



To: Mary Cheh, Chair, Committee on Transportation and the Environment

From: Eileen McCarthy, Secretary and Ward 3 Representative
D.C. Pedestrian Advisory Council

Re: Supplemental Comments on the Bicycle and Pedestrian Safety Act of 2015 and
the Vision Zero Act of 2015

Date: December 22, 2015

The following comments for the record supplement the DC Pedestrian Advisory Council's (PAC) December 8 testimony on two proposed bills: the "Bicycle and Pedestrian Safety Act of 2015" (B21-0335) and the "Vision Zero Act of 2015" (B21-0383). As stated in our testimony, we support all three bills in principle. These supplemental comments on specific aspects of the bills are primarily intended to identify possible minor wording changes that could improve the legislation; in a few instances, we have included additional substantive comments that were not addressed in our testimony. Although we have suggested specific wording in some instances, we defer to the Council's legal counsel.

We hope these comments are helpful.

Pedestrian and Bicycle Safety Act of 2015 (B21-0335)

Lines 51-68: Section 102 (Publication of Collision Data)

Line 52: Because complete information about some collisions may not be available for more than a month after the collision, we recommend revising this line to require updates when only incomplete information is available: "month, the following data related to collisions occurring in the preceding month; provided that, if complete data about a collision is not available, DDOT may publish the information that is available and update the report as additional information becomes available in subsequent months:"

Line 54: We suggest that the requirement to publish information about "type of vehicle" be more specific – e.g. "The year, make, model and type (commercial, government, for-hire, private individual) of the vehicle whose driver committed the moving infraction".

Line 55: We recommend including the Police Service Area (PSA), along with the other information listed. The PSA is a data element on MPD's PD10 crash form, so should be

readily available and would be useful for residents who want to ask the relevant MPD PSA contact for further information about a crash; as noted in our similar recommendation on Section 103, having this number also would enable the public to connect DDOT's collision data reports to MPD's moving infraction/arrest reports. We also recommend adding "or intersection" after "block".

Line 64: There are two subsection E's. The second E should be a G.

Line 66-68: We defer to MPD and DDOT, but it may be helpful to reword this provision to make it more general and to use wording used in MPD's PD-10 form, which will likely be the source of these monthly reports – e.g. "The circumstances and human action(s) that contributed to the collision".

The PAC also requests that the following requirements be added to the provision:

(6) Whether the collision involved a violation of DC Code 50-2201.05c (Leaving After Colliding).

Reason: This information may not be captured by Section 102(5) since it does not contribute to the collision itself and will not be captured by Section 103 if the driver is not located. It should be readily available from MPD's PD-10 form.

(7) Central Complaint Number (CCN) for the relevant traffic crash report, if any.

Reason: Adding the CCN for the traffic crash report would be very helpful to the public in identifying and obtaining copies of crash reports about specific incidents in accordance with Section VG4 of MPD General Order 401.03 (Traffic Crash Reports). It should be readily available from the MPD PD-10 form.

(8) Available demographic information about the person(s) involved in the crash, such as age, disability (including vision or hearing impairment), race/ethnicity, language, gender, and/or the jurisdiction(s) in which they reside.

Reason: As the United Spinal Association pointed out at the December 8 hearing, greater access to demographic information could help with preventive efforts. In addition, DC Code 7-1004 provides additional legal protections to certain blind and/or deaf pedestrians. Collecting and publishing information about crashes that involve blind and/or deaf pedestrians could help to raise awareness of these legal protections and ensure that they are applied when appropriate. Finally, providing information about where affected people normally reside could help the residents of jurisdictions surrounding DC, as well as their representatives, to understand the relevance of DC's traffic safety measures to their lives.

Lines 69-84: Section 103 (Publication of Moving Infraction Data):

Line 71: We recommend revising this line to read, “the following information related to arrests made and notices of infractions for moving violations issued in the preceding month:”. The current wording, which requires MPD to enumerate all moving infractions that occurred in the preceding month, likely does not reflect the true intent of this provision and would impose an impossible burden on MPD. In addition, some traffic violations will lead to an arrest rather than a notice of infraction.

Lines 73-74: As with Section 102(3), we recommend including “Police Service Area,” along with the other information listed, and adding “or intersection” after “block”.

Lines 82-83: We recommend using the same wording here that is used in Section 102(2) as revised above – e.g. “The year, make, model and type (commercial, government, for-hire, private individual) of the vehicle whose driver committed the moving infraction.”

We also recommend adding a tenth requirement, “Central Complaint Number for the Traffic Crash Report, if the arrest or notice of infraction was issued in connection with a collision.” Adding this number would enable the public to connect the collision data published by DDOT under Section 102 to the arrest and infraction data published by MPD.

Lines 105-116: Section 105 (Publication of information relating to citizen petitions for traffic calming measures): Monthly reporting on requests by residents for traffic calming would enable residents to track the progress of their requests and be a positive step toward addressing local concerns. The PAC also strongly supports DDOT's commitment, in the Mayor's Vision Zero Action Plan, to “Evaluate DDOT Traffic Calming policy and consider exceptions to the 75% threshold for resident requests for traffic calming measures.” The current 75% requirement imposes a much more difficult burden on residents of multi-unit dwellings than it does on residents of single family homes; moreover, traffic calming should be done wherever safety concerns exist and should be prioritized based upon the street's tendency to encourage illegal behavior and the danger posed, not the proportion of residents willing to sign a petition – even if 60% of the residents want to exceed the legal speed limit on their local street, their desire should not outweigh the rights of the 40% who want to be able to walk, bicycle and drive safely and legally.

