



District Department of Transportation

# Vision Zero Rulemaking Report

Summary and Key Considerations

April 2017



MURIEL BOWSER, MAYOR



# Vision Zero Rulemaking Report Summary and Key Considerations

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## 1.0 Introduction

Mayor Bowser’s Vision Zero initiative is a comprehensive approach to transportation safety. The Vision Zero Action Plan coordinates the work of 30 District Government agencies, pursuing 67 safety strategies to eliminate all traffic fatalities and serious injuries from the District’s streets by the year 2024. Action Plan strategies emphasize engineering (designing the physical character of our streets to maximize safety), education (making sure our travelers know how to safely use our streets), evaluation (making the best use of safety performance data to guide our improvements), and enforcement (detering dangerous behavior on our streets).

The District Department of Transportation (DDOT) is the lead agency in the implementation of the Vision Zero Action Plan. As such, the agency’s major focus is on the physical characteristics of streets and intersections. As a result, we have targeted the intersections in the District that have historically had the highest crash rates as key locations for improvements. We initiated this effort with five intersections in 2015, expanding to eight more intersections in 2016. DDOT continues to analyze our accident and incident data to reduce those rates and the potential for fatal crashes in 2017 and beyond. This is just an example of the many strategies that require coordination with the Mayor, the DC Council and other city agencies, but do not require changes to regulations.

This rulemaking is an example of a strategy that does require changes to regulations, and therefore approval by the DC Council. DDOT testified on this second proposed rulemaking on March 3, 2017 at the Vision Zero Roundtable hosted by District of Columbia Councilmember Mary Cheh, Chair of the Committee on Transportation and the Environment. Chair Cheh and members of the Committee requested that DDOT provide a more detailed discussion of the reasoning and data supporting the Vision Zero proposed rulemakings, with specific focus on the proposed fines.

This report describes the rationale used in formulating the proposed rulemakings, the research and best practices that informed recommendations, and the evolution of the proposed rulemaking in response to public input.

## 2.0 Problem Definition and Safety Data Analysis

The District Department of Transportation began the rulemaking development process by analyzing data during the creation of the Vision Zero Action Plan. The data and public feedback in the Action Plan process formed the basis of the first proposed rulemaking in December 2015.

From 2010 to 2014, 131 people were killed in traffic crashes in the District. The 131 total fatalities include 67 people driving, 57 people walking, and 7 people biking. Seventy-three fatalities (or 56 percent of the total) were on streets with speed limits of 25 miles per hour and 51 (39 percent) were on streets with speed limits higher than 25 miles per hour. Seven fatalities did not have sufficient data for analysis.



Speed was a contributing factor in 50 percent of driver fatalities on 25 mph streets and 53 percent of fatalities on higher speed roadways. In addition to speed, data consistently show a strong link between fatalities and driver impairment. As a result, DDOT determined that these behaviors should be core targets for Vision Zero enforcement efforts.

In addition to the target behaviors, our data analysis indicated that some roadways account for a disproportionate share of fatal crashes. DDOT identified 15 arterial corridors with multiple total fatalities between 2010 and 2014, which accounted for more than half of all pedestrian and bicycle deaths during that time span. Accordingly, these roadways should be core targets for Vision Zero engineering and enforcement activities.

In 2016, during the first year of Vision Zero implementation, there were 28 traffic fatalities in the District. Speed was a factor in the deaths of 11 people: one pedestrian, six drivers or passengers, and four motorcyclists. While the proposed Vision Zero rulemakings discussed in this report primarily focus on deterring aggressive driving and speeding, they also acknowledge particularly hazardous behaviors that people walking and riding bicycles can commit. Recent data illustrates the consequences of such behaviors: In 2016, four fatalities involved a pedestrian crossing suddenly without the right of way, a pedestrian crossing against a signal, or a pedestrian unlawfully occupying in the roadway. The table below shows the total fatalities by mode from the year 2011 to March 28, 2017.

	2011	2012	2013	2014	2015	2016	2017	Total	% of Total
Pedestrian	11	8	12	10	15	9	4	69	41%
Bicyclist	2	0	2	1	1	1	-	7	4%
Motorcyclist	4	5	4	3	3	6	-	25	15%
Driver / Passenger	15	6	11	12	7	12	4	67	40%
Total	32	19	29	26	26	28	8	168	

Figure 1. District of Columbia Traffic Fatalities, 2011 to Present

Contributing factors involved in traffic fatalities from 2016 and 2017 to date reflect the focus of the proposed Vision Zero rulemakings. Action Plan strategies address each factor below, and the Bicycle and Pedestrian Safety Amendment Act of 2016 specifically strengthens the District’s ignition interlock program to address impaired driving.<sup>1</sup> Speeding drivers account for the highest percentage of fatalities, and the proposed rulemakings target this behavior accordingly.

