘air rights’ means
11 real property interests conveyed by deed, lease, or
12 permit for the use of space between streets and
13 alleys within the boundaries of the Project.

14 “(2) CENTER.—The term ‘Center’ means the
15 John F. Kennedy Center for the Performing Arts.

16 “(3) GREEN SPACES.—The term ‘green spaces’
17 means areas within the boundaries of the Project or
18 affected by the Project that are covered by grass,
19 trees, or other vegetation.

20 “(4) PLAZA.—The term ‘Plaza’ means improve-
21 ments to the area surrounding the John F. Kennedy
22 Center building carried out under the Project and
23 comprised of transportation elements (including
24 roadways, sidewalks, and bicycle lanes) and non-
25 transportation elements (including landscaping,

1 green space, open public space, water, sewer, and
2 utility connections).

3 “(5) PROJECT.—The term ‘Project’ means the
4 Plaza project, as described in the TEA–21 report,
5 providing for construction of a Plaza adjacent to the
6 Center and for improved bicycle, pedestrian, and ve-
7 hicular access to and around the Center. The term
8 includes planning, design, engineering, and construc-
9 tion of the Plaza, buildings to be constructed on the
10 Plaza, and related transportation improvements and
11 may include any other elements of the Project iden-
12 tified in the TEA–21 report.

13 “(6) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Transportation.

15 “(7) TEA–21 REPORT.—The term “TEA–21
16 report” means the report of the Secretary submitted
17 to Congress under section 1214 of the Transpor-
18 tation Equity Act for the 21st Century (20 U.S.C.
19 76j note; 112 Stat. 204).

20 “(b) RESPONSIBILITIES OF THE SECRETARY.—

21 “(1) IN GENERAL.—The Secretary shall be re-
22 sponsible for the Project and may undertake such
23 activities as may be necessary to construct the
24 Project, other than buildings to be constructed on

1 the Plaza, substantially as described in the TEA-21
2 report.

3 “(2) PLANNING, DESIGN, ENGINEERING, AND
4 CONSTRUCTION.—The Secretary shall be responsible
5 for the planning, design, engineering, and construc-
6 tion of the Project, other than buildings to be con-
7 structed on the Plaza.

8 “(3) AGREEMENTS WITH THE BOARD AND
9 OTHER AGENCIES.—The Secretary shall enter into
10 memoranda of agreement with the Board and any
11 appropriate Federal or other governmental agency to
12 facilitate the planning, design, engineering, and con-
13 struction of the Project.

14 “(4) CONSULTATION WITH THE BOARD.—The
15 Secretary shall consult with the Board to maximize
16 efficiencies in planning and executing the Project,
17 including the construction of any buildings on the
18 Plaza.

19 “(5) CONTRACTS.—Subject to the approval of
20 the Board, the Secretary may enter into contracts
21 on behalf of the Center related to the planning, de-
22 sign, engineering, and construction of the Project.

23 “(c) RESPONSIBILITIES OF THE BOARD.—

1 “(1) IN GENERAL.—The Board may undertake
2 such activities as may be necessary to construct
3 buildings on the Plaza for the Project.

4 “(2) RECEIPT OF TRANSFERS OF AIR
5 RIGHTS.—The Board may receive from the District
6 of Columbia such transfers of air rights as may be
7 necessary for the planning, design, engineering, and
8 construction of the Project.

9 “(3) CONSTRUCTION OF BUILDINGS.—The
10 Board may construct, with non-appropriated funds,
11 buildings on the Plaza for the Project and shall be
12 responsible for the planning, design, engineering,
13 and construction of the buildings.

14 “(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

15 “(A) IN GENERAL.—The Board may ac-
16 knowledge private contributions used in the
17 construction of buildings on the Plaza for the
18 Project in the interior of the buildings, but may
19 not acknowledge private contributions on the
20 exterior of the buildings.

21 “(B) APPLICABILITY OF OTHER REQUIRE-
22 MENTS.—Any acknowledgement of private con-
23 tributions under this paragraph shall be con-
24 sistent with the requirements of section 4(b).

1 “(d) RESPONSIBILITIES OF THE DISTRICT OF CO-
2 LUMBIA.—

3 “(1) MODIFICATION OF HIGHWAY SYSTEM.—

4 Notwithstanding any State or local law, the Mayor
5 of the District of Columbia, in consultation with the
6 National Capital Planning Commission and the Sec-
7 retary, shall have exclusive authority to amend or
8 modify the permanent system of highways of the
9 District of Columbia as may be necessary to meet
10 the requirements and needs of the Project.