Lines 129-146: Section 107 (Report and Recommendations on Improving Bicycle and Pedestrian Safety): We recommend that Section 107(c) require a five-year report on DDOT plans for unsignalized crosswalks, including intersections that are missing

signals for one or more crosswalks. To explain the latter point, DC has a number of intersections that are signalized on some but not all crosswalk legs. Most often this means that the pedestrian signals on one or more legs are missing and the vehicle signals may or may not be visible to pedestrians (e.g. if a street is one-way, a pedestrian may be able to see the vehicle signal in the one-way direction but not in the other). In addition to creating confusion about pedestrian and driver legal responsibilities, the failure to signalize all sides of an intersection (or none, if appropriate) creates obvious hazards for everyone involved.

These changes could be accomplished by striking “and” at the end of subsection (2), renumbering current subsection (3) as (4), and adding a new subsections (3):

(3) A study of hazardous unsignalized crosswalks, including intersections which are signalized but which are missing signals on one or more crosswalks (both marked and unmarked); and

Lines 148-176: Section 201 (Bicycle and Pedestrian Priority Area Program):

Line 172: We recommend revising this line to also reference strict enforcement of the speed limits set for these areas – e.g., “A reduction and/or strict enforcement of the speed limit within the Priority Area.”) As we and others discussed in our December 8 testimony, DC generally allows drivers to exceed speed limits by ten miles per hour without legal consequence, even though that ten mile per hour speed increase can significantly increase the risk of death or serious injury for a pedestrian. Requiring strict enforcement of speed limits in these priority areas would be a small but important step toward enhancing safety for vulnerable users.

Lines 159 and 178: Section 202 requires the Mayor to issue regulations to implement the Bicycle and Pedestrian Priority Area Program by January 1, 2018; Section 201(c) requires the Mayor to transmit her first report on implementation of the Program by the same date. That report is required to include “detailed information about the implementation of the Program.” It seems unlikely that the Mayor would be able to file a meaningful report on implementation of the Program by January 1, 2018 if the regulations that govern implementation of the Program also are not published until the same date. We recommend that Section 202 require the regulations to be published sooner – perhaps six to twelve months after the legislation is enacted.

Lines 182-211: Section 301 (Complete Streets): Both this Section and Section 2(b) of B21-0383 (Vision Zero Act of 2015) require DDOT to adopt a Complete Streets policy. The PAC supports this requirement. Although both bills are similar, some specific provisions differ. We recommend that a final bill combine the best parts of the two bills: in particular, the final bill should require that:

- all users be safely accommodated;
- DDOT establish a District-wide integrated system of bicycle and pedestrian infrastructure;
- Complete Streets be implemented during new construction and reconstruction;
- local residents and other stakeholders be involved in planning and design decisions;
- DDOT report to the Council and Mayor annually on its progress toward implementing Complete Streets; and
- DDOT provide a written explanation when it decides not to apply the Complete Streets policy, similar to B21-0335's (Section 104(4)-(5)) requirement for an explanation of a sidewalk closure or absence of safe accommodation.

In addition, we recommend that the final bill require that, when an intersection is signalized, all pedestrian signals be pre-timed (that is, pedestrians should not be required to push a button in order to get a “Walk” signal) at any transit locations (without exception) or at any other signalized intersection unless compelling reasons justify use of an actuated signal. This is an issue about which the PAC has been concerned for some time. In our experience, these types of signals are being implemented far too frequently by DDOT and its suburban-oriented consultants, are not “pedestrian-friendly,” are being used in ways that are inconsistent with DDOT's commitment in the moveDC plan to use these signals only in specific circumstances¹, and are often implemented and maintained unfairly:

- Sometimes the buttons are placed at a distance and/or behind obstructions.²
- At least one of our members has had several experiences where DDOT failed to fix broken actuation buttons for several months after the issue was reported through 311, leaving pedestrians attempting to cross the affected intersection with the only option of walking one or more blocks out of their way (or crossing illegally against a “Don't Walk” signal that is timed for vehicle traffic, allowing minimal time for pedestrian crossings).

In moveDC, DDOT stated: “In locations with high pedestrian activity (pedestrians present at least 50% of the cycle at peak hour), particularly around transit stations, pedestrian actuated signals should not be used.”

At Massachusetts Avenue and California Street NW, for example, pedestrians who want to cross Massachusetts from the south to north have to push a button that is located some distance from the crosswalk, with a tree and large metal object in between (<https://www.google.com/maps/@38.915562,-77.055128,3a,75y,270h,90t/data=!3m4!1e1!3m2!1sf0lYGxi38DFjLqY5u34RKQ!2e0>).

- During winter months, DPW plows often pile snow against signal poles, making the buttons inaccessible to pedestrians.
- At some intersections controlled by actuated buttons, the pedestrian signal on the side street (the crossing that is not actuated) will cycle through a 10-20 second “Don't Walk” phase even while the vehicle signal remains green.³ A DDOT engineer has indicated that this is not a maintenance issue; rather, it is done intentionally in order to minimize wait time for drivers.

A possible combination provision could read:

Section ____. Complete Streets policy.

(a) The District Department of Transportation shall adopt a Complete Streets policy that seeks reasonably to accommodate safe and convenient access and mobility for all users of the District's transportation system, especially the most vulnerable, including persons of all ages and abilities whether they travel by foot, wheelchair, bicycle, transit or motor vehicle. The Complete Streets policy shall contain specific requirements, including:

(1) Promoting healthy communities by encouraging walking, bicycling, and using public transportation;

(2) Establishing a District-wide integrated system of bicycle and pedestrian infrastructure;

(3) Improving safety by designing major arterials to include features such as wider sidewalks, dedicated bicycle facilities, medians, and pedestrian streetscape features, including trees where appropriate;

(4) Ensuring that the Department uses pre-timed pedestrian signals at (a) all signalized intersections near public transit locations and at (b) all other signalized intersections unless compelling reasons, which meet an objective standard to be developed by the Department, justify use of actuated pedestrian signals;

(5) Ensuring that the Department does not prioritize vehicle qualitative measurements above other measures, including the standard to be applied under subsection (4);

For an example of this phenomenon, please see video of a pedestrian signal at Wisconsin and Rodman NW at <https://goo.gl/photos/mVrm4QNKc8YhqF2K8> .