<sup>1</sup> Council of the District of Columbia. Bicycle and Pedestrian Safety Amendment Act of 2016. July 25, 2016: <http://lms.dccouncil.us/Download/34426/B21-0335-SignedAct.pdf>

Contributing Factor	Fatal Crash Victims				% of Fatalities*
	Pedestrians	Cyclists	Motorcyclists	Drivers / Passengers	
Speeding Driver	2	0	4	9	42%
Speeding Cyclist	1	0	0	0	3%
Impaired Pedestrian	2	0	0	0	6%
Impaired Driver	6	0	0	2	22%
Red-light Violation	1	0	0	1	6%
Failure to Yield to Pedestrian	2	0	0	0	6%
Pedestrian Crossing without Right of Way	5	0	0	0	14%

\* Percentages will not total to 100 because some fatalities involve multiple factors, and some crashes are not assigned contributing factors.

*Figure 2. 2016 / 2017 Contributing Factors in Fatal Crashes and Vision Zero Responses*

Of all the contributing factors, vehicular speed is especially problematic for vulnerable road users. For instance, a 70-year-old pedestrian struck at 35 MPH has a 54% chance of dying. If the driver is speeding, only 5 MPH in excess of that speed limit, the same pedestrian has a 70% chance of dying, if struck.<sup>2</sup>

In recent years, traffic fatalities throughout the nation have increased. At the national level, data shows that after a decade of decline, traffic fatalities increased nearly eight percent in 2015 over the prior year – the largest increase in 50 years, and saw another six percent increase in 2016. Since 2011, the District has cut fatalities by 13 percent while national fatalities have increased by 14 percent, as illustrated in Figure 3 below.

Year	DC	National*	% Change DC	% Change National
2011	32	35,303	-	-
2012	19	36,415	-41%	3%
2013	29	35,369	53%	-3%
2014	26	35,398	-10%	0%
2015	26	37,757	0%	7%
2016	28	40,200	8%	6%
2011 to 2016			-13%	14%

*Figure 3. National Safety Trends – National Safety Council Estimates*

<sup>2</sup> Groeger, Lena. “Unsafe at Many Speeds.” ProPublica. May, 2016: <https://www.propublica.org/article/unsafe-at-many-speeds>

DDOT’s rulemaking process relies on subject matter experts who consider best practices in the field of transportation safety from academia, peer jurisdictions, and Federal partners. In developing the Vision Zero regulations, DDOT focused on speed and other behaviors that can be addressed, in part, through those regulations.

There is a large body of research documenting the effects of enforcement activity on behavior. Criminology research shows that higher fines reduce speeding, particularly when it comes to photo enforcement.<sup>3</sup> There is consensus that visible and active enforcement will reduce drivers’ speeds, but that as time and distance pass from the point of enforcement, the effect diminishes.<sup>4</sup> The National Highway Traffic Safety Administration (NHTSA) explicitly advises, “speed enforcement works when the level of enforcement is sufficient to convince most drivers of the strong likelihood of detection and sanctions if they exceed the speed limit.”<sup>5</sup>

The District’s Automated Traffic Enforcement (ATE) program has shown dramatic safety benefits from its use of speed and red light cameras. With a higher fine for the highest percentile of speeders, photo enforcement is likely to deter this dangerous behavior. This is especially true on the District’s many arterial roadways where physical traffic calming tools are limited or can increase congestion on these key corridors. In a recent study, DDOT used crash data to analyze the effect of photo enforcement:<sup>6</sup>

	Injury Reduction	Fatality Reduction
Red Light Cameras	30%	100%
Speed Cameras	21%	80%

*Figure 4. Safety Benefits of Automated Traffic Enforcement*

DDOT is the agency responsible for determining the posted speed limits on District roadways.<sup>7</sup> During the Vision Zero Action Plan process, DDOT surveyed more than 2,700 people from all eight wards in the District on their top traffic safety concerns. Across all ages, races, genders, and neighborhoods, the unanimous top traffic safety concern was speeding drivers. As such, the Vision Zero proposed rulemakings seek to reduce the severity of traffic crashes by managing vehicle speeds.

