


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: July 10, 2020

SUBJECT: Fiscal Impact Statement – Vision Zero Enhancement Omnibus
Amendment Act of 2020

REFERENCE: Bill 23-288, Committee Print as provided to the Office of Revenue
Analysis on July 6, 2020

Conclusion

Funds are not sufficient in the fiscal year 2020 budget and the proposed fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill's implementation will impose significant capital and operating costs, both one-time and recurring, across multiple District agencies. The overall cost of the bill's implementation is approximately \$41.7 million in fiscal year 2021 and \$171 million over the four-year financial plan period. This fiscal impact statement assumes the bill's implementation will begin on October 1, 2020.

Background

Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries while also increasing safe and equitable transportation opportunities for all users and modes. The bill amends or imposes numerous planning, reporting, enforcement, infrastructure, and operational changes across multiple District agencies that are responsible for the movement of people across the District and achieving the District's Vision Zero goals.

The bill requires the District Department of Transportation (DDOT) to lead a Vision Zero public outreach campaign along with the Metropolitan Police Department (MPD), Department of Motor Vehicles (DMV), Department of Public Works (DPW), and the Washington Area Bicyclist Association. The outreach campaign should educate the public on automobile and bicycle interactions, emphasize a zero-tolerance policy for automobile-bicycle related injuries and fatalities, and include information on sharing the road and preventing the dooring of cyclists. The campaign shall involve ward-based

education forums to educate residents on these issues. The bill mandates that a cyclist have a rear lamp that can be steady or flashing and visible from 500 feet when riding at night and eliminates the current minimum requirement of a red reflector.¹ The bill also adds the DPW Director to the Bicycle Advisory Council.²

The bill formalizes or enhances the content of two policy and planning documents produced by DDOT. The bill requires DDOT to submit to Council a Multimodal Long-Range Transportation Plan (Plan) by September 30, 2021 and every five years thereafter. The Plan should address how to increase the share of commuter trips using public transportation to 50 percent of all trips, ensure equitable access to public transportation, specific roadway segments that will receive a dedicated bus lane, and include a list of high-risk intersections and corridors. The bill also enhances DDOT's required Complete Streets planning efforts³ to include a recognition of the need to have a connected transportation network for all modes, recommendations for using the latest and best design guidelines, performance standards with measurable outcomes, and next steps toward implementation. DDOT must report to Council on its progress toward implementing the Complete Streets policy by September 30, 2022 and every four years thereafter.

The bill makes several changes to the driving experience in the District to address potential conflicts with non-motor vehicle roadway users. The bill establishes the speed limit on all local and collector streets to 20 miles per hour. The bill also prohibits right vehicle turns on red traffic control signals at any intersection within four hundred feet of a playground, primary or secondary school, recreation center, library, or Metrorail station entrance or that has a bike lane running through it. The bill enhances the definition of distracted driving to include driving with over-the-ear headphones or ear buds in both ears and ensures that a driver's driving record will result in points for distracted driving violations. The bill also expands the parking prohibition for oversized vehicles to include parking alongside an unprotected bike lane.⁴

The bill imposes three requirements on DDOT as it relates to the built environment for pedestrians and cyclists. First, it requires any DDOT road reconstruction, major repair, or installation or replacement of a curb or gutter project where the roadway does not have sidewalks on both sides of the roadway to also include a sidewalk on the missing segment. When a new segment is installed according to this provision, it must also be built to connect to an existing sidewalk that is located within one tenth of a mile of the project-related sidewalk. Second, the bill requires DDOT to install or replace a pedestrian crosswalk with a high-visibility, marked crosswalk for any roadway segment without a marked crosswalk or that is undergoing a road reconstruction, major repair, or installation or replacement of a curb or gutter project. DDOT does not need to install a high-visibility, marked crosswalk if it can show that doing so would reduce pedestrian safety. Third, the bill requires DDOT to install a protected bicycle lane on any roadway undergoing a road reconstruction, major repair, or

¹ Bicycle Safety Equipment, effective November 1, 2013 (18 DCMR § 1204).

² District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1604).

³ Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code § 50-2381).

⁴ Stopping, Standing, or Parking Prohibited: No Sign Required, effective February 28, 2020 (18 DCMR § 2405.5).