(6) Protecting the environment and reducing congestion by providing safe alternatives to single-occupancy driving;

(7) Preserving community character by involving local citizens and stakeholders in planning and design decisions;

(8) Actively looking for opportunities to repurpose rights-of-way to enhance connectivity for pedestrians, bicyclists and transit; and

(9) Focusing on improvements to non-motorized use of transportation rights-of-way within one-quarter mile of schools, parks, and other civic uses.

(b) The Department shall incorporate the complete streets policy into the District's Comprehensive Plan, Long-Range Transportation Plan, Transportation Strategic Plan, Pedestrian Master Plan, Bicycle Master Plan, and other Department plans, manuals, rules, regulations and programs as appropriate.

(c) The Complete Streets policy shall apply to all construction, reconstruction, retrofit, repaving rehabilitation and/or maintenance of highways, roads, streets, and lanes located within the District.

(d) The Complete Streets policy shall not apply if:

(1) An affected roadway prohibits, by law, specific modes of travel, in which case the Department shall make a greater effort to accommodate those modes of travel elsewhere, including on roadways that cross or otherwise intersect the affected roadway;

(2) The costs would be excessively disproportionate to the need or probable use of the particular highway, road, street, or lane and a parallel adjacent route is able to accommodate those who cannot use the affected roadway; or

(3) The safety of vehicular, pedestrian, or bicycle traffic would be placed at unacceptable risk and a parallel adjacent route is able to accommodate those who cannot use the affected roadway.

Whenever the Department decides not to apply the Complete Streets policy, it shall publish a brief statement citing the specific exception it is applying and, when applying subsection (2) or (3), a clear explanation of its reasoning for applying the exception.

Lines 217-231: Section 401 (Stop As Yield): If this provision is enacted, it should be revised to make clear that it is not intended to undermine the rights of pedestrians

under DC Code 50-2201.28(b-1)(1) which requires bicyclists to yield to pedestrians in a crosswalk. This could be accomplished by editing Line 221 to read, “of-way to any pedestrian at a crosswalk, as required by DC Code 50-2201.28(b-1)(1), or to any driver of a vehicle in the roadway...”.

Lines 321-341: Section 503 (Repeat Offenders): Increasing fines for repeat offenders could send a clear message that DC does not tolerate dangerous driving; however, the PAC is concerned that the itemized list of covered offenses does not include most speeding offenses. Only violations of DCMR 18-2200.5, which requires people to drive under the speed limit in certain circumstances, appear to be covered. This could be rectified easily by editing subsection (1) to read, “Sections 2200.1 through 2200.11 of Title 18 of the District of Columbia Municipal Regulations”.

Lines 444-453: Section 504 (no title; amends Distracted Driving Safety Act of 2004): The PAC suggests clarifying that the distracted driving prohibitions do not apply when a person is sitting in a legally-parked motor vehicle. This could be accomplished by adding a new definition of “operating a motor vehicle” to DC Code 50-1731.02 (Definitions) that reads:

“Operating a motor vehicle” (i) means driving a motor vehicle on a public road, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise; and
(ii) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

[This wording is based upon the definition of “driving” that appears in a Federal distracted driving provision at 23 USC 405(e)(9).]

Lines 454-476: Section 505 (Aggressive Driving):

Lines 458-465: As we indicated in our testimony, the PAC strongly supports the creation of the aggressive driving offense, but we are concerned that the list of offenses that can comprise aggressive driving appears to be centered almost entirely on offenses that affect other vehicle operators. We recommend amending the list to include offenses that affect pedestrians as well by:

Editing Line 459 to read: “Unsafe or improper lane change, driving onto a sidewalk and/or driving onto a traffic safety island or safety zone”

Editing Line 460 to read: “Failure to yield right of way and/or failure to comply with DC Code 50-2201.28 (Right of Way at Crosswalks)”

Line 465: The Council may wish to clarify whether “Performing reckless driving” is intended to include only reckless driving as defined by DC Code 50-2201.04(b) or whether it also is intended to include aggravated reckless driving as defined by DC Code 50-2201.04(b-1).

Line 466: To ensure that the penalties prescribed in subsection (b)(1) are understood to be in addition to the penalties that apply to the underlying offenses, this line could be edited by adding a new sentence that reads, “The penalties prescribed by this subsection shall be applied in addition to any other penalties provided by law for the offenses listed in subsection (a).”

Lines 471-75: We also recommend that this section establish a maximum time period during which the driver must complete the required educational course. This could be accomplished by adding a new sentence starting in Line 474 before “Failure” – e.g.: “The course must be completed within 60 days of conviction of the offense.” In addition, some confusion may be created by the use of “approved” in both lines 472 and 474. We recommend omitting the first use.

General comment: This provision could be further enhanced by either including it among the repeat offenses identified in Section 503 and/or by providing separate enhanced civil penalties or criminal penalties for repeat offenders.

Lines 502-518: Section 602 (Crash Review Task Force)

Lines 505-512: The DC Council may wish to consider adding a participant from a DC agency or citizen advisory entity who can represent the interests of individuals with disabilities. This would help to ensure that the Task Force has a better understanding of the unique challenges that may be faced by individuals with disabilities at the crash locations. In addition, a recent study (<http://bmjopen.bmj.com/content/5/11/e008396>) by John Kraemer and Connor Benton of Georgetown University revealed that pedestrians using wheelchairs have a higher mortality rate than the overall pedestrian mortality rate.

