Council of the District of Columbia  
Committee on Transportation and the Environment

Committee Report  
1350 Pennsylvania Avenue, N.W., Suite 108, Washington, DC 20004

To: Members of the Council of the District of Columbia  
From: Mary M. Cheh, Chairperson  
Committee on Transportation and the Environment  

Date: June 1, 2016  
Subject: Bill 21-335 the “Bicycle and Pedestrian Safety Amendment Act of 2016”

The Committee on Transportation and the Environment, to which Bill 21-335, the “Bicycle and Pedestrian Safety Amendment Act of 2016” was referred, reports favorably on the legislation and recommends its approval by the Council of the District of Columbia.

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STATEMENT OF PURPOSE AND EFFECT

On September 16, 2015, Councilmember Cheh introduced Bill 21-335, the Bicycle and Pedestrian Safety Amendment Act of 2016. Title I of this legislation would require the District Department of Transportation (“DDOT”) to publish data on motor vehicle collisions, sidewalk closures, and citizen petitions for traffic calming measures, and would require the Metropolitan Police Department (“MPD”) to publish data on moving infractions. Title I of B21-335 would also require DDOT to produce reports on the locations of high crash intersections, and provide recommendations for improving bicycle and pedestrian safety. Title II of B21-335 would require DDOT to create a pedestrian and bicyclist priority area program. Title III of this legislation would require DDOT to adopt a complete streets policy. Title IV of B21-335 would implement consumer protection polices for purchasers of bicycle insurance. Title V of B21-335 would amend Title 18 of the District of Columbia Municipal Regulations to update rules on dooring prevention, and require the Mayor to develop and make available to schools a curriculum for elementary school students on the safe use of public streets by pedestrians and bicyclists.

Title VI of B21-335 would amend the Department of For-Hire Vehicles Establishment Act of 1984 to update training for vehicle for-hire operators and operators associated with digital dispatch companies. Additionally, Title VI would require the Mayor to transmit a report on whether the District should implement a remediation and deferred disposition program for individuals that commit moving or nonmoving infractions in the District, create a new traffic offense for aggressive driving, mandate that blind spot mirrors be installed on trucks registered in the District, require all heavy-duty vehicles registered in the District to be equipped with side-underlrun guards, and obligate the Mayor to transmit a report to the Council regarding the installation of pedestrian-alert technologies for District-owned vehicles. Title VI of B21-335 would also amend the District of Columbia Traffic Act of 1925 to enhance the penalties for operating or parking an all-terrain vehicle or dirt bike in the public right-of-way, and the Civil Asset Forfeiture Amendment Act of 2014 to classify such property as subject to civil asset forfeiture.

Title VII of this legislation would amend the District’s Ignition Interlock Program to require mandatory participation for all offenders that have a blood alcohol level above the legal limit, and impose a permanent license revocation for a third conviction for driving under the influence of alcohol or a drug, driving while intoxicated, or operating a vehicle while impaired. Title VII also amends the Anti-Drunk Driving Act of 1982 to increase the penalties for impaired driving for first time offenders and offenders with a blood alcohol content above .08 but less than .20. Title VIII of B21-335 would amend the Fiscal Year 1997 Budget Support Act of 1996 to facilitate public access to photographs and video footage of motor vehicle collisions captured by automated traffic enforcement cameras and other District-owned cameras. Title VIII would also create a task force to review crashes handled by MPD’s Major Crash Investigations Unit.
I. Background

In recent years, the District has experienced a substantial increase in the amount of commuters who traverse the city either on foot, or by use of a bicycle; in fact, almost 15 percent of residents now walk or bike to work.\(^1\) Although the approach taken by District residents to transit has begun to change, the District’s relevant laws and regulations have not received a comprehensive review or update in many years. The number of fatalities and serious injuries suffered by pedestrians and cyclists, meanwhile, continues to increase, year after year. Last year, 1,100 pedestrians were struck by vehicles in D.C, resulting in 15 deaths,\(^2\) and cyclists in the District face similar danger in their travels. In 2013 alone, seven bicyclists were killed in crashes,\(^3\) and in 2014, 356 cyclists were seriously injured in motor vehicle collisions.\(^4\)

In 2015, initiatives were launched by both the Council and the Executive to address the state of bicyclist and pedestrian safety in the District. First, in May 2015, Councilmember Cheh convened a Bicycle and Pedestrian Working Group to foster an open discussion on updating the District’s approach to the protection of the city’s most vulnerable commuters. The Working Group held six public meetings to evaluate the District’s existing approach to bicycle and pedestrian safety, consider actions taken in other jurisdictions, and discuss innovative proposals and solutions. Based on the input received from the Working Group, Councilmember Cheh introduced B21-335, the Bicycle and Pedestrian Safety Amendment Act of 2016, on September 16, 2015. Subsequently, following a review of the city’s laws and policies related to bicycle and pedestrian safety, the Executive introduced B21-383 the Vision Zero Act of 2015, on September 21, 2015, with a similar goal of enhancing the safety and well-being of bicyclists and pedestrians. The Committee held a hearing on both pieces of legislation on December 8, 2015. The testimony received at the hearing and the Vision Zero Act have informed the development of the Bicycle and Pedestrian Safety Act, a comprehensive piece of legislation which changes the way in which the District addresses and prioritizes safety concerns in the built environment, and encourages users of our transportation system to engage in safer behavior.

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\(^3\) See Courtland Milloy, *Give bicyclists their own roads*, WASH. POST: (Jan. 6, 2015), available at https://www.washingtonpost.com/local/give-bicyclists-their-own-roads/2015/01/06/d814428a-95e8-11e4-927a-4fa26380c1b0_story.html.

II. Legislative Action

A. Title I: Open Government, Transparency and Accountability

Bill 21-355 requires DDOT and MPD to publish detailed information on a wide array of subjects, including motor vehicle collisions, moving infractions, public space permits, and traffic calming measures. Currently, these agencies distribute only the broad strokes of information pertaining to these areas. However, this lack of nuanced data places a significant barrier on a proper diagnosis of safety issues for cyclists and pedestrians. By holding DDOT and MPD responsible for the collection of more detailed information for publication, this bill will facilitate a more agile response by government agencies and the public to any changes in the pattern of traffic incidents in the District. Moreover, to inform the development of transportation planning, B21-335 requires DDOT to formulate a number of reports examining the state of bicycle and pedestrian safety, and provide recommendations for ways to further safeguard the well-being of the city’s most vulnerable travelers.

i. Collisions and Moving Infractions

To facilitate full public access to District data on important safety information, B21-355 obligates DDOT and MPD to publish data on collisions and moving infractions, respectively. Specifically, this bill requires DDOT to publish on its website, at least once per month, data on motor vehicle collisions which includes: the date and time of a collision, the type of vehicle involved, the location of the collision, the Police Service Area, the number of fatalities or injuries, and certain demographic information about the persons involved in the crash. This publication must also include any apparent human factor or factors that contributed to the collision, as noted in MPD’s accident reports. B21-335 also imposes a requirement on MPD to publish on a monthly basis the following information related to moving infractions: the date, time, and location of the violation, the Police Service Area in which the moving infraction occurred, the agency that issued the notice of infraction, whether the notice of infraction was issued in person or by use of the automated traffic enforcement program, the provision of law violated, the jurisdiction in which the motor vehicle involved in the moving infraction is registered, the age of the driver of the motor vehicle and the jurisdiction from which the driver’s license was issued, and the year, make, model, and type of the motor vehicle that committed the moving infraction. These reporting requirements will enhance public awareness about traffic injuries and fatalities, and enable communities to compare their own experiences with available data.


