

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



Public Oversight Roundtable:

The District Department of Transportation's Proposed Vision Zero Regulations

Testimony of  
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Director

Before the

Committee on Transportation and the Environment

Council of the District of Columbia

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Room 500  
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Good morning Chairperson Cheh, members and staff of the Committee. I am Leif Dormsjo, Director of the District Department of Transportation or “DDOT.” I am accompanied by Lucinda Babers, Director of the Department of Motor Vehicles and Assistant Chief Lamar Greene of the Metropolitan Police Department. I am pleased to testify today on behalf of Mayor Bowser about the Vision Zero Notice of Proposed Rulemaking which was published for public comment on December 11, 2015 (Vol. 62, No. 51 District of Columbia Municipal Register).

Last month I testified, along with representatives from the Department of Motor Vehicles and the Metropolitan Police Department, before this committee regarding pedestrian and bicycle safety and the District’s Vision Zero initiative. During that hearing, we mainly discussed the *legislative* proposals for Vision Zero and there seemed to be a general consensus around these important issues.

Today, the full Vision Zero Action Plan is publically available. The plan outlines over 60 strategies to eliminate traffic fatalities and serious injuries within 10 years, including engineering, education, and enforcement. The overall Action Plan is comprehensive, ambitious, aggressive, and proactive, and involves more than 30 agencies across District government. It will also be iterative, and the Action Plan emphasizes that there is no single policy, investment, or campaign that will get us to zero. Agencies stepped up to answer Mayor Bowser’s call to action



to take an aggressive stand on traffic safety and define new programs, such as DCPS's initiative to teach all 2<sup>nd</sup> graders how to safely ride a bike; DDOT, OCTO, and MPD making crash data easily available to the public; or DMV, OAG, and MPD deterring impaired driving with a stronger ignition interlock program and strategic enforcement. The Action Plan is the District government taking the first steps towards achieving the vision.

The analysis that went into the Action Plan identified impairment and speed as two of the largest single contributing factors to fatalities in the District. From 2010 to 2014, impairment contributed to at least 40 percent of fatalities, and speed contributed to at least 34 percent. This is why two of our strongest actions have been around expanding the ignition interlock program as part of the legislative package discussed last month, and addressing the highest speed violations in the proposed regulations.

But achieving the vision will require everyone, including private citizens, to make the streets of the District safe for all users. Included in the Action Plan is a safety pledge, and I encourage everyone to read it and sign on to support it. I say this to note that the proposed regulations are only one enforcement technique among numerous other safety strategies in our plan.<sup>1</sup>

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<sup>1</sup> The plan initially posted online erroneously stated that MPD planned to install 100 additional cameras. At this time, there is no plan to purchase additional cameras.



The Vision Zero initiative has depended upon public input in every stage of the process and these proposed regulations are also intended to benefit from a transparent public review and comment process, and to allow for the proper public comment, we will be extending the comment period through the end of January. We welcome the feedback we have already received, and I thank you for providing this opportunity to receive additional comments. I am listening and my staff is listening. We are ready and willing to make changes that address public concerns and achieve the overall goal.

Vision Zero is simple: the *Zero* means zero deaths, and that is the only goal that motivates the policies and strategies in our plan. We have made progress, but today, we are far from Zero. In 2014, there were 26 fatalities, including 12 pedestrians. In 2015, there were 26 fatalities, including 14 pedestrians. Tragically, only four hours into 2016, Ian Jerome Butts was crossing Minnesota Avenue, SE, in a crosswalk when a driver hit and killed him early in the morning of New Year's Day. Mr. Butts was 36, and left behind a wife, three children under five years old, and many people who today are grieving his loss. The driver fled the scene of the crash. We can't know every circumstance that led to the crash, but to eliminate traffic fatalities and serious injuries within 10 years, we need to do more than we are currently doing on all fronts. While we have brought overall fatalities down



significantly in the past 20 years, the District has a persistent number of pedestrian and bicycle fatalities.

In many ways, the District is already recognized as a national leader in transportation safety. On December 10th, the U.S. Government Accountability Office (GAO) published a report entitled, “Pedestrians and Cyclists: Cities, States and DOT are Implementing Actions to Improve Safety.” The report listed the District as one of only three cities interviewed that are implementing a Vision Zero initiative, and cited the comprehensive nature of the approach. The same report noted that a persistent problem is “motorist speeding, which not only increases the likelihood of crashes with a pedestrian or cyclist, but also the probability that those crashes will cause death or a serious injury.”