Lines 514-515: We recommend that the legislation also explicitly give the Task Force the discretion to review less serious crashes that are not handled by MPD’s Major Crash Unit when appropriate. For example, if a single fatal crash occurs at an intersection, it might be helpful to the Task Force to review other, less serious, crashes at the same intersection rather than viewing the single fatal crash in isolation. This could be accomplished by editing Line 515 to read, “Metropolitan Police Department and, at the Task Force’s discretion, other crashes; and”.

Vision Zero Act of 2015 (B21-0383)

Section 2(b) (Complete Streets): Please see our comments above on Section 301 of B21-0335.

Section 3(b) (Ignition Interlock): The PAC has reviewed the testimony provided by Mothers Against Drunk Driving and urges the Council to take their recommendations into account.

Thank you for taking these comments into consideration.

If we can be of further assistance, please contact Eileen McCarthy at myrna38717@gmail.com or at [202-363-1018](tel:202-363-1018).

Testimony of Sonia Conly

Member, District of Columbia Pedestrian Advisory Council

Before the Council of the District of Columbia

Committee on Transportation and the Environment

District Department of Transportation (DDOT) Budget Hearing

April 21, 2015

Good afternoon, Councilmember Cheh and members of the Committee. Thank you for the opportunity to testify today. My name is Sonia Conly, and I represent Ward 6 on the D.C. Pedestrian Advisory Council (PAC) and also serve as Treasurer for the PAC. I am here on behalf of the PAC to express cautious optimism about the FY 2016 DDOT budget proposed by Mayor Bowser.

First, we would like to express thanks that funding to address the backlog of sidewalk repairs and fill missing sidewalk segments remains in the budget (KAO-CAL16 and KAO-CA301.) This was an issue the PAC advocated for last year because uneven sidewalks and gaps in the sidewalk network are unsafe, especially for persons vulnerable to falls, and make it difficult and dangerous to get to stores, work, public transportation, schools, churches and recreation. We have been a bit impatient with the long process of surveying sidewalks, but we are hopeful that the pace of work will pick up in FY 2016 and that sidewalks with very low ratings, and those rated as only moderately bad, will get attention soon. We are also glad to see that in 2016 DDOT plans to add 20 new segments of sidewalk on blocks where sidewalks are missing, double the number built each of the previous three years, and we hope to see this level of effort continue in future years.

The PAC is also pleased that the Mayor and DDOT are embracing Vision Zero and we look forward to participating in this effort, as we discussed with DDOT at our March meeting. We also note the renaming of the "Pedestrian and Bicycle Safety Fund" to the "Vision Zero Pedestrian and Bicycle Safety Fund," the dedication of money from automated traffic enforcement fines to that fund (\$300,000), and the increase of funding for this function by \$200,000 in 2016. However, the new Vision Zero title is only meaningful if the projects are designed and implemented to put pedestrian safety first. Five hundred thousand in funding is trivial compared to the \$13 million allocated for road resurfacing next year. The \$2 million allocated for Pedestrian and Bicycle Safety Enhancements (KAO-AD306) also seems skimpy considering that nearly 1,200 pedestrians were struck last year in the District. The PAC certainly applauds efforts to do quick, low-cost improvements with pavement marking and flex-posts, but \$2 million for that and bike infrastructure seems insufficient. We look forward to seeing the details on

Vision Zero and hope that adequate attention and funding will be included for pedestrian safety, including funds for the commitments made in the moveDC plan.

We have a few other questions: Do the 50 or so intersections that will receive attention through Highway Safety Improvement Project funds get more than new lights? Can the contract(s) for those intersections also include pedestrian safety measures, such as curb extensions, refuge islands, leading pedestrian intervals (LPIs) and new striping? Will DDOT begin taking steps to ensure that “improvements” to those intersections do not worsen the experience of people trying to walk across the street (e.g. by shortening the “walk” phase of the signal or removing crosswalk markings to discourage pedestrian use of one or more legs of the intersection)? If a Vision Zero plan is laid out in six months, how long will it take to secure the funds required to implement the plan, publicize crash data regularly, make infrastructure improvements, and increase enforcement?

There is a hunger for a safer walking environment. Just last week, a pedestrian was struck on Columbia Road NW at Mintwood Place NW while crossing at an unsignalized crosswalk. When the PoPville news blog ran a short article last Wednesday about the incident, the post garnered more than 90 comments from readers frustrated by speeding and reckless drivers. Walkers may not have a big lobby, but they are seriously concerned. Of the three E’s of engineering, enforcement and education, DDOT of course has the most control over the engineering piece, and we would like to see the agency be even more aggressive in implementing the many effective countermeasures in its toolbox.

Despite our questions about DDOT’s budget, we do believe the allocations for sidewalks, the Vision Zero fund, and the Safety Enhancement fund are positive signals. The PAC is cautiously optimistic that DDOT’s new leadership will make ensuring the safety, comfort, and attractiveness of pedestrian and bicycle travel a paramount goal.



District of Columbia Pedestrian Advisory Council

July 29, 2015

Cathy L. Lanier
Chief of Police
300 Indiana Avenue NW, Room 5080
Washington, DC 20001

Dear Chief Lanier,

I am writing on behalf of the D.C. Pedestrian Advisory Council to express our appreciation of the traffic enforcement efforts led by MPD's Traffic Safety and Specialized Enforcement Branch and overseen by Assistant Chief Lamar Greene.

As you may know, over the past year, the PAC has worked closely with Sergeant Terry Thorne to provide our input into the intersections and other areas chosen for enforcement. Members and/or staff of the PAC also have observed over 20 of these crosswalk and pedestrian enforcement actions in every ward and MPD district across the city. We also have regularly informed the public about these efforts during our meetings, as well as through our blog (www.walkdcwalk.org) and Twitter account (@dc_pac).