<sup>3</sup> Moolenaar, Debora. “Motorist’s Response to an Increase in Traffic Fines.” *Journal of Criminology* Volume 2014 (2014), Article ID 827194. March, 2014: <https://www.hindawi.com/archive/2014/827194/>

<sup>4</sup> U.S. Department of Transportation Federal Highway Administration. “Speed Concepts: Informational Guide. September 2009: [https://safety.fhwa.dot.gov/speedmgmt/ref\\_mats/fhwasa10001/](https://safety.fhwa.dot.gov/speedmgmt/ref_mats/fhwasa10001/)

<sup>5</sup> National Highway Traffic Safety Administration. “Speed Enforcement Program Guidelines.” March, 2008: <https://ntl.bts.gov/lib/30000/30100/30165/810915.pdf>

<sup>6</sup> Rogers, Dey, Retting, Jain, Liang, and Askarzadeh. “Using Automated Enforcement Data to Achieve Vision Zero Goals: A Case Study.” August, 2016: <https://drive.google.com/file/d/0BzYs2IKnBwQudks5SUc3UWNwVEk/view?usp=sharing>

<sup>7</sup> District of Columbia Code. Division VIII General Laws, Title 50. Motor and Non-Motor Vehicles and Traffic. (Refs & Annos) Subtitle IV. Motorized Vehicle Registration, Inspection, Licensing. Chapter 9A. Department of Transportation Subchapter I. General. DC ST § 50-921.04

One side of addressing vehicle speeds is to reduce speed limits. The main concern we have heard expressed regarding lower speed limits and the hours within which they would apply revolved real or perceived impacts to traffic congestion and delays. However, DDOT research from prior road diets and traffic calming efforts show that these safety gains are possible in targeted locations without any negative impact in level of service. A key feature of a road diet is that it allows reclaimed space to be allocated for other uses, such as turn lanes, bus lanes, pedestrian refuge islands, bike lanes, sidewalks, bus shelters, parking or landscaping. Based on post-construction analysis<sup>8</sup>, the benefits of a road diet include crash reduction of up to 47 percent, reduced vehicle speed, improved mobility and access by all road users, and integration of the roadway into surrounding uses that result in an enhanced quality of life.

- The Sherman Ave. NW Road Diet reduced vehicle speeds by 11 to 31% and decreased injuries by 43% without creating delays for drivers.
- The Naylor Road SE Traffic Calming project reduced speeds by 25%, reduced crashes by 4 %, and still serves up to 14,000 vehicles per day.

### 3.0 Review of Current Regulations

In developing the initial proposed regulations, DDOT conducted a comprehensive review of existing regulations. While the list on the following page is not exhaustive of every existing or potential regulation, it does illustrate the full breadth of safety-focused violations. DDOT conducted the review by evaluating current regulations against a few factors. First is the “riskiness” of the behavior, which pertains to the potential for the behavior to result in serious injury or worse for both self and others. Next, DDOT looked at the “enforceability” and “intentionality” of the behavior, which refer to the ability to fairly enforce the violation and the common knowledge that a violation is illegal. Figure 5 below illustrates this approach in evaluating this combination of factors.

High ← “RISK” → Low	Moderate	High	Very High	Very High
	Moderate	Moderate	High	High
	Low	Moderate	Moderate	High
	Low	Low	Moderate	Moderate
	Low ← “Enforceability/Intentionality” → High			

Figure 5. Risk vs. Enforceability / Intentionality

<sup>8</sup> Kittelson & Associates, Inc. “DDOT Post-Construction Analysis.” July 2015: [https://comp.ddot.dc.gov/Documents/Post-Construction%20Analysis\\_FINAL\\_14August2015.pdf](https://comp.ddot.dc.gov/Documents/Post-Construction%20Analysis_FINAL_14August2015.pdf)