11 “(2) CONVEYANCES.—

12 “(A) AUTHORITY.—Notwithstanding any
13 State or local law, the Mayor of the District of
14 Columbia shall have exclusive authority to con-
15 vey or dispose of any interests in real estate
16 (including air rights or air space as that term
17 is defined by District of Columbia law) owned
18 or controlled by the District of Columbia, as
19 may be necessary to meet the requirements and
20 needs of the Project.

21 “(B) CONVEYANCE TO THE BOARD.—Not
22 later than 90 days following the date of receipt
23 of notification from the Secretary of the re-
24 quirements and needs of the Project, the Mayor
25 of the District of Columbia shall convey or dis-

1 pose of to the Board without compensation in-
2 terests in real estate described in subparagraph
3 (A).

4 “(3) AGREEMENTS WITH THE BOARD.—The
5 Mayor of the District of Columbia shall have the au-
6 thority to enter into memoranda of agreement with
7 the Board and any Federal or other governmental
8 agency to facilitate the planning, design, engineer-
9 ing, and construction of the Project.

10 “(e) OWNERSHIP.—

11 “(1) ROADWAYS AND SIDEWALKS.—Upon com-
12 pletion of the Project, responsibility for maintenance
13 and oversight of roadways and sidewalks modified or
14 improved for the Project shall remain with the
15 owner of the affected roadways and sidewalks.

16 “(2) MAINTENANCE OF GREEN SPACES.—Sub-
17 ject to paragraph (3), upon completion of the
18 Project, responsibility for maintenance and oversight
19 of any green spaces modified or improved for the
20 Project shall remain with the owner of the affected
21 green spaces.

22 “(3) BUILDINGS AND GREEN SPACES ON THE
23 PLAZA.—Upon completion of the Project, the Board
24 shall own, operate, and maintain the buildings and

1 green spaces established on the Plaza for the
2 Project.

3 “(f) NATIONAL HIGHWAY BOUNDARIES.—

4 “(1) REALIGNMENT OF BOUNDARIES.—The
5 Secretary may realign national highways related to
6 proposed changes to the Northern and Southern
7 Interchanges and the E Street Approach rec-
8 ommended in the TEA–21 report in order to facili-
9 tate the flow of traffic in the vicinity of the Center.

10 “(2) ACCESS TO CENTER FROM I–66.—The Sec-
11 retary may improve direct access and egress between
12 Interstate Route 66 and the Center, including its ga-
13 rages.”.

14 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 13 of John F. Kennedy Center Act (as redes-
16 igned by section 2 of this Act) is amended—

17 (1) by redesignating subsection (c) as sub-
18 section (d); and

19 (2) by inserting after subsection (b) the fol-
20 lowing:

21 “(c) JOHN F. KENNEDY CENTER PLAZA.—There is
22 authorized to be appropriated to the Secretary of Trans-
23 portation for capital costs incurred in the planning, de-
24 sign, engineering, and construction of the project author-
25 ized by section 12 (including roadway improvements re-

1 lated to the North and South Interchanges and construc-
2 tion of the John F. Kennedy Center Plaza, but not includ-
3 ing construction of any buildings on the plaza) a total of
4 \$400,000,000 for fiscal years 2003 through 2010. Such
5 sums shall remain available until expended.”.

6 **SEC. 4. CONFORMING AMENDMENTS.**

7 (a) SELECTION OF CONTRACTORS.—Section
8 4(a)(2)(D) of the John F. Kennedy Center Act (20 U.S.C
9 76j(a)(2)(D)) is amended to read as follows:

10 “(D) SELECTION OF CONTRACTORS.—In
11 carrying out the duties of the Board under this
12 Act, the Board may negotiate any contract—

13 “(i) for planning, design, engineering,
14 or construction of buildings to be erected
15 on the John F. Kennedy Center Plaza
16 under section 12 and for landscaping and
17 other improvements to the Plaza; or

18 “(ii) for an environmental system for,
19 a protection system for, or a repair to,
20 maintenance of, or restoration of the John
21 F. Kennedy Center for the Performing
22 Arts,

23 with selected contractors and award the con-
24 tract on the basis of contractor qualifications as
25 well as price.”.

1 (b) DEFINITIONS.—Section 14 of the John F. Ken-
2 nedy Center Act (as redesignated by section 2 of this Act)
3 is amended by adding at the end the following: “Upon
4 completion of the project for establishment of the John
5 F. Kennedy Center Plaza authorized by section 12, the
6 Board, in consultation with the Secretary of Transpor-
7 tation, shall amend the map that is on file and available
8 for public inspection under the preceding sentence.”.

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