6 Every resident lives in a Police Service Area (PSA), and every PSA has a team of police officers and officials assigned to it. There are a total of 56 PSAs in the District of Columbia. A list of all PSA’s is available at http://mpdc.dc.gov/page/police-districts-and-police-service-areas.
ii. Public Space Management and Traffic Calming

This legislation also creates a number of reporting requirements for DDOT as pertains to its management of public space. Specifically, under B21-355, DDOT must publish on its website, at least once per week, information on public space permits that would block a sidewalk, bicycle lane, or other public pedestrian or bicycle path. Data subject to publication includes: the location of the public space, public right of way, or public structure affected by the issuance of the permit, by ward, block or intersection, and coordinates, a description of the public space, public right of way, or public structure affected by the issuance of the permit, including whether the permit closes a sidewalk, bicycle lane, or other public pedestrian or bicycle path, the duration for which the portion of a sidewalk, bicycle lane, or other public pedestrian or bicycle path, will be closed, including the start and end date for the closure, a brief explanation of the reason for issuing the permit to close a portion of a sidewalk, bicycle lane, or other public pedestrian or bicycle path, and a description of any safe accommodation provided for pedestrians and bicyclists, as required by section 603(f) of the Fiscal Year 1997 Budget Support Act of 1996, or, in the event that a safe accommodation is not provided for pedestrians and bicyclists, an explanation for its absence.

Under B21-355, DDOT’s reporting requirements also extend to the publication of information relating to citizen petitions for traffic calming measures. Currently, if a request is made by a certain percentage of residents on a residential block, then DDOT will conduct a study examining the viability of traffic calming measures on a street. The agency’s process, however, is not transparent and it can be difficult for citizens to ascertain the status of their request. Accordingly, B21-355 calls for DDOT to publish on its website, at least once per month, the following information: the location of the requested traffic calming measure, the date that the citizen petition was submitted to the agency, the change or modification requested under the citizen petition for traffic calming, and the status of the citizen petition within the agency’s review of citizen petitions for traffic calming measures.

iii. Annual Reporting

To inform the development of safety planning in the city, Bill 21-335 requires DDOT to formulate and submit a report—by July 1, 2017 and annually thereafter—that identifies the 20 locations at which the highest number of collisions occurred during the preceding 5 years that resulted in the serious injury or death of a pedestrian or bicyclist. The report must describe any inspection conducted by DDOT at the locations identified, provide recommendations for how to decrease the number of collisions at the locations, offer a timeline for implementing the recommendations, and provide status updates on the implementation of recommendations provided in past reports. Additionally, by July 1, 2018 and every 2 years thereafter, DDOT must submit to the Council and make publically available a report which includes recommendations on the following: how to enhance the safety of bicyclists and pedestrians where motor vehicles make left and right turns, design arterial streets to minimize the risk of collisions, and improve the safety of pedestrians at un-signalized crosswalks.
B. **Title II: Bicycle and Pedestrian Priority Areas**

The District contains an increasing number of areas where the distribution of transit riders, pedestrians, and bicyclists is near or exceeding parity with motorists. B21-335 requires DDOT to establish a “Pedestrian and Bicycling Priority Areas” program to improve implementation of rapid infrastructure changes and enforcement attention in such geographic areas. Under the program, DDOT will designate areas around the District as Priority Areas, taking into account a number of criteria, including: area use by bicyclists and pedestrians, crash frequency, crash severity, and any other bicycle and pedestrian safety data collected by the agency. Upon being designated a Priority Area, the area will retain that designation for a period of at least 5 years. DDOT must submit an annual report by July 1, 2017, with detailed information regarding the implementation of the Bicycle and Pedestrian Priority Area Program. The report shall include an explanation of why the Priority Areas within the Program were selected, a summary of the improvements made in the previous year to each Priority Area, a description of modifications to traffic patterns and infrastructure that DDOT recommends occur within a Priority Area, and a timeline for the implementation of any potential alterations.

C. **Title III: Complete Streets**

Currently, the District lacks any legislative or regulatory requirement making “Complete Streets”—streets designed and operated to enable safe access for all users, including pedestrians, bicyclists, transit riders and motorists of all ages and abilities—the template for designing streets in the city. Streets should be designed for all users and need to be built to account for inevitable human errors. Safe streets require short and long-term engineering and capital improvements, as well as data-based analysis, education around safe behavior, and enforcement. Accordingly, B21-335 codifies the District’s current Complete Streets policy, and requires DDOT to design, operate, and maintain a transit network that accommodates safe and convenient access and mobility for all users of the District’s transportation system. By July 1, 2017, and annually thereafter, DDOT must submit report to the Council on the agency’s progress towards implementing the Complete Streets policy during the previous calendar year, as well as its plans for the upcoming year. These reports must incorporate performance measures established by DDOT to ascertain how well streets are serving all users and identify barriers to implementing the Complete Streets policy.

D. **Title IV: Bicycle Consumer Protection**

Generally, bicycles are covered under the personal property section of standard homeowner and renters insurance policies. Homeowner and renters insurance policies, however, provide low coverage limits and high deductibles. In recent years, the lack of viable insurance alternatives has lead cyclists to turn to turn to a newly burgeoning field, bicycle insurance.\(^7\)

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\(^7\) See, e.g., Evan MacDonald, *Specialized insurance, homeowner's plans can protect your bicycle: Breaking the cycle*, (Sept. 25, 2014), PLAIN DEALER (CLEVELAND, OHIO), available at, http://www.cleveland.com/metro/index.ssf/2014/09/specialized_insurance_homeowners.html (noting that "the number of riders who are interested in purchasing bicycle-specific insurance policies is increasing every year. In just the past year Velosurance [a Florida based bicycle insurance company] has tripled its income, thanks in part to partnering with bicycle shops across the country.").
While comprehensive insurance policies for cyclists are still of limited availability, as the marketplace for such plans continues to expand it is critical that the District have laws in place to ensure that residents who take advantage of such policies are protected from abuse. In this regard, B21-355 establishes a number of consumer protections for purchasers of bicycle insurance. For example, B21-335 prohibits insurers from canceling a bicycle insurance policy except for refusal or failure of the insured to pay a premium due under the terms of the policy of bicycle insurance and requires insurers who cancel or refuse to renew an insurer’s policy to provide 30 days’ notice to the insured prior to the effective date of cancellation. Title IV also bars an insurance insurer from failing or refusing to issue, renew, or cancel a policy of bicycle insurance in violation of the District of Columbia Human Rights Act of 1977. Finally, the legislation amends the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 to allow insurers that offer bicyclist insurance policies to require that an insured individual register his or her bicycle with the National Bike Registry or, if available, District agencies, and maintain such registration for the duration of the policy coverage.

E. Title V: Bicycle and Pedestrian Safety

Title V of B21-335 clarifies the District’s regulations regarding the civil offense of “dooring”, and requires the Mayor to incorporate transportation safety into all aspects of life in the District, including in our public school curriculum.

i. Dooring prevention.

The District’s current regulations on the offense of “dooring” state that: “[n]o person shall open any door of a vehicle unless it is reasonably safe to do so and can be done without interfering with moving traffic or pedestrians and with safety to such person and passengers.” This legislation offers clarity to this regulation by adding the word “bicyclists”, thus specifying that doors shall be opened without “interfering with moving traffic, bicyclists or pedestrians.”

ii. Universal street safety education.

Consistent with the practices of the safest countries in the world for bicycling and walking, B21-355 requires the Mayor to develop and make available to public and public charter schools in the District an educational curriculum for students in the first through fifth grade regarding the safe use of public streets and premises open to the public by pedestrians and users of bicycles. At a minimum, the curriculum shall address the safe use of bicycles, traffic laws and regulations, the utilization of bicycle lanes and trails, and safe pedestrian practices.