MPD's crosswalk and pedestrian enforcement efforts are vital components of making the District a safer place for all street users and reaching D.C.'s Vision Zero goals. Although you no doubt hear from people who are displeased at receiving a citation, we can also tell you that we have watched many people thank Sgt. Thorne and the other officers involved for their efforts, and others have expressed their support to us.

The PAC looks forward to continuing to support MPD in its traffic enforcement efforts and we hope you will consider expanding them even further.

Sincerely,

Eileen M. McCarthy
Secretary and Ward 3 Representative

cc:

Mayor Muriel Bowser
Chairman Phil Mendelson
Councilmember Yvette Alexander
Councilmember Charles Allen
Councilmember Anita Bonds
Councilmember Mary Cheh
Councilmember Brandon T. Dodd
Councilmember Jack Evans
Councilmember David Grosso
Councilmember LaRuby May
Councilmember Kenyan McDuffie
Councilmember Brianne Nadeau
Councilmember Vincent Orange
Councilmember Elissa Silverman



District of Columbia Pedestrian Advisory Council

To: Mary Cheh, Chair, Committee on Transportation and the Environment
From: Tony Goodman and George Tobias, Co-Chairs, D.C. Pedestrian Advisory Council
Re: Department of Public Works FY 2016 Budget
Date: May 6, 2015

The D.C. Pedestrian Advisory Council is requesting more resources for the Department of Public Works (DPW) for booting and towing vehicles owned by drivers who are repeatedly cited for moving violations and then evade paying the fines. These drivers endanger the lives of pedestrians, bicyclists and other drivers, and they receive no disincentive to drive recklessly if they are not forced to pay their tickets. Among violations, speeding is one of the most serious problems in the District, according to the 2014 District of Columbia Strategic Highway Safety Plan. "Speeding is the primary contributing circumstance for almost 40 percent of all District traffic-related fatalities," according to the report. Aggressive driving, usually involving speeding, caused 70 fatalities in the District over the five-year period between 2009 and 2013, (p. 34.) An average of more than 10,000 citations for speeding were issued each year from 2010 through 2012, (p. 36.)

With its team of seven booters, DPW quickly and efficiently boots, tows and releases cars with two parking tickets. We are seeking an equally effective program for drivers who repeatedly endanger other road users, especially those who are avoiding making payments. When the PAC recently requested an update on the Automated Traffic Enforcement program, we learned that some drivers have more than 20 speeding tickets and that one way they dodge payment is by parking off the street during the day when the booting team does its work. A booting program that runs 24 hours a day, seven days a week would increase fine collection. The PAC supports issuing citations and collecting payment as a way of educating drivers and incentivizing safer driving.

We hope you will consider our request to augment the capacity of DPW to operate a more robust program for holding accountable repeat violators of the District's traffic laws. Drivers who speed, run red lights and drive through stop signs are a threat to all road users and deter people from walking in our otherwise increasingly walkable city. The PAC believes holding repeat offenders accountable is one of many tools the District must use to achieve its Vision Zero goal of ending traffic-related fatalities and serious injuries.



District of Columbia Pedestrian Advisory Council

Testimony of

Robin Murphy
Ward 7 Representative
District of Columbia Pedestrian Advisory Council

Before the
Committee on Transportation and the Environment

Roundtable on the Streetcar System and MoveDC Plan

November 21, 2014

Chairperson Cheh, thank you for giving me the opportunity to testify on behalf of the D.C. Pedestrian Advisory Council (PAC). My name is Robin Murphy and I am the PAC's Ward 7 representative. The mission of the PAC is to advise the Mayor, D.C. Council, and District agencies on pedestrian safety and accessibility issues, and we appreciate the chance to comment on MoveDC's action plan to make at least 20 intersections in the District safer for pedestrians in the next two years.

At our meeting in September, members of the PAC voted to make safer intersection design the PAC's top priority for the year ahead. We feel strongly that careful design can help reduce pedestrian crashes and promote walking in our neighborhoods. We were therefore very pleased when the MoveDC two-year action plan was released in October and called for improving at least 20 intersections, including both signalized and unsignalized locations. We think this is an achievable goal and an important goal.

As the Committee knows, the PAC focused quite a bit of attention last year on sidewalk improvements, and we were very glad when the Council approved additional funding for sidewalk repairs and when DDOT listed filling sidewalk gaps as a major goal of MoveDC. The MoveDC two-year action plan calls for developing a better system for managing sidewalk repairs and for filling sidewalk gaps on 25 blocks. The PAC is hopeful that the development of a sidewalk repair management system in particular will not fall through the cracks, so to speak, during any DDOT reorganization. We will return during oversight hearings in March to offer our assessment of the progress on these issues.

On the topic of intersection design, the PAC has a few requests. We ask that DDOT seek input from the PAC, ANCs, community groups and concerned citizens during the process of selecting and redesigning the 20 dangerous locations. We ask that sufficient funding be available to make meaningful improvements, and we ask that strong project management be put in place to ensure that the goal is realized within two years.

As DDOT embarks on improving the 20 or more intersections, a first step is choosing criteria to select the locations. DDOT could choose intersections with a high number of pedestrian crashes. It could also choose locations that are obviously substandard and can



District of Columbia Pedestrian Advisory Council

easily be improved. Everyone in this room can likely name an intersection that scares, repels or endangers pedestrians, so finding enough places worthy of improvement will not be a problem. DDOT could easily identify 24 needy intersections, perhaps improving three intersections in each of the District's eight wards.