	<i>Risk Factor</i>	<i>Intentionality/ Enforceability Factor</i>
<b><i>Dangerous Driving</i></b>		
Driving 26 – 29 MPH in excess of posted speed limit (non-controlled access roadway)	Very High	Very High
Driving 26 – 29 MPH in excess of posted speed limit (controlled access roadway)	Very High	Very High
Driving 21 – 25 MPH in excess of posted speed limit	High	Very High
Driving 16 – 20 MPH in excess of posted speed limit	Moderate	Very High
Driving 11 – 15 MPH in excess of posted speed limit	Moderate	High
Driving up to 10 MPH in excess of posted speed limit	Low	Moderate
Speeding in "safe zone" (playground, pool, recreation facility, athletic field, or senior center) or a school zone	High	High
Colliding with a bicyclist (driver)	Moderate	High
Colliding with a pedestrian (driver)	High	High
Ignoring a stop sign (driver)	High	High
Failure to have side guards installed on applicable vehicles	Moderate	High
Overtaking another vehicle stopped at a crosswalk or intersection for a pedestrian	High	Moderate
Passing stopped school bus or multi-purpose school vehicle when light flashing or stop signal arm activated	High	Moderate
Stopping, standing, or parking a vehicle in a bicycle lane	Moderate	Moderate
Opening door or permitting door to open on either side that poses danger to a pedestrian, cyclist, or motor-vehicle	Moderate	Moderate
Failure to yield right-of-way to vehicle or pedestrian (driver)	Moderate	Moderate
Failure to stop and give right-of-way to pedestrian in roadway (driver)	Moderate	Moderate
Passing Red Light	High	Very High
Median strip, channelizing island or safety zone (raised with curb), driving on or over	Moderate	Moderate
Driving on or over sidewalk	Moderate	Moderate
Following another vehicle too closely	Low	Moderate
Failure to yield to bus	Moderate	Low
Failure to clear a vehicle from a lane	Low	Moderate
Failure to completely stop while turning right on red (driver)	Moderate	Low
Violation of "No Turn on Red" sign (driver)	Moderate	Low
Move Over for emergency vehicles / reduce speed on approach	Low	Low
<b><i>Dangerous Bicycling</i></b>		
Carrying objects which prevent operator from keeping one hand on handle bars	High	High
Hazardous Driving	Moderate	Moderate
Colliding with a pedestrian while riding a bicycle on a sidewalk	High	High
Failure to yield right of way (while riding a bicycle)	High	Moderate
Colliding with a pedestrian crossing the roadway with the right-of-way (while riding a bicycle)	High	High
Hitching on a vehicle while bicycling	High	Moderate
Riding on sidewalk where not permitted	Moderate	Moderate
Riding (a bicycle) with a headset, headphones, or earplugs covering both ears	Moderate	Moderate
Excessive speed (while riding a bicycle)	Moderate	Low
<b><i>Dangerous Walking</i></b>		
Walking suddenly into the path of a vehicle, without the right-of-way, and colliding with a vehicle	High	Moderate
Failure to yield right-of-way to an emergency vehicle engaged in emergency response or patient transport using audible/visual emergency signals while walking	Moderate	Moderate
Walking against "Don't Walk" Signal	Moderate	Moderate
Crossing Roadway Where Prohibited	Moderate	High



## 4.0 Jurisdictional Comparison

In determining the fine amounts for the proposed rulemakings, DDOT evaluated national data and used that to inform our proposed regulations. Comprehensive national-level data is only available through 2012. Still, this data provides a useful comparison for state-level penalties. These state-level fines are typically enforced on limited-access highways. There is no comprehensive resource on city-level penalties, in part because of the complex relationships that exist between cities and states and their respective abilities to impose fines. The second proposed rulemaking would put the District’s maximum speeding fine amount at the median level for the nation, according to NHTSA data.

State	Max Posted Speed Limit (mph)	Max Punishment (Fine and/or Jail Time)	Licensing Actions	Are There Laws for Other Criminal Actions Related to Speeding?			
				Racing on Highway	Reckless Driving	Negligent/Careless Driving	Aggressive Driving
IL	65	\$2,500 and/or 1 year	Suspension or revocation	√	√		√
VA	70	\$2,500 and/or 12 months	Suspension or revocation	√	√		√
GA	70	\$2,000 and/or 12 months	Suspension	√	√		√
OR	65	\$2,000	Suspension	√	√	√	
MO	70	\$1,000 and/or 1 year	Suspension or revocation	√	√		
NV	75	\$1,000 and/or 6 months	Suspension or revocation		√		√
MN	70	\$1,000 and/or 90 days	Suspension or revocation		√		
NC	70	\$1,000 and/or 60 days	Suspension or revocation	√	√		√
NH	65	\$1,000	Suspension or revocation	√	√	√	
FL	70	\$1,000	Suspension or revocation	√	√	√	
VT	55	\$1,000	Suspension			√	
UT	75	\$750 and/or 90 days	Suspension or revocation	√	√		
IA	70	\$625 and/or 30 days	Suspension or revocation	√	√	√	
NY	65	\$600 and/or 90 days	Suspension or revocation	√	√		
AR	60; 50	\$500 and/or 6	Suspension or	√	√	√	