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8 See, e.g., Lotte Ruby and Camilla Liv Anderson, Cycling to Kindergarten, MINISTRY OF FOREIGN AFFAIRS OF DENMARK, available at http://denmark.dk/en/green-living/bicycle-culture/cycling-to-kindergarten (stating that “[i]n Denmark . . . cycling is a basic skill on par with walking and talking. Most Danish children can cycle by the time they start school – perhaps not perfectly, but they can usually keep their balance and steer a straight line . . . [s]chools . . . teach children about traffic rules and road safety, and participate in campaigns which support good cycling habits.”).
F. Title VI: Motor Vehicle Safety

Cyclists and pedestrians are all highly vulnerable to harm suffered as a result of a collision with a motor vehicle. B21-355 seeks to protect these users through a number of provisions addressing the behavior of drivers in the District. Specifically, this legislation enhances for-hire vehicle operator training to increase driver awareness of the rights and duties of bicyclists and pedestrians. Title VI also requires the Mayor to conduct a study on the efficacy of remediation and deferred disposition for traffic offenders, creates a new traffic offense for aggressive driving, mandates the installation of side guards and blind spot mirrors on trucks registered in the District, and requires the Mayor to formulate a report and recommendation as to whether District-owned, heavy-duty vehicles should be equipped with pedestrian-alert technologies. Finally, this legislation criminalizes the act of parking an all-terrain vehicle (ATV) or dirt bike on public property, as well as the sale or lease of such vehicles, and makes such property subject to civil asset forfeiture.

i. For-Hire Vehicle Training

For-hire vehicle operators are a large minority of the total vehicle operators on District streets at any given time. To ensure that these operators are prepared for complex traffic patterns involving pedestrians and cyclists, Bill 21-355 requires that drivers receive training on how to safely share the road with pedestrians and bicyclists. Additionally, this bill would also require that companies such as Uber and Lyft, which utilize digital dispatch technologies, train associated operators in how to properly and safely handle mobility devices and equipment and treat an individual with disabilities in a respectful and courteous manner. B21-355 also requires digital dispatch companies to train operators on District traffic laws and regulations, and the penalties for violating these laws and regulations, including: the rights and duties of motorists, which include not blocking the crosswalk or intersection, and not driving or stopping in a bicycle lane, and the rights and duties of pedestrians and bicyclists.

ii. Study of remediation and deferred disposition program

Most violations of District traffic laws by drivers are civil offenses that come with either a fine, points on a license, or both. Remediation programs allow an offender to attend a short driver safety course to forgo a fine or portion of the fine, and offer another opportunity to address a driver's illegal and dangerous behavior. This legislation requires the Mayor, before July 1, 2017, to transmit a report and recommendation as to whether the District should implement a remediation and deferred disposition program for individuals that commit moving or nonmoving infractions in the District. The report shall include the following: a review of the best practices in other jurisdictions, an examination of issues such as staffing levels and implementation costs, the moving and nonmoving infractions, if any, to which the remediation and deferred disposition program should apply, whether the remediation and deferred disposition program should reduce the entire fine or number of points assessed, or a portion of the fine or number of points assessed; and, if the Mayor recommends implementing a remediation and deferred disposition program, a detailed description of the content of any proposed safety course provided in the program, the process by which a person would participate in the program, and the alternatives available to participants in lieu of paying a fine or being assessed points.
iii. Aggressive driving

Between 2009 and 2014, aggressive drivers caused 70 fatalities and 1,540 serious injuries in the District of Columbia.\(^9\) To combat this dangerous behavior, B21-335 creates a new traffic offense for aggressive driving. Under this legislation, an individual is guilty of aggressive driving where he or she commits three or more specified dangerous offenses at the same time or during a continuous period of driving one mile. Violators will be subject to a fine of $200 and 2 traffic points, in addition to any penalty provided by law for the commission of any of the underlying offenses. Aggressive drivers will also be required to attend and successfully complete a traffic education course approved by the Department of Motor Vehicles.

iv. Side guards and blind spot mirrors on registered trucks; audible warning report

Large vehicles can pose a serious safety hazard to bicyclists and pedestrians, particularly when they turn. Bill 21-355 seeks to redress this problem by requiring that all heavy-duty vehicles registered in the District be equipped with blind-spot mirrors or a blind-spot camera system, and reflective blind-spot warning stickers by July 1, 2017. Additionally, by January 1, 2019, this legislation mandates that all heavy-duty vehicles registered in the District be equipped with side-underrun guards. Finally, by July 1, 2017, Bill 21-355 requires the Mayor to submit a report and recommendation to the Council as to whether DC Circulator buses and District-owned, heavy-duty vehicles should be equipped with pedestrian-alert technologies. The report must review best practices in other jurisdiction and examine issues such as cost, implementation, and feasibility, and provide a timeline for implementation if the Mayor recommends utilizing this technology.

v. All-terrain vehicles and dirt bikes.

The use of all-terrain vehicles and dirt bikes poses a serious risk to the safety and welfare of District residents, as two recent incidents amply demonstrate. First, on April 2, a District police officer was struck and injured by a group of riders operating all-terrain vehicles in Southeast D.C.\(^10\) Subsequently, on April 4, an ambulance transporting a child to Children’s National Medical Center was stopped by ATV riders, one of whom opened the door to the ambulance and accused the ambulance driver of cutting him off. Although the ambulance driver called 911, it wasn’t until police arrived that the ATVs dispersed and allowed the ambulance to continue.\(^11\) Such acts are unacceptable, and to deter future incidents involving these types of vehicles, B21-335 criminalizes the act of parking an all-terrain vehicle or dirt bike on public property in the District, prohibits the sale or lease of such vehicles within the city, and classifies ATVs and dirt bikes as property subject to civil asset forfeiture. The bill also provides for enhanced penalties for individuals who repeatedly flout these strictures, and requires the Mayor to suspend a violator’s driver’s license for one year for any violation of this section.

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\(^11\) Id.
G. Title VII: Drunk Driving

According to DDOT’s 2014 Strategic Highway Safety Plan, impaired driving contributed to 38% of traffic fatalities and 3% of serious injuries in the District between 2009 and 2013.\textsuperscript{12} To reduce the incidence of drunk driving, 25 states require the installation of an ignition interlock device\textsuperscript{13} upon the first conviction of a drunk driver.\textsuperscript{14} In the District, however, a first-time conviction for DUI only results in the automatic revocation of the operator’s license for 6 months, and an offender may apply for admission into the District’s Ignition Interlock Program (“Program”).\textsuperscript{15} The practice of revoking an offender’s license, however, rather than requiring an interlock for all DUI offenders is largely ineffective, as more than 50 percent of drunk driving offenders continue to operate a motor vehicle even after losing their license.\textsuperscript{16} Moreover, revocation policies are limited because they rely on intoxicated individuals to choose not to drive, and on police to identify impaired drivers. License revocation also prevents compliant drivers from driving even when sober, impairing the ability of residents to travel for work and daily activities.

The safest way to ensure that drivers are sober when they get behind the wheel is to monitor their driving behavior — and stop them if they attempt to start a vehicle after drinking.\textsuperscript{17} To accomplish this task, B21-335 requires all individuals to enroll in the District’s Program upon a first and second conviction for driving under the influence of alcohol or a drug, driving while intoxicated, or operating a vehicle while impaired, unless: (1) that offender has been convicted for a third time for DUI or DWI,\textsuperscript{18} (2) that offender has committed an offense listed in subsection (a)(2) through (6) the Anti-Drunk Driving Act of 1982, or (3) if an individual fails to comply with the requirements of the Program. In such situations, the offender shall not be enrolled in the Program, rather, their license shall be revoked.

