

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
B22-013, “Bicycle and Pedestrian Safety Technical Amendment Act of 2017,”
B22-019, “Personal Delivery Device Act of 2017,” and
B22-096, “Electric Vehicle Public Infrastructures Expansion Act of 2017”

Testimony of

Leif Dormsjo
Director
District Department of Transportation

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Committee on Transportation and the Environment

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Good afternoon Chairperson Cheh, Members of the Committee, staff and District residents. My name is Leif Dormsjo. I am the Director of the District Department of Transportation, commonly referred to as DDOT. I am here today to testify on Bill 22-013, the Bicycle and Pedestrian Safety Technical Amendment Act of 2017; Bill 22-019, the Personal Delivery Device Act of 2017; and Bill 22-096, the Electric Vehicle Public Infrastructures Expansion Act of 2017.

Bicycle and Pedestrian Safety Technical Amendment Act of 2017

I am encouraged by the consensus we have built around the need for safe streets in the District. Mayor Bowser’s Vision Zero initiative and the Bicycle and Pedestrian Safety Amendment Act of 2016 represent significant progress toward our shared goal of zero traffic fatalities and serious injuries. The Bicycle and Pedestrian Safety Technical Amendment Act of 2017 seeks to make minor adjustments or small additions to the strong law already in place.

One general recommendation in this bill is to remove the word *accident* and replace it with the word *crash*. Though a subtle difference, we have urged staff, residents, and media to avoid using the term *accident* since the launch of Vision Zero. Accident implies traffic violence is inevitable, unavoidable and no one’s fault. This perspective clashes with the Vision Zero conviction, which affirms that all severe collisions can be prevented and that dangerous choices, such as traveling while intoxicated or traveling at unsafe speeds are exactly that - intentional

choices, not *accidents*. Further, the implication that no party is liable in an *accident* could have legal ramifications in some cases.

Regarding requirements to regularly publish data online, this bill proposes adjustments to the frequency and specific data points to be provided. Given the high volume of data records produced on moving violations, we propose that this data be published quarterly instead of monthly to allow for more time to analyze the data and determine the best approaches to reporting. Also, we propose to just report the location of moving violations, rather than the ward and/or police service area, since these additional data points can be deduced from the location. This bill also proposes to remove the requirement to report the age of the driver and the jurisdiction of the driver's license, as most moving violations are captured through photo enforcement, and the system only records the characteristics of the vehicle and not the driver. The driver-specific information is only available when there is police initiated stop for a moving violation.

Another proposed technical amendment relates to the operation or parking of All-Terrain Vehicles (ATVs) in public space. We have clarified that it is unlawful to park, stop, stand, place or maintain an ATV or dirt bike in public space, *unless* this is done in the process of immediately loading the ATV into a vehicle for transport to another jurisdiction.

Finally, this bill clarifies the provision regarding penalties for drivers who commit moving violations within work zones, recognizing that speeding within a work zone is especially hazardous, not only for workers who are vulnerable to collisions, but also for drivers and passengers. Work zones require greater caution on the part of drivers, given the potential for narrowed or shifted lanes or equipment close to the roadway. These hazards exist throughout the entire construction process and not only when workers are seen to be present or active on site. Therefore, speed limits are lowered, fines are increased and the increased fines apply at all times in a work zone to emphasize the importance of taking extra care while driving through work zones.

Since the introduction of this bill, DDOT has received guidance from the Office of the Attorney General (OAG) on how to provide access to collision data, while still protecting the privacy of an individual's health-related information. For example, the current law requires that if a person involved in a traffic collision has a physical disability, this fact must be reported. Given media coverage of traffic incidents, such reporting could allow an individual to be identified and connected to demographic data contained in our public reports. Based on OAG guidance, we would like to propose a new provision to the Pedestrian and Bicycle Safety Technical Amendment Act of 2017 that addresses these concerns. Specifically, we propose to add language that clarifies reported crash-related demographic

information must be aggregated and must not contain any personal information such as a person's name, address, or social security number, any other individually identifiable health information, or any other information that could be used to identify, contact, or locate individuals involved in a crash. DDOT staff would be happy to work with your staff on incorporating the OAG proposed language into the bill.

These are the most important adjustments we seek to make to the existing law. We propose several additional minor changes to improve internal consistency. These changes include reporting on locations with the highest frequency of fatal cyclist crashes and locations with fatal pedestrian crashes, and only notifying or providing access to the persons involved in a major crash of existing video footage of the crash.

Personal Delivery Device Act of 2017

The District is a national leader in the Smart Cities movement. Smart city technology leverages intelligent city infrastructure, including connected devices, sensors, and data analytics, to improve quality of life for residents, and enhance economic growth. Under Mayor Bowser's leadership, DDOT has pursued an agenda of inclusive innovation, and the Personal Delivery Device (PDD) Pilot Program is a great example of that goal. The concept has potential to achieve the three pillars of sustainability: economic benefit; environmental value; and social

equity. While the pilot program has been limited to certain areas within the city, the expanded program that could operate under this new legislation has the potential to bring food deliveries to food deserts and underserved neighborhoods in the District. The program represents an important step toward a more capable, inclusive, and smarter DC.