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installation or replacement of a curb or gutter project if that roadway is also included in DDOT's Plan. DDOT must provide 30 days' notice to affected parties, the affected Advisory Neighborhood Commissions (ANC), and the affected Ward Councilmembers. DDOT does not need to install a protected bicycle lane if it can show the lane would be impractical or unnecessary as allowed in the bill.

The bill also requires DDOT to publish a report on every road reconstruction, major repair, or installation or replacement of a curb or gutter project costing over \$1 million to show how it relates to the Plan, increases safety for non-motor vehicle roadway users, increases equitable access to public transportation, fulfills a public safety goal, or is otherwise required by law.

The bill prohibits DDOT from issuing a public space permit for any road reconstruction, major repair, or installation or replacement of a curb or gutter project costing over \$1 million unless the permit application includes a plan to meet the same sidewalk and crosswalk requirements imposed upon DDOT projects and restoration or replacement⁵ of any bicycle lanes impacted by the project. Applicants must submit photographic evidence to DDOT that they have complied with these requirements and DDOT must ensure that any of the applicant's past projects performed after the bill's effective date have also been compliant with these requirements. The bill establishes as a Class 1 infraction⁶ the failure to return all bicycle lanes to their pre-construction condition and all crosswalks to the new high-visibility, marked crosswalk standard beginning 48 hours after the completion of the project when a public space permit has been issued.

The bill amends the automated traffic enforcement (ATE) program notification of violation requirements and prescribes an overall program expansion. The bill requires the Mayor to mail a warning notice to any registered vehicle owner when the vehicle is detected traveling eight or more miles over the posted speed limit and the Mayor does not enforce the ticket. The bill also requires the Mayor to expand the overall ATE program to achieve deployment of 75 red light cameras and ten bus lane enforcement cameras by January 1, 2022. The bill requires a second expansion to achieve deployment of 125 red light cameras and 30 stop sign cameras by January 1, 2024. The Mayor has currently deployed 40 red light, zero bus lane, and six stop sign cameras.

The bill makes several changes to DMV's activities and operations around the DMV Director's responsibilities, the driver's license knowledge test, the ignition interlock program, and how DMV collects traffic fines from out-of-state drivers. The bill adds the DMV Director to the Major Crash Review Task Force that reviews every crash investigated by the MPD's Major Crash Unit.⁷ The bill requires that any licensed driver moving into the District take the District's driver's license knowledge test if the test was not taken in their home jurisdiction within the last five years. The bill also expands the required information that needs to be included in the knowledge test to include bicycle safety requirements such as giving cyclists three feet of space, employing the Dutch reach

⁵ If the bicycle lane segment is longer than 50 feet, the applicant must replace it with a protected bicycle lane.

⁶ Classes of Infractions, effective December 23, 2016 (16 DCMR § 3200).

⁷ Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code § 50-1831).

method,⁸ and yielding to cyclists when turning. The bill also ensures that a driver required to participate in the ignition interlock program⁹ that fails to enroll in the program within 30 days shall have their driving privileges revoked and their vehicle registration suspended.

The bill requires the Mayor to negotiate with Virginia and Maryland to establish reciprocity agreements that require the participating jurisdictions to suspend or prohibit renewal of a vehicle registration or driver's license for the failure to pay a certain amount of non-moving and ATE program fines. The bill also authorizes the Mayor to enter into these reciprocity agreements with other states and jurisdictions. The bill authorizes the Mayor to allow the cooperating jurisdictions to receive a percentage of the fines recovered as compensation for their cooperation. The Mayor must report to Council by September 30, 2021 on the progress of its required negotiations with Virginia and Maryland, the content of any reciprocity agreements, and financial implications of any agreements.

The bill amends or enhances various traffic and motor vehicle infrastructure related reporting requirements. The Mayor is required to include motor vehicle speeds in their monthly motor vehicle collision reports and their quarterly moving infraction reports. The bill enhances DDOT's monthly reporting on citizen traffic calming petitions to include citizen petitions for new all-way stop or signalized local, collector, or minor arterial intersections. These reports should include detailed intersection information, an explanation as to why a petition was approved or denied, and the timeline to implement any changes. The bill renames an annual report on vehicle collisions with pedestrians and cyclists to the Vision Zero infrastructure progress report. The report should now include the fifteen most dangerous intersections for pedestrians and cyclists, details on the mitigation efforts that are included in the budget, and any interim mitigation efforts if the budgeted project is not expected to reach completion within two years of this progress report. The bill requires DDOT to develop a website that is easily searchable with a user tutorial that provides information from these reports and others required by law¹⁰ and anonymized data from the Department of Health's (DOH) annual Trauma Registry Report. The bill mandates DDOT to report on its website its inspection of a collision site where the collision resulted in death or is likely to result in death, what interim changes DDOT will make to the site, what permanent changes DDOT plans for the site, whether the site is a high-risk corridor identified in the Plan, and an explanation as to why DDOT does not believe interim or permanent measures are warranted.

