

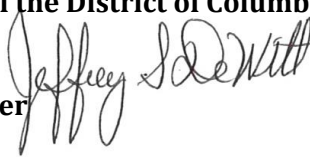
Government of the District of Columbia
Office of the Chief Financial Officer



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: June 1, 2016

SUBJECT: Fiscal Impact Statement – Bicycle and Pedestrian Safety Amendment Act of 2016

REFERENCE: Bill 21-335, Draft Committee Print as shared with the Office of Revenue Analysis on May 25, 2016

Conclusion

Funds are not sufficient in the fiscal year 2016 budget and the proposed fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the bill. The bill's implementation will cost \$35,000 in fiscal year 2017 and \$143,000 over the four-year financial plan period.

Background

In eight titles, the bill revises safety regulations that could affect pedestrians and cyclists.

Title I

Title I requires a number of regular reports from the District Department of Transportation (DDOT) and the Metropolitan Police Department (MPD). DDOT must publish on its website monthly collision data,¹ weekly reports on public space permits that effect pedestrian and bicycle pathways,² monthly data on citizen petitions for traffic calming measures,³ an annual report of twenty high crash locations,⁴ and a biennial general report on pedestrian and bicycle safety in the District. MPD

¹ The data should cover the preceding month with as much information that DDOT has available, such as the time and location of the collision and the number of persons killed or injured.

² The report should detail the timing and location of the sidewalk or bicycle lane closures for permits issued the preceding week.

³ The report should include the location and the status of the request for all petitions from the preceding month.

⁴ This report should be submitted to Council and include locations where pedestrians were most frequently seriously injured or killed and any inspections or changes DDOT made to the locations.

must publish a monthly report on all arrests and infractions issued for moving violations for the previous month.

Title II

Title II establishes a Bicycle and Pedestrian Priority Area Program. In the corridors selected for the program, DDOT will evaluate pedestrian and bicycle use and crash frequency and severity, and annually report to the Council on any infrastructure or traffic pattern changes in the corridors. The first report is due on July 1, 2017. A corridor retains the priority designation for at least five years.

Title III

Title III requires DDOT to establish a *complete streets policy*, which considers safe access and mobility for all users of the transportation network. This policy will guide all of DDOT's transportation planning and construction projects to ensure the inclusion and safety of all modes of transportation (walking, bicycling, public transit use) and encourage non-motorized transportation, unless costs or safety risks are unreasonably high. Beginning on July 1, 2017, DDOT should annually report to the Council on its *complete streets policy* implementation progress.

Title IV

Title IV establishes new rules for private bicycle insurance policies that can be sold in the District. No insurance company may cancel or refuse to renew an insurance policy unless the insured cyclist has failed to pay his or her premiums or the cyclist's bicycle registration certificate⁵ has been revoked. The insurance company must notify the policy holder in writing at least thirty days prior to the termination of the insurance policy. No applicant can be denied insurance for having a previous policy cancelled or for not having insurance previously. Consumers can appeal an action by an insurance company to the Commissioner of the Department of Insurance and Banking.

Title V

Title V requires the Mayor to develop a curriculum for first through fifth grade students on safe use of bicycles and bike lanes and trails; District traffic laws and regulations; and safe pedestrian practices.

This title also makes it illegal to open the door of a parked vehicle in a manner that interferes with a cyclist.

Title VI

Title VI expands the training requirement for drivers with digital dispatch companies⁶ to include a component on District traffic laws and regulations, including pedestrian and bicycle safety laws.

This title requires the Mayor to study remediation and deferred disposition programs (such as driving school or safety counseling) for moving and non-moving traffic violations for individuals seeking to keep a violation from affecting their driving records and insurance rates. The study, due July 1, 2017, should advise on whether the District should adopt such programs and, and if so, how best to implement them.

⁵ Registration can be through the National Bicycle Registry (<https://www.nationalbikeregistry.com/>) or through a District run registry if one is available.

⁶ Digital dispatch companies are those that provide for-hire vehicle services to the public through networks such as mobile phone applications.

Title VI also defines as aggressive driving any person who commits three or more of a series of offenses⁷ at the same time or in a continuous one mile period. An aggressive driving violation is punishable by a fine of \$200, two traffic points on the operator's record, and a requirement to attend traffic school.⁸

Under this title, all heavy duty-vehicles registered in the District, including those owned and operated by the District, will be equipped with blind spot mirrors or cameras, reflective blind spot warning stickers, and side-underrun guards.⁹ The blind spot protections must be in place by January 1, 2017, while the side-underrun guards must be in place by January 1, 2019. In addition to these protections, the District must do a study for the Council on the feasibility of audible pedestrian-alert technologies for District-owned heavy-duty vehicles.