We see the opportunity to mitigate some of the drawbacks of the traditional commercial delivery model, in terms of safety, sustainability, and efficiency, using PDDs. PDD operations could eliminate the need for a portion of the large commercial vehicle deliveries, mitigate related safety threats to vulnerable users, and lessen environmental harm from vehicle emissions. Further, PDDs are mapping our sidewalks as they proceed on their delivery route and gathering data that could be valuable for DDOT's general maintenance operations.

DDOT has been working closely with Starship Technologies, the operator of the PDD Pilot Program, during the early stages of this pilot program. The pilot program was included in the Budget Support Act of 2016 and DDOT granted a public right of way occupancy permit to Starship Technologies, on November 8, 2016. By March 9, 2017, Starship had announced a retail partnership and began deliveries to customers shortly thereafter. DDOT has been working with Starship Technologies to identify the types of data they can provide that will help DDOT to properly evaluate the performance of the program.

Since DDOT’s primary responsibility is to ensure the safe, efficient operation of the transportation network, DDOT is continuously monitoring: how PDDs reduce vehicle miles traveled by large delivery vehicles, particularly on residential streets; how the devices function in public spaces with the highest pedestrian volumes; how the devices will perform during daylight and in the future non-daylight operations; and the number and nature of any safety-related incidents.

The Administration supports this bill and DDOT sees the future potential for PDDs to utilize the transportation network in a more innovative, safe and efficient manner. However, we believe it would be prudent to continue the current pilot for another six months to provide time to get more data on the program’s performance before allowing for expansion in number or location. DDOT would like to continue to work with Starship Technologies to expand on the data we have started to share so that it appropriately informs future decisions on how best to implement a permanent program.

Electric Vehicle Public Infrastructures Expansion Act of 2017

The District Department of Transportation (DDOT) agrees with the benefits associated with incentivizing the use of electric vehicles in order to reduce greenhouse gas emissions and achieve the goals of the new climate and energy framework, as articulated in the Clean DC Energy Plan. However, we believe that the best way to accomplish this is through the conversion of heavy duty fleet

vehicles, like the DC Circulator buses, to electric and alternative fuel vehicles rather than incentivizing the use of single occupancy personal vehicles. In fact, we are in agreement with our colleagues at the Department of Energy and the Environment (DOEE), that incentivizing electric charging of private vehicles in public space is likely to have a small impact on our climate goals, particularly for the level of public investment that would be required and for which we do not have budget appropriated. It also potentially leads to increased congestion and the undue encumbrance of public space for private benefit.

By way of background, DDOT launched the Park and Charge Pilot in November 2010 to provide electric vehicle users the ability to charge their vehicles at public curbside parking spaces. As part of this pilot, DDOT installed five Level 2 electric vehicle chargers (four on 2nd Place SE, and one on 14th Street NW). Since the launch of the pilot program, DDOT has been monitoring these five charging stations to better understand the occupancy and usage patterns. Generally, we have found that vehicles are parked for much more time than is needed to charge the vehicle. This raises questions about the best way to approach the expansion of electric charging infrastructure, as well as permitting and regulation of such infrastructure in public space. We want to ensure that these charging stations are actively used for electric vehicle charging and are not simply parking spaces for electric vehicles.

Chapters 24 and 26 of Title 18 and Chapter 2 of Title 24 of the District of Columbia Municipal Regulations (DCMR) were amended in 2010 to authorize installation of electric vehicle charging stations in public space. However, as we look at the continuously evolving landscape of electric vehicles, including those being used by for-hire vehicle companies, as well as the advent of autonomous electric vehicles, we believe the private sector is poised to deploy charging infrastructure as an amenity in private parking garages and lots or through other initiatives aimed at attracting consumers to different vehicle brands.

The bill as currently drafted requires DDOT to install 15 charging stations in public space, and that chargers are installed in each ward. DDOT agrees that we should be considering the equitable distribution of electric vehicle usage and charging infrastructure throughout the District so that all may benefit from the emissions reductions. We plan to continue to find ways to move our Circulator buses to cleaner technologies as we replace or augment the fleet, and to work with our partners at WMATA to help them move in that direction. We think these approaches will be the most effective in achieving our climate goals, while continuing to encourage alternatives to single occupancy vehicles to reduce congestion.

Finally, the bill requires DDOT to post a map of all publicly available charging stations on the DDOT website. We have already worked with private lots and garages to locate them on our maps accessible through the Web and our ParkDC mobile app. DDOT will commit to continuing those partnerships and establishing new ones in order to expand the data to include electric vehicle charging stations. We believe this is in keeping with our commitment to transparent, accessible data to help our residents and visitors navigate the District, and does not need legislation for us to move forward.

We look forward to working with the Council and the members of this Committee to continue to improve the availability of EV charging infrastructure in the District by identifying the best approach to accomplishing the District's policy goals.

This concludes my testimony. I appreciate the opportunity to work with the committee on these important issues. Thank you for allowing me to testify before you today. I am available to answer any questions that you may have.