Once the intersections are selected, the PAC hopes DDOT will consider the many countermeasures promoted by the Federal Highway. Timing signals to allow all pedestrians sufficient time to cross streets, increasing visibility with added signage or striping, building curb extensions and refuge islands, narrowing lanes, and limiting turning are endorsed by highway safety experts, well known to DDOT's engineers, and lauded by the D.C. Pedestrian Advisory Council. Remember that making safer intersections is not always expensive; while new curbs may be needed in some places, in others changing signal timing and adding paint and signage may be enough.

During its regular monthly meeting on Monday, the PAC will be talking with Sam Zimbabwe about this very item of the MoveDC action plan. We invite members of the public to join us at 6 p.m. at 441 4th Street NW, Room 1117, to discuss making intersections safer for pedestrians. (More information about the PAC and Monday's agenda is available at www.walkdcwalk.org.)

The PAC looks forward to working with DDOT on this MoveDC initiative to make meaningful safety improvements for pedestrians on at least 20 intersections over the next two years. Intersection design is a PAC priority, and we will return to the Committee on Transportation and the Environment to report back on progress.



District of Columbia Pedestrian Advisory Council

To: Cesar Barreto, ADA Coordinator, DDOT

From: DC Pedestrian Advisory Council

Re: DDOT ADA Transition Plan

Date: November 2, 2015

The DC Pedestrian Advisory Council (PAC) would like to take this opportunity while DDOT is accepting public comments on the Draft ADA Transition Plan to express its support for the efforts being made through this major initiative and to encourage additional attention to a few specific topics addressed in the plan. The PAC applauds DDOT for addressing the decades of inadequate attention to the needs of people with disabilities who live, work and visit the District. By developing the ADA Transition Plan, DDOT is laying out an essential blueprint for providing tens of thousands of people with appropriate access to the public right-of-way. As expressed in the plan, ADA compliance is not only a legal requirement; equal and safe access is a civil right and a human right that District government must uphold.

As discussed in the plan, a survey of assets in the public right-of-way found the majority to be not accessible. A number of issues raised by that survey highlight the challenges facing DDOT as further surveying and compliance continues. First, the PAC would like to emphasize the importance of high quality surveys. The accuracy of data collected about the condition of sidewalks, ramps, crosswalks and other key assets is essential when prioritizing the long list of projects to be completed. In addition, the ability to cross check the asset inventory with the District's other systems for tracking construction projects seems important for prioritizing projects and assessing progress of compliance.

Second, while we appreciate the magnitude of this endeavor to improve access across the District, we also must register our concern about the slow progress. The draft plan indicates that only seven percent of the District's public right-of-way has been assessed. The PAC looks forward to regular updates on progress made on surveying assets and completing construction projects.

Third, we would like to underscore the importance of education. The implementation of the ADA Transition Plan offers DDOT a unique opportunity to dedicate itself to providing ongoing and consistent training to employees on adhering to regulations, collecting data, administering the grievance process, and many other areas connected with ADA compliance. In addition, the release of the ADA Transition Plan is an opportunity for DDOT to educate a wider audience, including the Advisory Neighborhood Commissions that review plans for new construction projects and agencies such as the Office of Planning that reviews projects and policies that affect the public right-of-way. If armed with knowledge about the

ADA Transition Plan, these other entities can be allies in the effort to ensure that future construction projects make traveling across the District safe and convenient for people with disabilities.

The Pedestrian Advisory Council appreciates the opportunity to review the ADA Transition Plan and commends DDOT for doing a thorough assessment of the many actions needed to improve access to the public right-of-way for people with disabilities traveling across the District. We are hopeful that there will be steady and improved progress in the assessment of and improvements to public assets.



District of Columbia Pedestrian Advisory Council

Testimony by the DC Pedestrian Advisory Council

December 8, 2015

Committee on Transportation & the Environment hearing on:

B21-0335, the Bicycle and Pedestrian Safety Act of 2015;

B21-0383, the Vision Zero Act of 2015;

B21-0021, the Enhanced Penalties for Distracted Driving Amendment Act of 2015

Greetings, Chairperson Cheh and members of the Committee. My name is Eileen McCarthy. I represent Ward 3 on the DC Pedestrian Advisory Council (PAC) and am also the PAC secretary. I also served as the PAC representative on the Bicycle & Pedestrian Working Group. Thank you for the opportunity to comment on these bills, which hold promise for improving pedestrian safety and access in the District and helping our city to reach its Vision Zero goal of no traffic fatalities and serious injuries by 2024.

Our comments focus on several provisions in three of the bills: the Bicycle and Pedestrian Safety Act, the Vision Zero Act, and the Enhanced Penalties for Distracted Driving Amendment Act, but initially I want to note that a key element of Vision Zero is the acknowledgment that humans make mistakes and that streets must be designed to prevent death and serious injury. At the heart of Vision Zero is the understanding that safety will not be traded for mobility of one mode of transport. We want to stress that, in implementing these laws, the District must remain committed to preventing death and serious injuries above all else.

Aggressive driving

According to the District's 2014 Strategic Highway Safety Plan, aggressive driving contributed to 51% of all traffic fatalities and 19% of injuries between 2009 and 2013. The PAC supports adding an aggressive driving law as proposed by the Bicycle and Pedestrian Safety Act. Most discussions of aggressive driving tend to focus on the threat these drivers pose to other motor vehicle drivers, but aggressive drivers pose both direct and indirect threats to people walking – directly, by engaging in behaviors that threaten our lives and bodies, and indirectly, by creating situations that lead normally responsible drivers to react unsafely. We hope the subordinate offenses identified in the legislation can be tailored more carefully to reflect DC legal requirements and to address behaviors that endanger people walking. For example, “failure to yield right of way” may capture an aspect of aggressive behavior toward other drivers, but it does not capture DC Code 50-2201.28's requirement that drivers “stop and remain stopped” when someone is in the crosswalk. The PAC will be submit technical comments before the record closes that will suggest specific wording to address this point.

