

MCL:rsn

MEMORANDUM

Re: Authority of police, with aid of troops, to cordon off pedestrian access to various key traffic

The question has been raised whether the D.C. police and U.S. Park Police, with the assistance of such troops as may be called, can close certain areas to pedestrian traffic and form protective cordons to keep vehicular traffic moving. It is concluded that such authority exists within the District of Columbia. This memorandum does not address the Virginia law.

The District of Columbia Traffic Act (D.C. Code 40-601 to 40-617) vests in the D.C. Government broad authority to prescribe both general and emergency traffic regulations. "Traffic" is defined to include both pedestrian and vehicular movement. D.C. Code 40-602(h). Although normal and usual traffic regulations must be published in advance, emergency regulations may be enforced by posting appropriate signs at the location itself. D.C. Code 40-603(h). This is very ~~co~~ only done with respect to emergency parking bans. The penalty for violating such regulations may be a fine of up to \$300 or imprisonment up to 10 days, or both, as provided by the D.C. Government.

Under D.C. Code 40-613 the U.S. Park Police have similar regulatory authority within their territory.

Pursuant to this broad authority, the District could close these target areas and areas of access to the target areas to pedestrian traffic, except probably such pedestrians as have specific business in the area, e.g., residents of apartment houses, guests in hotels, etc. It could also reroute certain traffic or make certain streets one-way to improve traffic flow, if practicable. To effectuate these measures it could use police and such troops

as may be called to assist them in cordoning off the areas, controlling traffic flow, etc. This is often done in connection with major parades and other events affecting traffic.

It might be noted that such cordons have been anticipated by the demonstrators. See "Quicksilver News" (May-day edition), p. 8-12.