The national data outlined in the GAO report tracks very closely with what we have experienced in the District. Despite national declines in overall traffic fatalities, the number of pedestrian and bicyclist fatalities nation-wide have remained steady. Most pedestrian fatalities occurred when it was dark outside, with almost 50 percent between 6pm and midnight. Pedestrian fatalities tend to happen on urban arterial roadways and more than half occurred at non-intersection locations. According to the GAO report, impairment, distracted driving and walking, and the lack of a “complete streets” approach, leading to higher vehicle



speeds and increased exposure, are major factors in fatalities for people walking and biking.

These are exactly the types of behavior the Vision Zero Action Plan and the proposed regulations seek to deter. During our surveys of nearly 3,000 people across all eight wards, the number one concern people said threatened their safety was speeding drivers, followed by distracted driving and people not following traffic laws. Over half of our residents commute by walking, biking, or taking transit, and even drivers are pedestrians at some point in their daily travels.

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I would like to speak specifically about the proposals in the Vision Zero rulemaking. The proposed rules include requirements that nearly every other state in the country already has, such as quick clearance measures and rules that protect first responders. It contains rules that create safe zones around our schools, residential areas, senior and recreation centers, and other locations. To date, we have received 250 public comments on the proposed rulemaking. Many of the comments have focused opposition to the increased fines, but there have been some in support of higher penalties as well. We welcome today's roundtable as an opportunity for hear further comments, and to encourage the dialogue to focus not just on opposition to the fines but to other potential opportunities to create a safer



transportation network for all users. The draft regulations offered for public comment are a first attempt to make changes to our traffic rules that advance Vision Zero. We are very open to other ways to achieve this goal. Specifically, the Vision Zero notice of proposed rulemaking includes proposals to:

- Add fines and points, which could lead to license revocation, to a driver's license for behaviors that endanger public safety personnel at the scene of a crash, or impede them en route or during patient transport. The District is one of the only jurisdictions in the country that hasn't yet formalized such rules. The proposed rules would create violations for:
  - Failing to move over or proceed with due caution when an authorized emergency vehicle is stopped on the side of the road.
  - Failure to proceed with due caution when approaching an incident in the roadway.
  - Overtaking another vehicle stopped at a crosswalk or intersection for a pedestrian.

The rules would also:

- Ensure the safety of first responders by requiring drivers approaching an emergency vehicle or a police vehicle using audible or visual signals to:
  - Yield the right-of-way and make a lane change into a lane not adjacent to the stopped emergency vehicle on a roadway having at



least four lanes proceeding in the same direction as the authorized emergency vehicle; and

- When approaching an incident, slow down to a speed that is ten miles per hour less than the posted speed if changing lanes is not possible.
- Avoid lane blockage by outlining the process for expediting the removal of vehicles involved in an accident or experiencing a mechanical problem.

Since 2008, the large vehicle fleet owned by the District has been required to have side underride prevention devices installed, to prevent people walking and biking from being run over. The proposed rules require the same of commercial vehicles. The rules:

- Require sideguards to be installed within 18 months on all commercial motor vehicles, over 10,000 pounds, registered in the District. Failure to do so would result in an inspection rejection sticker.

Vision Zero is committed to protecting the most vulnerable users. I can think of none more vulnerable a group than young children. As our community schools continue to offer more services outside of traditional school hours, we see the probability of children walking and biking nearby schools increasing, regardless of





the time of day, or month of the year. Our proposed rules seek to protect children at all times, by calming traffic at locations where they are likely to be present. The rules:

- Establish that on all streets adjacent to school buildings and grounds, the maximum lawful speed shall be fifteen miles per hour (15 mph) at the times indicated on official signs. When no times are indicated on official signs, the maximum lawful speed shall be fifteen miles per hour (15 mph) at all times.