The bill allows the Mayor to provide ten days' notice to an affected ANC and the Council regarding a vehicular or pedestrian traffic-related rule or other official document changes if DDOT published its reasoning on its website about how the change will enhance safety at a location that is designated as a high risk intersection or corridor in the Plan. Currently, the Mayor must provide 30 days' notice.

⁸ The Dutch reach method means using the hand furthest from the door to open the car door while looking over one's shoulder for cyclists.

⁹ Driving Under the Influence Repeat Offenders Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-238; D.C. Official Code § 50-2201.05a).

¹⁰ Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code § 50-1951.01 et seq.).

The bill requires the Mayor to design a process for owners of buildings with 50 or more residential units to submit plans to reduce or prevent congestion caused by loading vehicles and vehicles for-hire. DDOT must review and approve each of these plans.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2020 budget and the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill makes several changes across multiple agencies to implement the District’s Vision Zero goals. This fiscal impact statement assumes the bill’s implementation will begin on October 1, 2020.

DDOT is the lead agency for the District’s Vision Zero Initiative and is responsible for most of the infrastructure enhancements, reporting, educational initiatives, and vehicle incident reviews and studies associated with implementation of the Vision Zero Initiative. The bill requires DDOT to enhance any roadway capital projects to include sidewalks on both sides of the roadway and a protected bicycle lane when it overlaps with the Plan. DDOT has not planned for this level of work to be included in the relevant capital projects in the current capital improvement plan. DDOT will also need to maintain these new facilities once they are complete. DDOT must also ensure that public space permit applicants are also restoring and upgrading public infrastructure consistent with the bill’s requirements. The bill requires DDOT to run an education and marketing campaign around its Vision Zero activities. The bill establishes the speed limit on all local and collector streets at 20 miles per hour. All local streets are currently 20 miles per hour unless otherwise posted and the speed limits on collectors are usually higher. DDOT will need to change out all signs on these roadways to accommodate the new speed limit. DDOT is also required to ban right vehicle turns at red traffic signals within 400 feet of enumerated locations, unless it is unsafe to do so. DDOT will need to study all of these intersections to determine the safety of banning these right turns and then will need to install signage to effectuate the prohibitions at the pertinent locations. The bill also requires DDOT to further review and make improvements following an incident resulting in death or likely to result in death, so DDOT will need capital funds to make those interim and permanent changes. The bill enhances or introduces several of DDOT’s required reports related to Vision Zero that require one-time system or website updates. DDOT requires seventeen new employees to perform all of these functions across many of its divisions and offices. The chart below outlines the costs associated with DDOT’s implementation of its responsibilities under the bill.

District Department of Transportation Implementation Costs					
Fiscal Year 2021 – Fiscal Year 2024					
(\$000s)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Personnel	\$1,952	\$2,118	\$2,124	\$2,131	\$8,483
Public Outreach Campaign	\$125	\$125	\$0	\$0	\$250
One-time Studies	\$1,000	\$0	\$0	\$0	\$1,000
One-time Systems and Website Updates	\$170	\$0	\$0	\$0	\$170
Sidewalk and Bicycle Lane Capital	\$7,372	\$7,447	\$7,447	\$7,447	\$29,713
Recurring Reporting and Maintenance	\$845	\$845	\$845	\$845	\$3,380
Total DDOT Costs	\$11,464	\$10,535	\$10,416	\$10,423	\$42,996

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DOH does not believe that it is able to legally provide DDOT with the information the bill requires regarding the Trauma Registry Report. Therefore, DOH would need to build out its own dashboard to meet the bill's reporting and access to information requirements. To provide access to anonymized trauma data, DOH requires one new employee to update and maintain a new dashboard or website. It is important to note that even if the legal concerns were mitigated, DOH does not collect or report the required information in a manner that would be functional for DDOT's reporting and program enhancements would still be required.