State	Max Posted Speed Limit (mph)	Max Punishment (Fine and/or Jail Time)	Licensing Actions	Are There Laws for Other Criminal Actions Related to Speeding?			
				Racing on Highway	Reckless Driving	Negligent/Careless Driving	Aggressive Driving
	trucks	months	revocation				
MS	70	\$500 and/or 6 months	Suspension or revocation	√	√	√	
OK	75	\$500 and/or 6 months	Suspension		√		
WV	55	\$500 and/or 6 months	Suspension or revocation	√	√		
WY	75	\$500 and/or 6 months	Suspension or revocation	√	√		
AL	70	\$500 and/or 3 months	Suspension or revocation	√	√		
LA	70	\$500 and/or 90 days	Suspension, revocation, or cancellation	√	√	√	
IN	70; 65 trucks	\$500 and/or 60 days	Suspension	√	√		√
OH	65; 55 trucks	\$500 and/or 60 days	Suspension	√	√		
AZ	75	\$500 and/or 30 days	Suspension or revocation	√	√		√
SD	75	\$500 and/or 30 days	Suspension or revocation	√	√	√	
TN	70	\$500 and/or 30 days	Suspension or revocation	√	√		
HI	11	\$500	Suspension or revocation	√	√		
KS	75	\$500	Revocation, suspension, or restriction	√	√		
ME	75	\$500	Suspension			√	
MD	65	\$500	Suspension or revocation	√	√	√	√
MA	65	\$500	Suspension or revocation	√	√		
MT	75; 65 trucks	\$500	Suspension or revocation	√	√	√	√
PA	65	\$500	Suspension or revocation	√	√	√	
PR	65	\$500	Suspension or revocation	√	√		

State	Max Posted Speed Limit (mph)	Max Punishment (Fine and/or Jail Time)	Licensing Actions	Are There Laws for Other Criminal Actions Related to Speeding?			
				Racing on Highway	Reckless Driving	Negligent/Careless Driving	Aggressive Driving
ND	75	\$500	Suspension or revocation	√	√		
SC	70	\$400 or 60 days	Suspension or revocation	√	√		
AK	55	\$300	Suspension or revocation	√	√	√	
NE	75	\$300	Revocation	√	√	√	
WI	65	\$300	Suspension or revocation	√	√	√	
CA	70; 55 trucks	\$250	Suspension or revocation	√	√		
DC	50	\$300	Suspension or revocation		√		
WA	70; 60 trucks	\$250	Suspension or revocation	√	√	√	
NJ	65	\$200 and/or 15 days	Suspension	√	√	√	
CT	65	\$200	Suspension or revocation	√	√		
NM	75	\$200	Suspension or revocation	√	√	√	
TX	85	\$200	Suspension or revocation	√	√		
CO	75	\$100	Suspension or revocation	√	√	√	
ID	75, 65 trucks	\$100	Suspension or revocation	√	√		
KY	70	\$100	Suspension or revocation	√	√		
DE	65	\$95	Suspension	√	√	√	√
RI	50	\$95	Suspension or revocation	√	√		√

Figure 6. National Highway Traffic Safety Administration, Key Provisions of State Speed Laws through October 8, 2012

A review of Figure 6 above illustrates that DDOT's second proposal and the maximum \$500 speeding fine (in lieu of a \$1,000 proposal from the first rulemaking) is common among other states. In 2012, NHTSA listed eleven states with a maximum speeding penalty of at least \$1,000. Georgia and Oregon have a maximum speeding fine of \$2,000, while Illinois and Virginia fines can reach \$2,500.

Because the District is an urban environment, DDOT also considered fine structures among peer Vision Zero cities (New York City, Boston, Portland and Chicago). Municipal fine structures can be in addition to state-level fines, as is the case in New York City, considered the nation's leader in Vision Zero. The first three years of New York City's Vision Zero program have been the city's safest three-year period on record, and 2016 had the fewest fatalities ever. Certain infractions in New York City carry much more severe penalties than in the District. When a driver strikes and injures a pedestrian or cyclist who has the right of way in New York, the penalty is automatically a misdemeanor (which is a criminal offense, not a civil infraction). The resulting penalty can be a \$250 fine and up to 30 days in jail. Speeding fines vary depending on the number of offenses within an 18-month period. The following maximum fines can apply for the incremental speeds above the posted limit: 10 mph in excess, \$618; 20 mph in excess, \$768; 30 mph in excess, \$768; 40 mph in excess, \$1,068. New York City also has a separate offense for reckless driving, which carries a maximum fine of \$1,218. The minimum fine amount for any speeding offense is \$143.

### **Boston, Massachusetts**

After reducing the city's default speed limit to 25 miles per hour on January 9, 2017, city leaders reminded residents of their commitment to the use of enforcement to deter violations. In Massachusetts, including Boston, the fine for exceeding the speed limit is \$105. When drivers travel 10 miles per hour or higher in excess of the speed limit, they are fined an additional \$10 for each mile per hour they travel in excess of the posted speed. For example, traveling 51 miles per hour on street with a posted speed limit of 25 miles per hour (or 26 miles per hour in excess), would result in a \$365 fine.

