

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
*District Department of Transportation*



Public Oversight Roundtable:

The District Department of Transportation's Second Proposed  
Vision Zero Regulations

Testimony of  
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Before the

Committee on Transportation and the Environment

Council of the District of Columbia

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Room 412  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
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Good morning Chairperson Cheh, members and staff of the Committee on Transportation and the Environment. I am Leif Dormsjo, Director of the District Department of Transportation or "DDOT." I am pleased to testify today on behalf of Mayor Bowser about the Notice of Second Proposed Rulemaking for Vision Zero, published for public comment on January 20, 2017 (Vol. 64, No. 3 DCMR). I would like to note that the public comment period for this proposal is still open and will remain open until Monday, March 6, 2017.

As you know, Mayor Bowser's Vision Zero initiative is guided by an action plan, with 67 strategies, that focuses on engineering, education, data, and enforcement. This proposed rulemaking is but one small piece of the plan. At DDOT we specialize in street design. The built environment and the safe design of our roadways is of paramount importance. The hallmark of Vision Zero is the safe systems approach and we are working diligently to improve our roadways. We have begun the process of making critical safety related changes to our infrastructure but, retrofitting or replacing our 1,153 miles of roadway will take time.

In 2016, DDOT installed 7 HAWK signals and 5 rectangular rapid flashing beacons. We filled 22 blocks of sidewalk gaps. We inspected and prioritized accessibility improvements for 724 curb ramps, 83 bus stops, and more than 92,000 linear feet of sidewalk. DDOT installed more than 6 miles of new bike



lanes, 1.6 miles of which are protected or buffered. We also upgraded 88 traffic signals, convened stakeholders at 8 new high-crash intersections, and have continued to improve the 5 high-crash intersections from 2015.

We recognize that it is physically impossible to design away every conflict. Vision Zero is holistic. That is why the action plan relies on the participation of all District government agencies. While we are building safer streets, we must also make enforcement more effective. This rulemaking only includes those specific ideas that require changes to current regulations, such as proposed adjustments to fines for moving violations. The National Highway Traffic Safety Administration (NHTSA) confirms that fines for moving violations change behavior and that predictable, frequent enforcement is effective, and that is what we aim to do. 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.” We believe that for extremely dangerous behaviors there should be harsh consequences.

The second proposed rulemaking reflects significant changes made in response to the public input we received. To date, DDOT has received little opposition to the bulk of the proposed regulatory changes, including protections for emergency responders and transit vehicles, requirements for side guards on commercial vehicles, and quick-clearance rules for minor crashes. We heard and responded to



requests to reduce proposed fine amounts and in the second proposal no fine is greater than \$500.

I would like to address the topic of traffic fines, because they are clearly important to our residents and visitors alike. The intent of fines is to modify and deter dangerous behavior through the issuance of escalating fines. Most people tend to obey the law but to ensure compliance we utilize fines. For example, we place a high value on protecting the urban environment and preserving the watershed in the District and indicate this by placing fees on the use of plastic bags as well as fines for failure to remove dog waste and for commercial vehicle idling. It is often through fines for failure to obey the law that the District communicates its policies and what is acceptable and unacceptable behavior.

The steeper fines are reserved for the more egregious or dangerous behaviors. We believe that driving double the speed limit is unacceptably dangerous and that the fine should be proportionate to the severity of the offense. Thus we propose a \$500 fine for driving 25 miles per hour above the speed limit on city streets (or non-limited access roadways).

Let me put this in context. The Bernice Fonteneau Senior Wellness Center is located on Georgia Avenue in Ward 1. Georgia Avenue is a 4-lane principal arterial that carries one of the District's highest ridership bus lines and thousands of cars. There are two uncontrolled crosswalks at this location. They are



accentuated with high-visibility pavement markings, and one has a raised concrete median surrounded by flex posts and “Stop for Pedestrians in Crosswalk” signs.

The speed limit in this location is 30 mph. If a driver fails to stop for a 70 year old senior in this crosswalk, the senior has a 37% chance of dying if struck. Now let's assume the driver is speeding 25 mph in excess of the speed limit, or 55 mph. That same senior has a 96% chance of dying if struck.

In a location like this, we are certainly striving to improve our street design. We are leveraging all of the education and outreach we can. But we will also use enforcement and deterrents to prevent such reckless behavior. The current \$200 fine for speeding 25 mph in excess of the speed limit is not enough; not enough when there is a 96% certainty that a human being will be killed if struck by a vehicle going this speed. Speeding at this rate is no accident. Just as passing a stopped school bus with its lights flashing or stop signal arm activated is no accident. That behavior already carries a \$500 fine. Excessive speeding is just as dangerous.