Department of Health Implementation Costs					
Fiscal Year 2021 – Fiscal Year 2024					
(\$000s)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
DOH Personnel	\$150	\$151	\$151	\$152	\$604
DCHR Dashboard Build-Out, Integration, and Maintenance	\$300	\$300	\$300	\$300	\$1,200
Total DOH Costs	\$450	\$451	\$451	\$452	\$1,804

The bill mandates an expansion to the ATE program so that the program manages a total of 125 red light cameras, ten bus lane enforcement cameras, and 30 stop sign cameras by January 1, 2024. DDOT will need to purchase or lease the cameras, install them, review and process the tickets with the ATE program contractor, and repair and replace any broken cameras. The chart below outlines the costs associated with the ATE program expansion.

Automated Traffic Enforcement Program Expansion Costs					
Fiscal Year 2021 – Fiscal Year 2024					
(\$000s)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
ATE Camera Capital Purchases/Installs	\$1,750	\$1,750	\$2,680	\$2,680	\$8,860
ATE Camera Leases	\$246	\$492	\$492	\$492	\$1,722
Recurring Repair and Replacement	\$0	\$77	\$153	\$367	\$597
Recurring Ticket Review and Processing	\$269	\$537	\$989	\$1,441	\$3,236
ATE Program Personnel	\$233	\$233	\$757	\$757	\$1,980
Total ATE Program	\$2,498	\$3,089	\$5,071	\$5,737	\$16,395

DMV is the agency that manages the ATE program ticket processing contract and will incur additional costs for both the bill's proposed expansion of the program and the mailing of warning notices for any vehicle detected traveling more than eight miles per hour over the posted speed limit that does not receive a violation notice. DMV is also responsible for responding to inquiries and adjudicating moving violations, including those issued as part of the ATE program expansion and violations issued in response to the new 20 mile per hour speed limits and ban on right turns on red. The bill also requires DMV to update its driver's license knowledge test to include information about laws and policies to protect cyclists and to administer a knowledge test to every individual looking to convert an out-of-state license who has not taken a knowledge test within the prior five years. The bill requires DC to negotiate with Virginia and Maryland to establish reciprocity agreements to force the

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collection of ATE program and non-moving violation fines and penalties incurred by non-District residents.

DMV requires four new hearing examiners, a new legal instrument examiner, system updates, and ticket contract processing cost increases to implement the bill's provisions that will drive additional ticket issuances. DMV processes over 20,000 driver's license conversions from out-of-state and would need to establish a new DMV service center with associated personnel, rent, and technology costs to administer over 90 knowledge tests daily to these residents. DMV will also need to update the knowledge test to incorporate the bill's required bicycle-related information. DMV requires additional administrative staff to assist with all these new responsibilities and respond to increased customer inquiries. DMV can perform the required reciprocity agreement negotiations with existing budgeted resources. The chart below outlines the expected costs for DMV to implement the bill's provisions related to its operations.

Department of Motor Vehicles Implementation Costs					
Fiscal Year 2021 - Fiscal Year 2024					
(\$000s)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
New DMV Personnel^a	\$2,122	\$2,131	\$2,136	\$2,144	\$8,536
One-Time System/Program Updates	\$80	\$0	\$0	\$0	\$80
One-Time Service Center Costs	\$950	\$0	\$0	\$0	\$950
Recurring Service Center Costs	\$817	\$831	\$846	\$861	\$3,355
Ticket Processing Contract Costs	\$23,362	\$23,969	\$24,664	\$25,374	\$97,369
Total DMV Costs	\$27,331	\$26,931	\$27,646	\$28,379	\$110,290

Table Notes

^a Includes 31 new staffers, 21 of which are directly related to the new service center.

The following chart summarizes the overall impact of the bill's implementation by agency or program.

Summary of the Fiscal Impact of Bill 23-288					
Fiscal Year 2021 - Fiscal Year 2024					
(\$000s)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
DDOT Costs	\$11,464	\$10,535	\$10,416	\$10,423	\$42,996
DOH Costs	\$450	\$451	\$451	\$452	\$1,804
ATE Program Costs	\$2,498	\$3,089	\$5,071	\$5,737	\$16,395
DMV Costs	\$27,331	\$26,931	\$27,646	\$28,379	\$110,290
Total Costs	\$41,743	\$41,006	\$43,584	\$44,991	\$171,485