Individuals will be enrolled in the Program for a six month period upon their first conviction. Upon a second conviction, offenders will be enrolled in the Program for 1 year. Persons enrolled in the program will be barred from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time, not to

\textsuperscript{12} See supra note 9 at 34.
\textsuperscript{13} An ignition interlock is a mechanism, like a breathalyzer, installed in a vehicle to deter drinking and driving. Before the vehicle can be started, the driver must deliver a breath sample into the device, and if the analyzed result is greater than the pre-programmed level, the device prevents the vehicle from being started.
\textsuperscript{15} See 18 D.C.M.R. § 311.3 (“Upon having his or her driver license revoked pursuant to . . . this title, a person may apply for participation in the ignition interlock program on a form provided by the Director.”).
\textsuperscript{17} See CENTERS FOR DISEASE CONTROL AND PREVENTION, Increasing Alcohol Ignition Interlock Use Successful Practices for States (2011), available at http://www.cdc.gov/motorvehiclesafety/pdf/impaired_driving/ignition-interlock_successful_practices_for_states-a.pdf. (observing that “[i]gnition interlocks reduce repeat offenses for driving while intoxicated by about 70% while they are installed.”).
\textsuperscript{18} Upon an individual’s third conviction for driving under the influence or operating a vehicle while impaired, that person shall have his or her license permanently revoked. However, the individual will be able to apply to the Department of Motor Vehicles five years after the date of their last conviction, and upon a showing of good cause, may have their license privileges restored.
exceed the period of license suspension, and must install an ignition interlock system on each
motor vehicle owned by or registered to the person. Pursuant to the individual’s compliance with
these, and any other strictures laid out by the Department of Motor Vehicles, the agency shall
issue to the offender a restricted license. To ensure compliance, B21-355 authorizes the
Department to revoke the participant’s operator’s permit or issue a civil fine for failing to
comply with the requirements of the Program. Finally, B21-355 raises the financial penalties and
mandatory minimum term of incarceration for individuals who are convicted of driving under the
influence or driving while impaired to further deter the occurrence of such behavior.

H. Title VIII: Major Crash Review

B21-335 creates a Major Crash Review Task Force to review every crash handled by
MPD’s Major Crash Unit, and to recommend changes to the District’s statutes, regulations and
policies to reduce the number of crashed resulting in serious injury or death. Additionally, if an
automated traffic enforcement camera or other District-owned camera19 captures a photograph or
footage of a collision handled by the Metropolitan Police Department Major Crash Investigation
Unit, the Mayor shall: within 14 days of the collision, inform all parties involved in the collision
of the existence of the photograph or video footage, ensure the preservation of the photograph or
video footage for 6 months, and within 14 days of the request of a party, provide access to the
photograph or video footage; provided, that where the photograph or video footage is evidence in
a criminal proceeding, access shall be provided through the existing discovery process for
criminal cases.

CHRONOLOGY OF ACTION

September 16, 2015 Introduction of Bill 21-335 by Councilmember Cheh

September 22, 2015 Referral of Bill 21-335 to the Committee on Transportation and the
Environment

September 25, 2015 Notice of Intent to Act on Bill 21-335 is published in the District of
Columbia Register

October 30, 2015 Notice of Public Hearing on Bill 21-335 is published in the District of
Columbia Register

December 8, 2015 Public Hearing on Bill 21-335 held by the Committee on Transportation
and the Environment

December 22, 2015 Hearing Record on Bill 21-335 closed

December 22, 2015 The Committee on Transportation and the Environment filed the Hearing
Record on Bill 21-335 with the Secretary to the Council

19 This provision does not include footage obtained from a body-worn camera.
June 1, 2016
Consideration and vote on Bill 21-335 by Committee on Transportation and the Environment

POSITION OF THE EXECUTIVE

On December 8, 2015, Leif Dormsjo, the Director of the District Department of Transportation, testified on behalf of the Executive on the matter of Bill 21-335. Director Dormsjo testified largely in support of B21-335, but expressed concerns regarding several issues. First, Director Dormsjo noted that if an automated traffic enforcement or other camera owned by the District with a capacity to record video captures a collision handled by MPD’s Major Crash Unit, any video is potential evidence of a crime. The Director asked for the legislation to be clarified to require that access to any video of a collision which is evidence in a criminal case be handled through the existing discovery process for criminal cases. Second, Director Dormsjo recommended that the Major Crash Review Task Force be amended to review only crashes involving fatal/disabling injuries. Third, Director Dormsjo opposed the inclusion of a provision allowing a cyclist approaching a stop sign or a steady red traffic sign to treat such an intersection as a yield sign when no other vehicles are present. Finally, Director Dormsjo opposed a proposed change to the definition of distracted driving which would have prohibited “operating a motor vehicle” instead of “operating a moving motor vehicle.”

RECOMMENDATIONS BY ADVISORY NEIGHBORHOOD COMMISSIONS

No Advisory Neighborhood Commission adopted a resolution concerning Bill 21-335 prior to the close of the hearing record.

LIST OF WITNESSES AND HEARING RECORD

On December 8, 2015, the Committee on Transportation and the Environment held a public hearing on Bill 21-335, the “Bicycle and Pedestrian Safety Amendment Act of 2016.” A video recording of the hearing can be viewed online at oct.dc.gov. The hearing record was open until December 22, 2015. The following witnesses testified at the hearing or submitted statements outside of the hearing:

Kurt Erickson, a representative of the Washington Regional Alcohol Program, expressed no comment on B21-335. Mr. Erickson suggested amending the proposed ignition interlock sanctions to apply to all persons convicted of either driving under the influence, or operating a vehicle while impaired in the District of Columbia.

Wayne McOwen, a representative of the District of Columbia Insurance Federation testified in support of B21-335. Mr. McOwen noted his opposition to the bill’s “stop-as-yield” provision, and contended that the legislation’s requirements regarding bicycle insurance policies could potentially be counter-productive.
Greg Billing, a representative of the Washington Area Bicyclist Association, testified in support of B21-335. Mr. Billing supported the inclusion of additional provisions regarding the prohibition of prohibiting right turns on red, increased penalties for parking in bike lanes, and reduced speed limits on residential streets.

David Cranor, a representative of the Bicycle Advisory Council testified in support of B21-335.

Joseph Riener, a representative of All Walks DC, testified in support of B21-335. Mr. Riener noted his support for the establishment within DDOT of a rapid response unit for pedestrian injuries.

Moira MacCauley, a representative of All Walks DC, testified in support of B21-335.

Tom Calcagni, a representative of AAA Mid-Atlantic, testified in support of B21-335.

John Townsend, a representative of AAA Mid-Atlantic, testified in support of B21-335.

Eileen McCarthy, a representative of the DC Pedestrian Advisory Council, expressed no comment on B21-335.

Carol Tyson, a representative of the United Spinal Association, testified in support of B21-335. Ms. Tyson suggested a number of technical changes to B21-335 to address the concerns of the disability community.

Jessie Raush, a Public Witness, testified in support of B21-335. Mr. Raush noted his concern with the lack of enforcement and public education for drivers, as pertains to bicyclists.

Jeff Johnson, a Public Witness, testified in support of B21-335.

Brian Sherlock, a member of ATU Local 689, expressed no comment on B21-335.

Jeff Rosenberg, a representative of ATU International, expressed no comment on B21-335.

Sherry Marts, a Public Witness, testified in support of B21-335.

Evan Thomas Arnold, a Public Witness, testified in support of B21-335.

Christina Quinn, a Public Witness, testified in support of B21-335.

Barry Meyer, a Public Witness, testified in support of B21-335.

Stephen Watkins, a Public Witness, expressed no comment on B21-335. Mr. Watkins expressed his support for the use of interlock devices, for increased traffic enforcement, and for the adoption of a "stop-as-yield" provision.
Edgardo Guerrero, a Public Witness, testified in support of B21-335.

Howard Crystal, a Public Witness, testified in support of B21-335.

Katherine Athanasiades, a Public Witness, testified in support of B21-335.

Bob Summersgill, a representative of the D.C. Chapter of the Sierra Club, testified in support of B21-335. Mr. Summersgill suggested a number of technical changes to the legislation, and also supported lowering the speed limit on the city's residential streets from 25 mph to 20 mph, banning right turns on red, and increasing fines for parking in bicycle lanes.

Cheryl Adams, a Public Witness, testified in support of B21-335.

Mya Sjogren, a Public Witness, testified in support of B21-335.

Jeff Wetzel, a Public Witness, testified in support of B21-335.