New York City, the first city in the nation to adopt Vision Zero, has seen steady success in safety outcomes since launching its initiative. The first three years of New York City's Vision Zero 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 with 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. For speeding, depending on the number of offenses within an 18-month period, the following maximum fines and points can apply: 10 mph in excess, \$618; 20 mph in excess, \$768; 30 mph in excess, \$768; 40 mph in excess, \$1,068. Likewise, reckless driving carries a maximum fine of \$1,218. For impaired driving, New York City uses the following scheme of penalties:

<b>Violation</b>	<b>Mandatory Fine</b>	<b>Maximum Jail Term</b>	<b>Mandatory Driver License Action</b>
Aggravated Driving While Intoxicated	\$1,000 - \$2,500	1 year	Revoked for at least one year
2 <sup>nd</sup> Aggravated Driving While Intoxicated within 10 years (Felony)	\$1,000 - \$5,000	4 years	Revoked for at least 18 months
3 <sup>rd</sup> Aggravated Driving While Intoxicated within 10 years (Felony)	\$2,000 - \$10,000	7 years	Revoked for at least 18 months

In New York City, the U.S. city at the forefront of Vision Zero, they believe that such penalties do in fact prevent injuries and fatalities by deterring dangerous behavior.

Regarding our proposed penalty for speeding 26 MPH in excess of the speed limit, we have revised the fine based on public input. We are now proposing a



maximum \$500 fine instead of a \$1,000 fine. The current fine is \$300. For context, in 2012, NHTSA listed nine 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's fine can reach \$2,500. Nationally, according to NHTSA data, the median maximum speeding fine is \$500. This proposal would put the District on a par with the median fine amount.

To be clear, driving 26 mph in excess of the speed limit is not the norm. From 2010 to 2014, the District issued 17,379 citations for driving more than 25 miles an hour over the speed limit, or just under 3,500 per year. About 60 percent of these violations were issued on city streets, with 40 percent issued on our freeways or interstates. These tickets represent less than 1 percent of nearly 2 million speed violations (both photo enforced and officer-initiated) over the same time period. These drivers are traveling at the highest end of the speed spectrum. If they crash, or collide with someone else, the likelihood of serious injury or death is high. That is why we have aimed the strongest deterrents at this group of outliers. In 2015, the CDC released state-by-state estimates of the cost of traffic fatalities, and projected that in the District, these deaths cost us \$35 million annually.

We often hear talk of monetary motivation behind enforcement efforts. Our motivation has nothing to do with revenue. This proposed fine is intended to modify behavior and to slow people down. Using moving violation data from



2010 to 2014, we estimate that nearly 3 million speeding tickets were issued. Only 0.8% (or about 24,000) were for driving 26 – 30 mph in excess of the speed limit. We would be more than happy for these “super speeders” to slow down and for us to never collect revenue from them as a result.

Deterring the most aggressive drivers is a common sense approach and one that resonates with District residents. During our surveys of nearly 3,000 people across all eight wards, the number one concern people said threatened their safety was speeding drivers. Their concerns are valid. From 2010 to 2014, speed contributed to at least 34 percent of fatalities. Our advice to drivers who do not want to pay a \$500 fine is simple: follow the speed limit.

Our proposal for safe zones with lower speed limits has the same goal: lower speeds to lower fatalities. If implemented, these safe zones would likely align with Bicycle and Pedestrian Priority areas required by the Bicycle and Pedestrian Safety Amendment Act of 2016. This law requires DDOT to investigate strategies such as lower speed limits in these areas. We do not believe simply changing the numbers on a sign will drastically change compliance. Rather, we intend to improve the infrastructure in these areas to help keep travelers at safe speeds. Safe speeds protect everyone – people walking and biking but also people behind the wheel.

DDOT already has the authority to set speed limits based on transportation studies. We have a mix of speed limits on our streets today, and these speeds are





intended to regulate the safety of the traveling public. Lower speed limits in and of themselves do not create congestion, they signal our expectation of behavior and lessen the severity of crashes. Lower speed crashes reduce the chances of fatalities and serious injuries. We think that lower speed limits need to be paired with design and engineering interventions so that the physical design of our streets also matches with the regulations.

The proposed rules also seek to clarify the regulations surrounding school zones. DDOT currently has signs posted across the District, and this would not change the criteria or placement of signs. It would clarify the hours of speed restrictions, which currently use inconsistent or confusing terms like “when children are present” or “School Days”. We think that by standardizing the time of enforcement, unless otherwise noted on the signs, we can provide more clear and consistent information to drivers and pedestrians. We do recognize that this regulation change will eventually require DDOT to replace just about every school zone sign. We think this will give us an opportunity to ensure these signs are located in the right locations and provide for the correct restrictions.

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This concludes my testimony today on the second proposed Vision Zero rulemaking. I want to thank you again for your leadership and for the opportunity



to testify before you and the Committee today. We look forward to continuing to work with you and your staff as we consider public comments, finalize and implement these important safety changes. I am happy to answer any questions you might have.