Impaired driving

Impaired driving contributed to 38% of traffic fatalities and 3% of serious injuries between 2009 and 2013, according to the DDOT 2014 Strategic Highway Safety Plan. The PAC supports the Vision Zero Act's approach to curbing impaired driving. Raising minimum fines and incarceration terms, as well as mandating ignition interlock devices and revoking drivers'

licenses after three offenses, will deter impaired driving if those penalties are widely publicized and strictly enforced. The PAC also would support funding of ignition interlocks, possibly through the Vision Zero Fund, if necessary for people who cannot afford to install a lock.

Distracted driving

According to DDOT's 2014 Strategic Highway Safety Plan, distracted driving contributed to 7% of fatalities and 9% of serious injuries between 2009 and 2013. Recent reports by the AAA Foundation and National Safety Council on the cognitive effects of even handsfree distracted driving only heighten this concern.¹ We realize the bills under consideration are not wholly consistent in their approaches but believe these inconsistencies can be reconciled, and we support the message all three bills convey that people who drive are responsible for remaining attentive. We would like to see a resolution of the differences among the bills that results in elimination of the current exception for handsfree devices, as well as increased and enhanced penalties for distracted driving. We also support ticketing distracted drivers who are not moving but who remain in active traffic lanes.

Reporting

The PAC has long sought more timely and comprehensive public reporting of information about traffic crashes and offenses, so we are strongly supportive of the Bicycle and Pedestrian Safety Act's proposed requirement for monthly publication of collision and moving infraction data. Although traffic fatalities are widely publicized, many people are unaware that more than 2,400 people, including 404 pedestrians, were seriously injured in crashes in 2014 in DC.² Monthly reporting would demonstrate the District's commitment to open government and transparency in traffic safety, enhance public awareness about traffic injuries and fatalities, and enable communities to compare their own experiences with available data.

Infrastructure improvements

The PAC generally supports the Bicycle and Pedestrian Safety Act proposal for bicycle and pedestrian priority areas to be created at locations with high pedestrian and bicyclist use and high crash statistics. We hope these priority areas will be implemented quickly and will lead to significant safety improvements in spots most frequented by vulnerable street users.

The PAC also supports codification of DC's current policy commitment to Complete Streets, which should ensure that we make our streets safe for all users when constructing and

1 AAA Foundation Fact Sheet on *Measuring Cognitive Distraction in the Automobile III: A Comparison of Ten 2015 In-Vehicle Information Systems* (2015) ("Just because a driver terminates a call or music selection doesn't mean they are no longer impaired – impairment lingered up to 27 seconds after a task was completed")I see also National Safety Council, *Understanding the Distracted Brain: Why Driving While Using Hands-Free Cell Phones is Risky Behavior* (2012) ("[D]rivers using hands-free phones (and those using handheld phones) have a tendency to "look at" but not "see" objects. Estimates indicate that drivers using cell phones look but fail to see up to 50 percent of the information in their driving environment. Distracted drivers experience what researchers call inattention blindness, similar to that of tunnel vision").

² DDOT, *Preliminary Crash Data 2014* (July 1, 2015), Page 6.

retrofitting streets. Adopting a thoughtful and comprehensive Complete Streets law would be highly appropriate considering the District’s commitment to Vision Zero.

Speed

Much of the legislation being considered today draws on the work of the Bicycle & Pedestrian Working Group and is testament to the increased interest across the District in making our streets safer for all users. The PAC actively participated in the Working Group, which was able to reach consensus on many good and important recommendations.

Our most significant regret is that the working group was unable to reach consensus on taking broader action to reduce speed, or even to enforce speed limits more strictly. The speed at which a driver travels is an extremely important factor in the outcome of a crash, especially for pedestrians. According to a AAA Foundation for Traffic Safety report, even small changes in speed lead to a large increase in risk of severe injury or death for a pedestrian struck by a motor vehicle:³

- Struck at 15 mph:
 - Risk of severe injury < 10%
 - Risk of death < 5%
- Struck at 25 mph:
 - Risk of severe injury = 30%
 - Risk of death = 12%
- Struck at 35 mph:
 - Risk of severe injury = 64%
 - Risk of death = 30%
- Struck at 45 mph:
 - Risk of severe injury = 89%
 - Risk of death = 60%

Other studies have reached similar conclusions, with the most commonly cited one putting a pedestrian's risk of death at less than 5% when a driver is traveling at 20 mph, but escalating to 40% when a driver is traveling at 30 mph and 80% when a driver is traveling at 40 mph.⁴

The District's speed limit generally is 25 mph, with higher limits in effect on major streets. In practice, many of our streets are not designed to encourage compliance with these limits and we know that these limits are not enforced strictly (even though DC Code 50-2201.31 requires signs stating that we enforce strictly) – traffic cameras, for example, which issue most speeding tickets, are not programmed to ticket drivers for speeding until the vehicle is going more than 10 mph over the speed limit. Even assuming that 25-30 mph is an appropriate speed limit given

3 See AAA Foundation for Traffic Safety, *Impact Speed and a Pedestrian’s Risk of Severe Injury or Death* (2011) (<https://www.aaafoundation.org/impact-speed-and-pedestrians-risk-severe-injury-or-death>).

4 See NHTSA, *Literature Review on Vehicle Travel Speeds and Pedestrian Injuries Among Selected Racial/Ethnic Groups* (1999), referencing Pasanen, E. *Driving Speeds and Pedestrian Safety; a mathematical model* (1992) (<http://www.nhtsa.gov/people/injury/research/pub/HS809012.html>).

the potential consequences of a crash at those speeds, we are effectively permitting drivers to travel 35-40 mph, making it much more likely that they will kill or severely injure a person walking if there is a collision.