### **Portland, Oregon**

In Portland, Oregon, the fines escalate similarly to the District and other cities. When driving up to 10 miles per hour in excess, the minimum fine is \$110 and the maximum fine is \$250. Exceeding the limit by 11 – 20 miles per hour carries a fine of \$500. Twenty-one to 30 miles per hour in excess is \$1,000, and the maximum fine for going 30 miles per hour in excess of the limit is \$2,000. Additionally, exceeding the speed limit in a school zone carries a maximum fine of \$870, and careless driving resulting in the serious injury or death of a vulnerable user carries a maximum fine \$12,500.

### **Chicago, Illinois**

In Chicago, the speeding fine for a first offense (any speed) is \$200 - \$300. The second offense is \$300 - \$500. The third offense is \$500 - \$1,000. The fine for speeding in a construction zone is \$375 for the first offense and a minimum of \$1,000 for a second offense. The fine for speeding in a school zone or safety zone is \$500 - \$1,000. Photo enforcement fines for speeding are \$35 for six to 10 miles per hour in excess, and \$100 for 11 miles per hour or greater. The city also has a \$500 - \$1000 fine for negligent driving.



VZ City	Base fine	MPH in Excess of Posted Speed Limit								Max*
		5	10	15	20	25	30	35	40	
New York City	\$143	\$618		\$768				\$1,068		\$1,068
Boston	\$105	\$105	\$255	\$305	\$355	\$405	\$455	\$505	-	
Portland	\$110	\$250	\$500		\$1,000		\$2,000		\$2,000	
Chicago	\$200	Any Speed: 1 <sup>st</sup> offense - \$300, 2 <sup>nd</sup> - \$500, 3 <sup>rd</sup> - \$1,000								\$1,000
Washington, D.C.	\$50	\$100	\$150	\$200	\$300				\$300	

\* Additive penalties may be added to these maximum fine amounts for reckless or aggressive driving at the discretion of law-enforcement

Figure 7. Table of Vision Zero Cities Schedules of Speeding Fines (Maximum fines reported)

## 5.0 Summary of Public Input and Considerations

On December 11, 2015, the District Department of Transportation (DDOT) and the Department of Motor Vehicles (DMV) published the first proposed rulemaking for the Vision Zero initiative, which included regulatory changes necessary to effectively implement Mayor Bowser’s Vision Zero Action Plan.<sup>9</sup> The proposal allowed for 30 days of public comment (December 11, 2015 to January 9, 2016). This public comment period was extended to February 1, 2016.<sup>10</sup> A public oversight roundtable on the proposal was held on January 8, 2016.<sup>11</sup> After reviewing all public comments, including comments from the roundtable, DDOT and DMV further refined the proposal and published a second proposed rulemaking on January 20, 2017.<sup>12</sup>

DDOT uses subject matter experts in research, policy, and operations to inform proposed regulations. After publishing proposed regulations, the agency is required to take into account the feedback of residents and Advisory Neighborhood Commissions (ANCs), advocates and others who offer testimony through venues such as public hearings.

<sup>9</sup> Transportation, District Department of - Notice of Proposed Rulemaking - Vision Zero. Notice ID: 5771905. December 11, 2015: <http://dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=5771905>

<sup>10</sup> Transportation, District Department of, and Motor Vehicles, Department of - Notice to Extend Public Comment Period for Vision Zero Rulemaking. Notice ID: 5822830. January 15, 2016: <http://dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=5822830>

<sup>11</sup> Council of the District of Columbia, Committee on Transportation and the Environment. Notice of Public Oversight Roundtable on The District Department of Transportation’s Proposed Vision Zero Regulations. December 28, 2015: [http://dccouncil.us/files/user\\_uploads/event\\_testimony/2015\\_12\\_29\\_10\\_20\\_38.pdf](http://dccouncil.us/files/user_uploads/event_testimony/2015_12_29_10_20_38.pdf)

<sup>12</sup> Transportation, District Department of, and Motor Vehicles, Department of - Notice of Second Proposed Rulemaking - Vision Zero. Notice ID: 6369134. January 20, 2017: <http://dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=6369134>

## 5.1. Summary of Public Feedback on the First Proposed Rulemaking:

Through written public comments and testimony presented to the Council during the first public roundtable on Vision Zero, DDOT and DMV received significant support for, as well as significant opposition to, the first proposed rulemaking. Primarily, the opponents cited the high dollar amount of fines for certain moving violations, and the focus of such fines on motor-vehicle operators and not equally on pedestrians and bicyclists. In response, DDOT and DMV reduced the proposed amounts of certain fines, and increased or created new infractions for dangerous behaviors for pedestrians and bicyclists.

During the first proposed rulemaking, DDOT received 298 total comments. Of the total comments, 26 generally supported the proposal and 57 generally opposed them. The remaining 215 of the comments contained a specific recommendation to adjust a particular provision within the proposal. Also of note, 203 comments were from members of the Washington Area Bicyclist Association, generally expressing support or providing a specific recommendation.