Leif Dormsjo, the Director of the District Department, testified in support of B21-335, but expressed his concerns with several aspects of the legislation. First, Director Dormsjo noted that if an automated traffic enforcement or other camera owned by the District with a capacity to record video captures a collision handled by MPD's Major Crash Unit, any video is potential evidence of a crime. The Director asked for the legislation to be clarified to require that access to any video of a collision which is evidence in a criminal case be handled through the existing discovery process for criminal cases. Second, Director Dormsjo recommended that the Major Crash Review Task Force be amended to review only crashes involving fatal/disabling injuries. Third, Director Dormsjo opposed the inclusion of a provision allowing a cyclist approaching a stop sign or a steady red traffic sign to treat such an intersection as a yield sign when no other vehicles are present. Finally, Director Dormsjo opposed a proposed change to the definition of distracted driving which would have prohibited “operating a motor vehicle” instead of “operating a moving motor vehicle.”

Will Handsfield, a representative of the Georgetown Business Improvement District, testified in support of B21-335.

Robin Butler-Francois, a representative of Advocates for Highway & Auto Safety, expressed no opinion on B21-335. Ms. Francois also supported a reduction in the speed limit to 20 MPH, the elimination of the option to turn right on red, and increased fines for parking in bicycle lanes.


Isabel Ricker, a Public Witness, testified in support of B21-335. Ms. Ricker also supported a reduction in the speed limit to 20 MPH, the elimination of the option to turn right on red, and for an increase in the scope of the District’s traffic enforcement scheme.
Corey Holman, a Public Witness, testified in support of B21-335.

Babak Sarani, a representative of the George Washington University Hospital, testified in support of B21-335. Mr. Sarani also advocated for the implementation of the Crash Outcome Data Evaluation System, to allow for a comprehensive analysis of motor vehicle injuries, by linking crash data with medical records.

Robert Fitzgerald, a Public Witness, testified in support of B21-335. Mr. Fitzgerald also articulated his support for a reduction in speed limit to 20 MPH, the elimination of the option to turn right on red, and for increasing the scope of the District’s traffic enforcement.

The Hearing Record for this public hearing is on file with the Office of the Secretary.

**IMPACT ON EXISTING LAW**

Title I of Bill 21-335 is freestanding and would not change current existing law.

Title II of Bill 21-355 is freestanding and would not change current existing law.

Title III of Bill 21-355 is freestanding and would not change current existing law.

Title IV of Bill 21-355 is freestanding and would not change current existing law.

Title V of Bill 21-355 would amend Section 2214.4 of Title 18 of the District of Columbia Municipal Regulations by inserting a reference to bicyclists in the provision governing the commission of the offense of “dooring.”

Title VI of Bill 21-355 would amend Section 47-2829(e)(2)(A) of the District of Columbia Department of For-Hire Vehicles Establishment Act of 1985, effective March 10, 2015 (D.C. Law 20-197; D.C. Official Code § 50-301.00 et seq.) by requiring the Department of For-Hire Vehicles to design a test for for-hire vehicle operators which assesses the applicant’s knowledge of District traffic laws and regulations and the penalties for violating these laws and regulations, including: the rights and duties of motorists, the rights and duties of pedestrians, and the rights and duties of bicyclists. Title VI also amends Section 20f-2 of the District of Columbia Taxicab Commission Establishment Act of 1985 by requiring companies that use digital dispatch to train associated operators in how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner. Title VI also amends the District of Columbia Traffic Act, 1925, effective April 5, 2005 (43 Stat 1119; D.C. Official Code § 50-2201.04b et seq.), by prohibiting an individual from parking an all-terrain vehicle or dirt bike on public property, or selling or leasing an ATV or dirt bike, with violators subject to enhanced penalties upon the first and subsequent violations. Title VI authorizes the Attorney General for the District of Columbia, or his or her assistants, to prosecute violations of this section, and provides that an all-terrain vehicle or dirt bike operated, parked, sold, or leased illegally shall be subject to forfeiture pursuant to the standards and procedures set

Title VII of Bill 21-355 amends the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a) to require that all individuals who hold a driver’s license issued by the District, and convicted of driving under the influence of alcohol or a drug, driving while intoxicated, or operating a vehicle while impaired, be enrolled in the District’s ignition interlock program for six months upon a first conviction, and for 1 year for a second conviction. Such persons would be disallowed from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time, not to exceed the period of license suspension, and they must install an ignition interlock system on each motor vehicle owned by or registered in their name. Title VII requires the offender to pay the cost of leasing or buying and maintaining and maintaining the ignition interlock system, and for the duration of the person’s participation in the Program, the Department shall issue to the offender a restricted license. The DMV may revoke the offender’s driving privilege for failing to comply with the Program or issue a civil fine.

Title VII also amends section 3d of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.01 et seq.) as follows: (1) subsection (a) is amended by striking the phrase, “be fined $1,000, or incarcerated for not more than 180 days, or both; provided, that:” and inserting the phrase, “be fined not less than $500 and not more than $1,000, or incarcerated for not more than 180 days, or both; provided, that a 5-day mandatory-minimum term of incarceration shall be imposed, and in addition:” in its place; (2) subsection (c) is amended by striking the phrase, “provided, that a 15-day mandatory-minimum term of incarceration shall be imposed, and in addition:” and inserting the phrase, “provided, that a 30-day mandatory-minimum term of incarceration shall be imposed, and in addition:” in its place; (3) a new subsection (d-1) is added to read as follows: “(d-1) In addition to any other penalty provided by law, and notwithstanding section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a), a person violating any provision of section 3b or 3c when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked without the ability to be reinstated.” Five years from the date of their last conviction, however, individuals may petition the DMV to have their license privileges restored.

Title VII also amends section 3f of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.15) as follows: (1) subsection (a) is amended by striking the phrase, “be fined $500, or incarcerated for not more than 90 days, or both” and inserting the phrase, “be fined not less than $250 and not more than $500, or incarcerated for not more than 90 days, or both; provided, that a 5-day mandatory-
minimum term of incarceration shall be imposed” in its place; (2) subsection (b) is amended by striking the phrase, “a 5-day mandatory-minimum term of incarceration” and inserting the phrase, “a 10-day mandatory-minimum term of incarceration” in its place; (3) subsection (c) is amended by striking the phrase, “a 10-day mandatory-minimum term of incarceration” and inserting the phrase, “a 30-day mandatory-minimum term of incarceration” in its place; (4) a new subsection (c-1) is added to read as follows: “In addition to any other penalty provided by law, and notwithstanding section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a), a person violating any provision of section 3e when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked without the ability to be reinstated.” Five years from the date of their last conviction, however, individuals may petition the DMV to have their license privileges restored.

Title VII also amends section 3t of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.55 et seq.) as follows: (1) subsection (a) is amended by striking the phrase “The Mayor or his or her designated agent” and inserting the phrase “Except as provided in subsection (a-1) of this section, the Mayor or his or her designated agent” in its place; (2) a new subsection (a-1) is added to read as follows: “(a-1)(1) Notwithstanding subsection (a) of this section, and except as provided in sections 3d(d-1) and 3f(c-1) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code §§ 50-2206.13(d-1) and 50-2206.15(c-1)), section 10a(d)(2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a(d)(2)), and paragraph (2) of this subsection, the Mayor shall restrict the operator’s permit of a person who has an operator’s permit issued by the District who is convicted or adjudicated a juvenile delinquent as a result of a violation of sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14), and such person shall enroll in the Ignition Interlock System Program, pursuant to section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a) (2) If a person who has an operator’s permit issued by the District is convicted or adjudicated a juvenile delinquent as a result of the commission of a violation of sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14), and an offense listed in subsection (a)(2) through (6) of this section, the Mayor shall revoke the person’s operator’s permit and such person shall not enroll in the Ignition Interlock System Program established by section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a).” Title VII also requires the Mayor to issue rules to implement the provisions of this section.