Lastly, this title bans the parking of an all-terrain vehicle or dirt bike in public space and the sale of any all-terrain vehicle or dirt bike in the District and allows the Mayor to seize any vehicles in violation of this provision. The bill introduces a graduated penalty schedule for violations of all-terrain vehicle or dirt bike bans of \$250 for a first offense, \$500 for a second offense, and \$2,500 for a third or subsequent offense. Upon conviction, the owner's driver's license shall also be suspended for one year.

Title VII

Title VII expands the offenses for which an ignition interlock device is required to include first time convictions for operating a motor vehicle while under the influence of a controlled substance. First time offenders will receive a mandatory minimum sentence of five days; and drivers with two more offenses will receive a mandatory minimum sentence of 30 days. At present, there are no mandatory minimums for first time offenders and the minimum for those with two or more offenses is 15 days. The title increases the mandatory minimum sentence for "driving while impaired" from zero days to five days for conviction on a first offense, from five days to ten days for having one prior offense, and from ten days to thirty days for having two or more prior offenses.

It also mandates that licenses of drivers who have three "driving under the influence" or "driving while impaired" convictions be permanently revoked.

Title VIII

Title VIII requires MPD release footage from an automated traffic enforcement camera or any other type of MPD operated camera to individuals involved in a collision MPD's Major Crash Investigation Unit is investigating.¹⁰ The bill also establishes a Major Crash Review Task Force led by the Chief of MPD. The task force should review every collision under the jurisdiction of the Major Crash Investigation Unit if the United States Attorney's Office declines to pursue the case.

⁷ Offenses are enumerated in the bill, but include violations such as exceeding the posted speed limit, improper lane changes, failing to yield the right of way, failure to obey a traffic signal, and reckless driving.

⁸ Penalties are in addition to those for the underlying infractions.

⁹ Side-underrun guards are protections affixed to a heavy-duty vehicle that prevent pedestrians, cyclists, and other vehicles from sliding under the wheels of a large vehicle.

¹⁰ If the collision is part of a criminal proceeding, access to the visual evidence must be handled through existing discovery processes.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2016 budget and the proposed fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the bill.

Most of the required information, such as data on high risk intersections and traffic calming petitions, can be published with existing resources and executive agencies are currently working on streamlining data collection and display. At this time, DDOT cannot pull bicycle lane and sidewalk closures from its permit system in a way that would allow the agency to publish this data weekly. A system update will be required, but the cost of that update is not known at this time.

All District-owned heavy duty vehicles currently have or will be outfitted with blind spot mirrors and side underrun guards by the deadline. The District-owned vehicles do not have reflective blind spot stickers and the city would need to buy them at a cost of approximately \$2,000. The Department of Public Works can absorb this cost.

DDOT has already developed a bicycle and pedestrian safety curriculum and made it available to all District schools. The District of Columbia Public Schools system has incorporated the bicycle program into the second grade curriculum.¹¹

Three of the provisions – the *complete streets policy*, identification of twenty dangerous intersections, and bicycle and pedestrian priority areas – require DDOT to include in its reports to Council information on multi-modal infrastructure. While DDOT plans to enhance bicycle and pedestrian facilities, no additional funding is available in the budget for any specific enhancements for any construction or rehabilitation project.

The Department of Motor Vehicles (DMV) can undertake a study on remediation and deferred disposition programs with existing resources. DMV also oversees the ignition interlock program, but the program participants are responsible for all costs and there is no impact on the District's budget.

The Department of Insurance and Banking does not require any additional resources to hear appeals on the cancellation or non-renewal of bicycle insurance policies. The bill allows for cancellation or non-renewal only in cases of failure to pay premiums or revocation of a bicycle registration and that should limit the number of appeals.

The Metropolitan Police Department would require a part-time employee to meet the reporting requirements for data on moving violation arrests to make footage on crashes available to those involved in a crash (outside of existing discovery processes). This will cost \$33,000 in fiscal year 2017 and \$141,000 over the four-year financial plan period. The all-terrain vehicle prohibitions are consistent with how MPD currently enforces illegal vehicles and no additional resources are required.

¹¹ https://www.washingtonpost.com/local/education/all-dc-public-schools-students-will-learn-to-ride-a-bike-in-second-grade/2015/09/23/22a0b356-6203-11e5-b38e-06883aacba64_story.html