In planning for Vision Zero, we have researched serious crashes involving buses, and have heard about the challenges that make safely operating a bus difficult. On Monday afternoon of this week, six Metrobus passengers were injured in Southeast, DC when a car forced a bus driver to slam on the brakes. Luckily, the bus driver avoided a collision, and none of the injuries were life threatening. To prevent dangerous driving and to eliminate unnecessary distractions for transit operators, the proposed rules:

- Require that motor vehicle operators in the same lane of traffic and behind a Metro bus shall yield the right-of-way to the bus if the driver of the bus, after stopping for passengers, is signaling an intention to enter the travel lane.



The proposed rulemaking includes eight new and 12 increased fines to emphasize the importance of obeying these new rules. Again, these proposals are part of a much larger plan of action. The new rules here are complements to the legislative proposals we discussed in December, which aim to ensure our streets are built to safely serve all users and to prevent impaired and distracted driving. The fines, points assessed on a driver's license, and other penalties associated with these proposed rules are one of many new tools to increase safety in our Vision Zero initiative.

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I want to talk specifically about the proposed fine for a particularly dangerous behavior: speeding in excess of 25 MPH above the posted speed limit. Driving at this speed is flagrantly dangerous and unacceptable. At 20 MPH, a pedestrian struck by a vehicle has a 94 percent chance of survival. At 50 MPH, there is a 25 percent chance, and this figure is even lower for vulnerable travelers like seniors and children. The default speed limit in the District is 25 MPH unless otherwise posted. To receive this fine while driving on a typical neighborhood street, for example, a driver must travel at 50 MPH, or double the speed limit.

The fines associated with these safety violations are intended to deter dangerous behavior. 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 are egregious cases of excessive speed that endanger people driving, walking, and biking in the District daily, and it is this very high end of the speed spectrum in the District that we focused on in these proposed regulations. Our initial analysis of ticket data also shows that 18 percent of these violations have gone unpaid compared with 12 percent of speeding violations overall in the same time period.

The academic research is inconclusive on the relationship between fines and desired outcomes. There is a body of research that supports this correlation, but it is not unanimous, and high fines alone are not sufficient to achieve the behavior change we need. I would like for the District to never issue this violation, but we need to be tough but fair with violations that are contributing to over a third of our fatalities.

The 25 MPH speeding fine is proposed to increase from \$300 to \$1,000 in the proposed rules. Again, these rules may be amended before implementation. We are currently considering what an appropriate increase would be, taking into consideration public input as well as similar speeding penalties in other states. According to the National Highway Traffic Safety Administration (NHTSA) in



2012, nine other states have 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. Virginia, Illinois, Georgia, and Oregon all have a higher fine than the District. Nationally, according to NHTSA data, the median maximum speeding fine is \$500. Only 13 other states have maximum fines equal to or lower than the District. Given the prevalence of speed in our fatalities, we think an aggressive stance on the highest speed offenses is warranted. We look forward to the public commentary today and during the remainder of the comment period to provide feedback on our proposal and identify other potential solutions.

I want to be clear that the proposed increase is not about the potential revenues. When drafting these proposals, we analyzed the key contributing factors to traffic fatalities and other states in the region and nationally. We did not consider the fiscal impact of these violations in budgetary terms, but we did conduct a rough analysis for this hearing. Using moving violation data from 2010 to 2014, we estimate that if the fine for speeding in excess of 25 MPH above the speed limit were increased from \$300 to \$1,000, the District would have generated approximately \$2.5 million in additional annual revenue. At the same time, in December of 2015, the Centers for Disease Control released state-by-state estimates of the cost of traffic fatalities, and projected that in the District, it is \$35 million annually.



The remainder of the new or increased fines in the proposed rulemaking follows this same logic. Safety violations that seriously endanger everyone on our streets need to carry serious penalties. To avoid penalties, drivers must simply follow the rules of the road. To truly change the culture in the District to one that embodies transportation safety, we cannot allow our regulations to signal that dangerous behaviors are acceptable. We need to provide the enforcement tools that prevent dangerous behavior and back up the education, engineering, and analysis that form the other pillars of Vision Zero. The proposed fines are a starting point for this discussion, and we are taking public feedback on the regulations seriously. Our goal is safety, and if there are ways to modify the proposed regulations to achieve this goal, we are very open to them.

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That concludes my testimony today on the 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 finalize and implement these important safety changes. My colleagues and I are happy to answer any questions you might have, and we look forward to hearing from members of the public as well.