Title VIII of Bill 21-355 amends Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 et seq.), by requiring the Mayor to inform all parties of the existence of video footage of a collision handled by the Metropolitan Police Department Major Crash Investigation Unit, and to ensure that the footage is preserved for evidentiary purposes and to assist the parties in obtaining it, unless such footage is evidence in a criminal proceeding, in which case access to the video is to be handled
through the existing discovery process for criminal cases. Nothing under this section, however, shall be construed to alter or impair the rights of any person under Title II of the District of Columbia Administrative Procedure Act, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq). The Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules to implement the provisions of this section. Additionally, for purposes of this section, the term “District-owned camera” shall not include a body-worn camera.

**FISCAL IMPACT**

A fiscal impact statement issued by the Chief Financial Officer on June 1, 2016 is attached to this report. The Chief Financial Officer concluded that Bill 21-335 would have a fiscal impact. The bill’s implementation will cost $35,000 in fiscal year 2017 and $143,000 over the four-year financial plan period.

**SECTION-BY-SECTION ANALYSIS**

**TITLE I. OPEN ACCESS TO DATA AND INFORMATION**

Section 101. Definitions. This section would provide definitions for the terms “collision”, and “motor vehicle.”

Sec. 102. Publication of collision data. This section would require DDOT to publish on its website, at least once per month, data on collisions that occurred in the preceding month, which includes: the date and time of a collision, the type of vehicle involved, the location of the collision, the Police Service Area, the number of fatalities or injuries, and certain demographic information about the persons involved in the crash. This report must also include any apparent human factor or factors that contributed to the collision, as determined in MPD’s accident reports.

Sec. 103. Publication of moving infraction data. This section would require MPD to publish on a monthly basis the following information related to all notices of infraction issued for moving violations in the preceding month: the date, time, and location of the moving infraction, the issuing agency, whether it was issued in person or by use of the automated traffic enforcement program, the provision of law violated, the jurisdiction in which the involved vehicles are registered, the jurisdiction from which the driver’s license was issued; type of vehicle, the age of the driver of the vehicle, and the Police Service Area.

Sec. 104. Publication of information relating to permits for the occupation of public space, public rights of way, and public structures. This section would require DDOT to publish on its website, at least once per week, information on public space permits that would block a sidewalk, bicycle lane, or other public pedestrian or bicycle path. Data subject to publication includes: the location of the public space affected by the issuance of the permit, a description of the public space affected, the duration for which the portion of a sidewalk or bicycle lane will be closed, a brief explanation of the reason for issuing the permit to close a portion of a sidewalk or bicycle lane, and a description of any safe accommodation provided for pedestrians and
bicyclists, or, in the event that a safe accommodation is not provided, an explanation for the absence of a safe accommodation.

Sec. 105. Publication of information relating to citizen petitions for traffic calming measures. This section would require DDOT to publish on its website, at least once per month, the following information related to citizen petitions for traffic calming measures: the location of a requested traffic calming measure, the date that the citizen petition was submitted to the agency, the change or modification requested under the citizen petition for traffic calming; and the status of the citizen petition within the agency’s review of citizen petitions for traffic calming measures.

Sec. 106. Annual report on locations with the highest frequency of collisions that injure or kill pedestrians. This section would DDOT to formulate a report, due on July 1, 2017, and annually thereafter, that identifies the 20 locations at which pedestrians were most frequently seriously injured or killed as the result of a collision during the preceding 5 years, describes any inspection conducted by DDOT at the locations identified, provides recommendations for how to decrease the number of collisions at the locations and a timeline for implementing the recommendations, and provides status updates on the implementation of recommendations provided in past reports required by this section.

Sec. 107. Report on improving bicycle and pedestrian safety. This section would require DDOT to submit to the Council and the Mayor by July 1, 2018, and every two years thereafter, a report for improving bicycle and pedestrian safety, which shall include: recommendations on how to enhance the safety of bicyclists and pedestrians where motor vehicles make left and right turns, recommendations on how arterial streets may be designed to minimize the risk of collisions, recommendations on how to enhance the safety of pedestrians at unsignalized crosswalks, and a timeline for implementing the recommendations contained in the report. This section also requires DDOT to use the report to develop strategies and plans to improve bicycle and pedestrian safety.

TITLE II. BICYCLE AND PEDESTRIAN PRIORITY AREAS

Sec. 201. Bicycle and Pedestrian Priority Area Program. This section would require DDOT to establish a “Pedestrian and Bicycling Priority Areas” program to improve the implementation of rapid infrastructure changes and enforcement attention in a specific geographic area. This section would also require DDOT to submit an annual report, beginning on July 1, 2017, with detailed information regarding the implementation of the Bicycle and Pedestrian Priority Area Program. This section authorizes the Mayor to issue rules to implement the provisions of this title.

TITLE III. COMPLETE STREETS

Sec. 301. Complete Streets policy. This section provides definitions for the terms “Complete Streets policy” and “highway”. This section sets forth the goals of this policy, as well as its applicability and situations in which it would not apply to the management of the District’s transit network. This section also authorizes DDOT to issue rules to implement the provisions of
this title. This section would also require DDOT to report annually to the council by July 1, 2017 on the agency’s progress towards implementing the Complete Streets policy during the previous calendar year, as well as plans for the upcoming year. These reports must incorporate performance measures established to gauge how well streets are serving all users and identify barriers to implementing the Complete Streets policy.

**TITLE IV. BICYCLE CONSUMER PROTECTION**

**Sec. 401. Definitions.** This section provides definitions for the terms “bicyclist”, “commissioner”, “insured”, “named insured”, “operator” and “person”.

**Sec. 402. Consumer protection for bicycle insurance.** This section bars an insurer from cancelling a bicycle insurance policy except for refusal or failure of the insured to pay a premium due under the terms of the policy of bicycle insurance. This section provides that a cancellation or refusal to renew by an insurer of a bicycle insurance policy shall not be effective unless the insurer has delivered or mailed to the named insured, at his or her last known address, a written notice of intent to cancel or refusal to renew. Pursuant to this section, no insurer shall fail or refuse to issue a policy of bicycle insurance to an applicant, fail or refuse to renew a policy of bicycle insurance, or cancel a policy of bicycle insurance for any reason provided in violation of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 et seq.).

**Sec. 403. Appeals.** This section allows an insured to dispute the validity of a purported cancellation or nonrenewal by sending within 15 days of receipt of the notice of intent to cancel or not to renew, written notification to the Commissioner of the reasons the insured believes the action by the insurer is invalid. Decisions of the Commissioner shall be appealable pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.).

**Sec. 404. Immunity.** This section provides that there shall be no liability on the part of, and no cause of action of any nature against any employee of the District government, any insurer, its authorized representatives, its agents, its employees, or any firm, person, or corporation who, in good faith: furnishes to the named insured information as to the reason for cancellation or nonrenewal, makes any statement in any written notice of cancellation or renewal, makes any other communication, oral or written, specifying the reason for cancellation or nonrenewal, provides information pertaining to the insured, or makes statements or submit evidence at any hearing conducted in connection therewith.

**Sec. 405. Rights and policy terms.** This section provides that the rights provided pursuant to this title shall be in addition to and shall not prejudice any other rights the named insured may have at common law or otherwise. This section also permits an insurer that offers bicyclist insurance policies to require that an insured register his or her bicycle with the National Bicycle Registry, or, if available, a District agency, and maintain such registration for the duration of the policy coverage.
TITLE V: BICYCLE AND PEDESTRIAN SAFETY

Sec. 501. Dooring prevention. This section would update the District’s current regulations on the offense of “doorin” to reference bicyclists.

Sec. 502. Universal street safety education. This section would require the Mayor to develop and make available to schools an educational curriculum for children in the first through fifth grade regarding the safe use of public streets and premises open to the public by pedestrians and users of bicycles. This section requires that the curriculum address: the safe use of bicycles, traffic laws and regulations, the use of bicycle lanes and trails, and safe pedestrian practices.