It will be very challenging to reach the District's Vision Zero goal of zero deaths and serious injuries by 2024 unless we are willing to acknowledge the challenges before us and take significant measures to reduce speed throughout our city. Our streets must be designed to prevent fatalities or serious injury and our enforcement policies also must reflect that commitment. This means re-examining our priorities in designing streets and making sure that any traffic studies conducted place greater value on safety for the most vulnerable users over speed for motor vehicle drivers.

Concluding remarks

The PAC generally supports passage of this legislation and looks forward to its implementation, including participation on the proposed Crash Review Board. (In addition to this testimony, the PAC will be submitting minor technical comments before the record closes.)

We hope these measures will help the District along its path to Vision Zero, which holds that no death or serious injury in the road system is ethically acceptable. We believe these measures will be effective only to the extent that the public is made aware by publication of statistics on citations, particularly speeding and failure to stop and give right of way to people walking in crosswalks, and by the increased visible presence of officers enforcing the law. These measures ultimately will put the onus on DDOT and MPD to educate the public, create better infrastructure, and enforce the new rules, but we can all do our own part in changing our traffic culture and system.

Testimony by Tony Goodman
Co-Chair
District of Columbia Pedestrian Advisory Council

D.C. Council Committee on Transportation and the Environment
Oversight Hearing on the Pedestrian Advisory Council

March 6, 2015

Chairman Cheh and members of the Committee, thank you for giving me the opportunity to testify today. My name is Tony Goodman, and I am co-chair of the Pedestrian Advisory Council (PAC). The PAC was established in 2010 to advise the Mayor, D.C. Council and D.C. government agencies on pedestrian safety and accessibility. I am here to give you a brief description of the state of pedestrian safety in the District, the PAC's activities in 2014, and the issues we plan to address in 2015 and beyond.

The District of Columbia is rated one of the most walkable cities in the country, with extensive public transit, pedestrian-friendly neighborhoods, and an impressive tree canopy contributing to its reputation.

However, the District can also be a dangerous place for pedestrians. On many blocks sidewalks are uneven or missing. At this time of year, many are unshoveled. There are streets where drivers speed, intersections where turning vehicles threaten pedestrians, and crosswalks that are faded, missing or unsignalized. Each year, 800 to 900 pedestrians are struck by a vehicle, and a third of them are seriously injured. In 2014, 10 pedestrians were killed. (I should clarify that in our written oversight responses the number of pedestrians we cited as struck is actually the number seriously injured.)

With all these threats to pedestrians, the PAC engaged in the following activities in 2014 and will follow up on many of them in 2015:

- Testified at several committee hearings on topics such as moveDC, compensation for injured pedestrians, and automated enforcement;
- Advocated for additional funding to address the backlog of sidewalk repairs;
- Requested more readily available crash data from DDOT and MPD;
- Coordinated pedestrian safety enforcement actions with MPD;
- Joined with the Bicycle Advisory Council to draft shared principles for bicycle riding on sidewalks;
- Posted informational blogs on our website about sidewalk repair funding, moveDC, and national reports on walking;
- Invited agency experts to attend our meetings and discuss a variety of topics, from signal timing to street trees to Age-Friendly DC.

In the year ahead, we look forward to working with District agencies on several projects that will improve the state of walking in our neighborhoods. We will press DDOT to create better infrastructure and establish criteria for the sidewalk repair system. We will encourage MPD to increase automated and officer enforcement. We will ask both agencies to work together to provide timely and easily accessible crash data and to educate the public and police officers on pedestrian right-of-way rules.

We will also be addressing the Council to request that funding be provided for moveDC two-year action plan activities. DDOT has created an excellent long-term multi-modal plan, and the short-term goals of improving 20 intersections and filling sidewalk gaps could quickly make walking safer for many residents and visitors.

Our meetings are well attended by DDOT and MPD, and both agencies have been strong partners for improving the safety and comfort of pedestrians. We will continue to push both agencies to improve their performance and implement new initiatives.

To help fulfill the mission of the PAC it will be essential that other agencies participate as well in improving conditions for pedestrians. There are two upcoming programs in particular - snow shoveling and Vision Zero - which will require the work of more than just DDOT and MPD.

This week's weather and the current icy condition of many sidewalks is an important reminder that the PAC is looking forward to implementation of the Winter Sidewalk Safety Amendment Act of 2014, currently in the Congressional review process. For this act to be successful many agencies will need to cooperate and the PAC is anxious to see how this will be implemented.

Successful implementation of this law will require coordination between multiple agencies. It will also be important that District agencies set a positive example for all property owners by promptly treating and shoveling in front of government properties. Important work ahead on implementation includes assembling a database of exempt properties; protocol for shoveling exempt and non-compliant sidewalks; enforcement mechanisms; advertising campaigns; and more.

Finally, I would like to address Vision Zero. Mayor Bowser recently committed the District to following this approach to traffic safety and infrastructure which starts with the premise that *no road users should be killed or seriously injured*. This seems like such a simple statement, but it is radical in that safety is the primary concern instead of just one of many aspects to be balanced against other supposedly competing issues.

A meaningful Vision Zero approach to road safety, as practiced in other cities and countries around the world must include agencies such as the Department of Health, DC Office on Aging, the Department of General Services, and others. Through quality design, infrastructure improvements, consistent enforcement, and wider public education we can move toward safer streets and zero fatalities.

The Pedestrian Advisory Council looks forward to partnering in the year ahead with the Council, the Mayor and leading agencies on activities that will help the District improve pedestrian safety and its reputation as a walkable city. Thank you for your time.