### Summary of Opposition:

In response to the first proposed rulemaking, negative comments indicated that:

- Fine amounts were too high;
- Fines and rules only focused on drivers;
- There was a lack of confidence in the correlation between fine amounts and compliance;
- High fines would disproportionately affect low-income people;
- Lower speed limits in new “Safe Zones” related to specific facilities (e.g. schools, recreational centers, senior centers) should not apply 24-hours per day.

### Summary of Support:

- In general, supportive public input did not recommend any specific modifications to the first proposal. Some supportive commenters requested that we add infractions for dangerous driving, or that proposed fines for dangerous driving be further increased. DDOT did not incorporate these recommendations in the second proposal, because the agency determined the fine increases and violations already included were sufficient. Supportive commenters focused solely on driver behavior, and further focus on this mode of transportation would not have been responsive to the request for more multi-modal consideration.

## 6.0 Second Proposed Rulemaking

In response to public comments, DDOT revised the fine structure in the second proposed rulemaking based on the following framework in Table 8. DDOT created separate fine structures for drivers and pedestrian and bicycle violations because of the relative risk associated with different vehicle types. The table on the following page includes the full range of regulations considered, including some that DDOT has not proposed any changes to.

Hazard Level	Driver Violations	Bicycle and Pedestrian Violations
Low	<\$100	<\$50
Moderate	\$100-\$200	\$50-\$100
High	\$200-\$400	\$100-\$150
Very High	>\$400	>\$150

Figure 8. Revised Fine Structure Framework

The second proposed rulemaking reduces the proposed fines for “super-speeders” going more than 25 mph over the speed limit. The proposal differentiates between controlled access roadways (i.e. freeways and interstates) and non-controlled access roadways (i.e. local streets). This difference is critical. Controlled access roadways have wider lanes, safety features such as guardrails, and do not allow pedestrian and bicycle access. Non-controlled access roadways are often neighborhood streets, with narrow lanes, lower speed limits, and abundant multi-modal activity with vulnerable travelers. The second proposal brings fines for non-controlled access roadways into line with the existing fine for driving 30 mph over the speed limit, but does not include the criminal charges applied to 30 mph in excess. In simple terms, “super-speeders” would risk the following fines:

- 26 MPH in excess of posted speed limit on a highway: \$400
- 26 MPH in excess of posted speed limit on a local street: \$500
- 30 MPH in excess of posted speed limit on any street: \$500 + criminal

The proposal sets the default time for slow zones around schools, recreation centers, and libraries to 7am to 11pm, when pedestrians are more likely to be present, instead of 24 hours per day, seven days per week. It also adds or strengthens infractions for bicyclists and pedestrians who engage in hazardous behavior, such as distracted biking or striking a pedestrian while biking on the sidewalk.

In response to specific feedback, and in order to maintain proportionality with existing fine amounts, DDOT included further adjustments in the second proposed rulemaking:

- Elimination of the fine for failure to quickly clear a vehicle in the travel lane from the scene of a crash;
- Reduction of the fine for a driver striking a cyclist to \$150 from \$500 (the current fine is \$75);

- Reduction of the fine for stopping/standing/parking in a bike lane to \$150 from \$200 (the current fine is \$65);
  - Elimination of a separate fine for commercial vehicles;
- Reduction of the fine for driving on a sidewalk to \$150 from \$200 (the current fine is \$50);
- Reduction of the fine for dooring to \$50 from \$100 (current fine is \$25);
- Inclusion of handheld devices in the \$50 fine for riding a bicycle, carrying objects which prevent operator from keeping one hand on handle bars (current fine is \$25);
  - Eliminated a separate fine for “texting” while riding a bicycle;
- Retained new \$100 fine for colliding with a pedestrian while riding on a sidewalk;
  - Eliminated separate fine for riding a bicycle on a sidewalk where not permitted and striking a pedestrian; and
- Set new fine for a bicyclist colliding with a pedestrian crossing the roadway with the right of way to \$150.