TITLE VI. MOTOR VEHICLE SAFETY

Sec. 601. Public for-hire vehicle operator training. This section requires the training of for-hire vehicle operators in specific traffic concepts, including the rights, duties, and safety of motorists, pedestrians and bicyclists.

Sec. 602. Private for-hire vehicle operator training. This section requires that companies such as Uber and Lyft, which utilize digital dispatch technologies, train associated operators in how to properly and safely handle mobility devices and equipment, and to treat an individual with disabilities in a respectful and courteous manner. This section also requires that digital dispatch operators be trained in specific traffic concepts, including the rights, duties, and safety of motorists, pedestrians and bicyclists.

Sec. 603. Study of remediation and deferred disposition program. This section requires the Mayor, before July 1, 2017, to transmit a report and recommendation as to whether the District should implement a remediation and deferred disposition program for individuals that commit moving or nonmoving infractions in the District.

Sec. 604. Aggressive driving. This section would create a new traffic offense for aggressive driving. An individual is guilty of aggressive driving where he or she commits three or more specified dangerous offenses at the same time or during a continuous period of driving one mile. Violators shall be subject to a fine of $200 and 2 traffic points, in addition to any penalty provided by law for the commission of any of the underlying offenses. This section requires aggressive drivers to attend and successfully complete traffic educational sessions that are designed to improve the safety and habits of drivers, and that are approved by the Department of Motor Vehicles.

Sec. 605. Side guards and blind spot mirrors on registered trucks. This section would require that all heavy-duty vehicles registered in the District be equipped with blind-spot mirrors or a blind-spot camera system and reflective blind-spot warning stickers by July 1, 2017. Additionally, by January 1, 2019, this section mandates that all heavy-duty vehicles registered in the District be equipped with side-underrun guards.
Sec. 606. Audible warnings from public sector large vehicles. This section requires the Mayor to submit to the Chairperson of the Council committee with oversight of transportation a report and recommendation as to whether DC Circulator buses and District-owned, heavy-duty vehicles should be equipped with pedestrian-alert technologies. The report will review best practices in other jurisdiction and examine issues such as cost, implementation, and feasibility, and will provide a timeline for implementation if the Mayor recommends utilizing this technology. This section requires the report to be submitted by July 1, 2017.

Sec. 607. All-terrain vehicles and dirt bikes. This section prohibits an individual from parking at any time an all-terrain vehicle or dirt bike on public property, including any public space in the District. This section also prohibits the sale, or lease of any all-terrain vehicle or dirt bikes within the District, with violators subject to enhanced penalties upon the first and subsequent violations. This section authorizes the Attorney General for the District of Columbia, or his or her assistants, to prosecute violations of this section. An all-terrain vehicle or dirt bike operated, parked, sold, or leased in violation of this section shall be subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301 et seq.).


TITLE VII: DRUNK DRIVING

Sec. 701. Ignition Interlock Program. This section requires that all individuals who hold a driver’s license issued by the District, and convicted of driving under the influence of alcohol or a drug, driving while intoxicated, or operating a vehicle while impaired, be enrolled in the District’s ignition interlock program for six months upon a first conviction, and for 1 year for a second conviction. Such persons would be disallowed from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time, not to exceed the period of license suspension, and they must install an ignition interlock system on each motor vehicle owned by or registered in their name. This section requires the offender to pay the cost of leasing or buying and monitoring and maintaining the ignition interlock system, and for the duration of the person’s participation in the Program, the Department shall issue to the offender a restricted license. This section authorizes the DMV to revoke the offender’s driving privilege for failing to comply with the Program or issue a civil fine.

Sec. 702. This section amends the monetary penalties and the mandatory/minimum prison time for a conviction of DUI or DWI. This section also provides that when an individual has three or more convictions for driving under the influence, an individual shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked. An
individual may apply to the DMV for reinstatement of their license privileges five years from the date of their last conviction.

Sec. 703. Rules. This section requires the Mayor to issue rules within 180 days after the effective date of the Bicycle and Pedestrian Safety Amendment Act of 2016, as approved by the Committee on Transportation and the Environment on June 1, 2016 (Committee print of Bill 21-335) to implement the provisions of this title.

Sec. 704. Applicability. This section mandates that sections 701 and 702(c) of B21-355 shall apply upon the issuance of rules by the Mayor pursuant to section 703.

TITLE VIII: MAJOR CRASH REVIEW

Sec. 801. This section requires the Mayor—within 14 business days of a collision captured by an automated traffic enforcement camera or other camera owned by the District and handled by MPD’s Major Crash Investigation Unit—to inform all parties involved in the collision of the existence of the photograph or video footage, ensure the preservation of the photograph or video footage for 6 months from the date on which the photograph or video footage is created, and within 14 business days of the request of a party, provide access to the photograph or video footage, provided, that where the photograph or video footage is evidence in a criminal proceeding, access shall be handled through the existing discovery process for criminal cases. This section also authorizes the Mayor to issue rules to implement the provisions of this section. This section shall not be construed to alter or impair the rights of any person under Title II of the District of Columbia Administrative Procedure Act, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq).

Sec. 802. Crash Review Task Force. This section would create a Major Crash Review Task Force to review every crash handled by MPD’s Major Crash Unit and to recommend changes to the District’s statutes, regulations and policies to reduce the number of crashed resulting in serious injury or death. The Task Force shall begin review of a crash handled by the Major Crash Investigation Unit of the Metropolitan Police Department either upon receipt of notice that the United States Attorney’s Office for the District of Columbia has declined to bring any prosecutions related to the crash or if there is a criminal proceeding against an individual involved in the crash, a final judgment in any such criminal proceeding.

TITLE IX. FISCAL IMPACT; EFFECTIVE DATE

Section 901. Fiscal Impact Statement. This section contains the fiscal impact statement.

Section 902. Effective Date. This section contains the effective date.
COMMITTEE ACTION

On June 1, 2016, the Committee on Transportation and the Environment held an Additional Meeting to consider Bill 21-335, the “Bicycle and Pedestrian Safety Amendment Act of 2016.” Present and voting were Chairperson Mary M. Cheh and Councilmembers Allen, Todd, and McDuffie. Chairperson Cheh gave a brief opening statement that explained the bill. Councilmember Allen expressed concerns regarding Title III of the legislation, particularly with regard to Section 301(c), which requires that the Complete Streets policy be incorporated into the construction, reconstruction, and maintenance of all roads, unless certain conditions exist. Councilmember Allen noted that paragraph (4) of this section as proposed would give traffic engineers the opportunity to simply make a level of service assessment when considering whether to include safe accommodations for other modes, and that this language is unnecessary as other provisions in the section already authorize DDOT to construct alternate parallel routes when truly necessary. Councilmember’s Allen and Cheh agreed to address this issue at B21-355’s First Reading. Councilmember McDuffie raised several issues with regard to the legislation. First, Councilmember McDuffie noted that the Office of the Attorney General had several concerns regarding the imposition of a mandatory minimum for operating a vehicle while under the influence. Second, Councilmember McDuffie observed that the Metropolitan Police Department believes that another agency such as the DMV could publish moving infraction data in its stead. Third, the Councilmember expressed disquiet regarding the criminalization of the sale or lease of ATV’s or dirt bikes, particularly with regard to out-of-state residents. Fourth, Councilmember McDuffie raised concerns regarding the proposed mandatory revocation of a driver’s license upon a third conviction for DUI or DWI. Councilmember Cheh noted that the revised Committee Print had addressed this issue by providing residents with an opportunity to petition the DMV to restore their driving privileges, five years from the date of their last conviction. Councilmember Cheh also noted that the Office of the Attorney General was formulating a memo on these, and other issues, and that she would work to address these concerns before First Reading.