	<i>Risk Factor</i>	<i>Intentionality/ Enforceability Factor</i>	<i>Existing</i>	<i>1st Proposed Rulemaking</i>	<i>2nd Proposed Rulemaking</i>
<b>Dangerous Driving</b>					
Driving 26 – 29 MPH in excess of posted speed limit (non-controlled access roadway)	Very High	Very High	\$300	\$1,000	\$500
Driving 26 – 29 MPH in excess of posted speed limit (controlled access roadway)	Very High	Very High	\$300	\$1,000	\$400
Driving 21 – 25 MPH in excess of posted speed limit	High	Very High	\$200	No Change	No Change
Driving 16 – 20 MPH in excess of posted speed limit	Moderate	Very High	\$150	No Change	No Change
Driving 11 – 15 MPH in excess of posted speed limit	Moderate	High	\$100	No Change	No Change
Driving up to 10 MPH in excess of posted speed limit	Low	Moderate	\$50	No Change	No Change
Speeding in "safe zone" (playground, pool, recreation facility, athletic field, or senior center) or a school zone	High	High	N.A.	\$100	\$100
Colliding with a bicyclist (driver)	Moderate	High	\$75	\$500	\$150
Colliding with a pedestrian (driver)	High	High	\$500	No Change	No Change
Ignoring a stop sign (driver)	High	High	\$50	\$100	\$100
Failure to have side guards installed on applicable vehicles	Moderate	High	N.A.	\$100	\$100
Overtaking another vehicle stopped at a crosswalk or intersection for a pedestrian	High	Moderate	\$250	\$500	\$500
Passing stopped school bus or multi-purpose school vehicle when light flashing or stop signal arm activated	High	Moderate	\$500	No Change	No Change
Stopping, standing, or parking a vehicle in a bicycle lane	Moderate	Moderate	\$65	\$200	\$150
Opening door or permitting door to open on either side that poses danger to a pedestrian, cyclist, or motor-vehicle	Moderate	Moderate	\$25	\$100	\$50
Failure to yield right-of-way to vehicle or pedestrian (driver)	Moderate	Moderate	\$50	\$200	\$100
Failure to stop and give right-of-way to pedestrian in roadway (driver)	Moderate	Moderate	\$75	No Change	\$150
Passing Red Light	High	Very High	\$150	No Change	No Change
Median strip, channelizing island or safety zone (raised with curb), driving on or over	Moderate	Moderate	\$100	\$500	\$200
Driving on or over sidewalk	Moderate	Moderate	\$50	\$200	\$150
Following another vehicle too closely	Low	Moderate	\$100	No Change	No Change
Failure to yield to bus	Moderate	Low	N.A.	\$500	\$100
Failure to clear a vehicle from a lane	Low	Moderate	N.A.	\$500	No Change
Failure to completely stop while turning right on red (driver)	Moderate	Low	\$50	\$200	\$100
Violation of "No Turn on Red" sign (driver)	Moderate	Low	\$50	\$200	\$100
Move Over for emergency vehicles / reduce speed on approach	Low	Low	N.A.	\$500	\$100
<b>Dangerous Bicycling</b>					
Carrying objects which prevent operator from keeping one hand on handle bars	High	High	\$25	No Change	\$50
Hazardous Driving	Moderate	Moderate	\$25	No Change	No Change
Colliding with a pedestrian while riding a bicycle on a sidewalk	High	High	N.A.	N.A.	\$100
Failure to yield right of way (while riding a bicycle)	High	Moderate	\$25	No Change	\$50
Colliding with a pedestrian crossing the roadway with the right-of-way (while riding a bicycle)	High	High	N.A.	N.A.	\$150
Hitching on a vehicle while bicycling	High	Moderate	\$25	No Change	\$50
Riding on sidewalk where not permitted	Moderate	Moderate	\$25	No Change	No Change
Riding (a bicycle) with a headset, headphones, or earplugs covering both ears	Moderate	Moderate	N.A.	N.A.	\$50
Excessive speed (while riding a bicycle)	Moderate	Low	\$25	No Change	\$50
<b>Dangerous Walking</b>					
Walking suddenly into the path of a vehicle, without the right-of-way, and colliding with a vehicle	High	Moderate	N.A.	N.A.	\$100
Failure to yield right-of-way to an emergency vehicle engaged in emergency response or patient transport using audible/visual emergency signals while walking	Moderate	Moderate	\$10	No Change	\$100
Walking against "Don't Walk" Signal	Moderate	Moderate	\$20	No Change	No Change
Crossing Roadway Where Prohibited	Moderate	High	\$10	No Change	No Change

Figure 9. Evolution of Proposed Rulemakings

## 7.0 Conclusion

After the careful research and analysis of the District’s existing schedule of fines, traffic safety literature, peer jurisdiction comparisons, and public input described in this report, DDOT and DMV published the second proposed Vision Zero rulemaking. Additional public input is encouraged.

### 7.1. Additional Public Input:

All persons interested in commenting on the subject matter in the second proposed rulemaking may file comments in writing by May 1, 2017, with Alice Kelly, Manager, Policy and Legislative Division, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington, D.C. 20003; and with David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024. An interested person may also send comments electronically to [publicspace.policy@dc.gov](mailto:publicspace.policy@dc.gov). Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, at:

<http://dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=6369134>