Chairperson Cheh then moved for approval of the Committee print of Bill 21-335. The Committee voted 4-0 to approve the Committee print with the members voting as follows:

YES: Cheh, Allen, Todd, McDuffie

NO: 0
PRESENT: 0

Chairperson Cheh then moved for approval of the Committee report on Bill 21-335. The Committee voted 4-0 to approve the Committee report with members voting as follows:

YES: Cheh, Allen, Todd, McDuffie

NO: 0
PRESENT: 0

The meeting was adjourned.
LIST OF ATTACHMENTS

(A) Bill 21-335, as introduced, with the Referral Memo
(B) Fiscal Impact Statement
(C) Legal Sufficiency Determination
(D) Comparative Print of Bill 21-335
(E) Committee Print of Bill 21-335
ATTACHMENT

A
Memorandum

To: Members of the Council

From: Nyasha Smith, Secretary to the Council

Date: September 17, 2015

Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, September 16, 2015. Copies are available in Room 10, the Legislative Services Division.


INTRODUCED BY: Councilmember Cheh

The Chairman is referring this legislation to the Committee on Transportation and the Environment with comments from the Committee on Judiciary.

Attachment

cc: General Counsel
    Budget Director
    Legislative Services
A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require the District Department of Transportation to publish crash data, moving violation data, sidewalk closure information, and citizen petitions for traffic calming measures; to require DDOT to produce reports on locations of dangerous collisions and recommendations for improving bicycle and pedestrian safety; to require DDOT to create a pedestrian and bicyclist priority area program; to require DDOT to adopt a complete streets policy; to allow bicyclists to observe stop signs as yield signs; to amend Title 18 of the District of Columbia Municipal Regulations to update rules on dooring prevention; to amend the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 to adopt policies related to bicycle insurance; to require DDOT, in collaboration with others, to notify schools and make available to existing curriculum regarding the safe use of public streets by pedestrians and bicyclists; to amend Title 47 of the D.C. Official Code to update training for vehicle for-hire operators; to amend the District of Columbia Taxicab Commission Establishment Act of 1985 to require training of operators associated with digital dispatch companies; to require the Mayor to transmit a report on remediation and deferred disposition program; to increase penalties for repeat offenders of traffic violations; to amend the Distracted Driving Safety Act of 2004 to remove references to moving motor vehicles with respect to distracted driving; to create the offense of aggressive driving; to require side guards and blind spot mirrors on registered trucks; to require the Mayor to transmit a report regarding pedestrian-alert technologies for District-owned vehicles; and to amend Title IX of the Fiscal Year 1997 Budget Support Act of 1996 Access to provide access to collision video captured by District-owned cameras, and to create a crash review task force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Bicycle and Pedestrian Safety Act of 2015”.

TITLE I. OPEN ACCESS TO DATA AND INFORMATION

Sec. 101. Definitions.
For purposes of this title, the term:

(1) "Collision" shall have the same meaning as provided in section 2(3) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(3)).

(2) "Vehicle" shall have the same meaning as provided in section 2(17) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(17)).

Sec. 102. Publication of collision data.

The District Department of Transportation shall publish on its website, at least once per month, the following data related to collisions occurring in the preceding month:

(1) The date and time of the collision;
(2) The type of vehicle or vehicles involved in the collision;
(3) The location, by ward, block, and coordinates, of the collision;
(4) The number of fatalities or injuries that result from the collision, disaggregated as follows:

(A) The number of motorists killed;
(B) The number of motorists injured;
(C) The number of passengers killed;
(D) The number of passengers injured;
(E) The number of bicyclists killed;
(F) The number of bicyclists injured;
(E) The number of pedestrians killed; and
(H) The number of pedestrians injured; and
(5) The apparent human factor or factors that contributed to the collision, including intoxication, driver inattention or distraction, speeding, failure to yield, and use of cell phones or other mobile devices.

Sec. 103. Publication of moving infraction data.

The Metropolitan Police Department shall publish on its website, at least once per month, the following information related to each moving infraction occurring in the preceding month:

(1) The date and time of the traffic infraction;

(2) The location, by ward, block, and coordinates, where the moving infraction occurred;

(3) The agency issuing the moving infraction;

(4) Whether the moving infraction was issued in person or by use of the automated traffic enforcement program;

(5) The provision of law violated;

(6) The jurisdiction in which the vehicle involved in the moving infraction is registered;

(7) The jurisdiction from which the driver’s license was issued;

(8) The year, make, and model of the vehicle that committed the moving infraction; and

(9) The age of the driver of the vehicle.

Sec. 104. Publication of information relating to sidewalk closures.

The District Department of Transportation shall publish on its website, at least once per week, the following information related to public space permits issued under section 5(a)(4)(A) of the Department of Transportation Establishment Act of 202, effective May 21, 2002 (D.C. law).
Law 14-17; D.C. Official Code § 50-921.04(a)(4)(A)), in the preceding week that would block a sidewalk, bicycle lane, or other public pedestrian or bicycle path:

(1) The location of the public space affected by the issuance of the permit, including the ward, city block, and side of the street;

(2) A description of the public space affected by the issuance of the permit, including whether the permit closes a sidewalk, bicycle lane, or parking;

(3) The duration for which the portion of a sidewalk or bicycle lane will be closed, including the start and end date for the closure;

(4) A brief explanation of the reason for issuing the permit to close a portion of a sidewalk or bicycle lane; and

(5) A description of any safe accommodation provided for pedestrians and bicyclists, as required by section 603(f) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.03(f)), or, in the event that a safe accommodation is not provided for pedestrians and bicyclists, an explanation for the absence of a safe accommodations.

Sec. 105. Publication of information relating to citizen petitions for traffic calming measures.

(a) The District Department of Transportation shall publish on its website, at least once per month, the following information related to citizen petitions submitted to the agency for traffic calming measures in the preceding month:

(1) The location of the requested traffic calming measure, including the ward, city block, and coordinates;
(2) The date that the citizen petition was submitted to the agency;
(3) The change or modification requested under the citizen petition for traffic calming; and
(4) The status of the citizen petition within the agency’s review of citizen petitions for traffic calming measures.

Sec. 106. Annual report on locations of dangerous collisions.
By July 1, 2017, and annually thereafter, the District Department of Transportation shall transmit to the Chairperson of the Council committee with oversight of transportation a report that:

(1) Identifies the 20 locations at which the highest number of collisions occurred during the preceding 5 years that resulted in the serious injury or death of a pedestrian or bicyclist; provided, that the list shall include at least one location in each ward;
(2) Describes any inspection conducted by DDOT at the locations identified pursuant to paragraph (1) of this section, recommendations for how to decrease the number of collisions at the locations, and a timeline for implementing the recommendations; and
(3) Provides status updates on the implementation of recommendations provided in past reports.

Sec. 107. Report and recommendations on improving bicycle and pedestrian safety.
(a) By January 1, 2021, and every 5 years thereafter, the District Department of Transportation shall submit to the Mayor and the Council, and make publicly available, a report and recommendations for improving bicycle and pedestrian safety.
(b) The District Department of Transportation shall use the report and recommendations required by subsection (a) of this section to develop strategies and plans to improve bicycle and pedestrian safety.

(c) The report and recommendations required by subsection (a) of this section shall include:

(1) A study of how to enhance the safety of bicyclists and pedestrians where vehicles make left turns. The study shall consider and make recommendations as to how streets and sidewalks may be designed to minimize the risk of collisions due to left turns, such as the removal of motor vehicle parking at or near left turn locations, installation of leading pedestrian intervals, the designation of lanes exclusively for left turns, and the installation of exclusive pedestrian phases;

(2) A study of arterial streets and recommendations on how arterial streets may be designed to minimize the risk of collisions; and

(3) A timeline for implementing the recommendations contained in the report.

TITLE II. BICYCLE AND PEDESTRIAN PRIORITY AREAS

Sec. 201. Bicycle and Pedestrian Priority Area Program.

(a) There is established the Bicycle and Pedestrian Priority Area Program ("Program"), which shall be implemented by the District Department of Transportation.

(b)(1) Under the Program, the District Department of Transportation shall designate areas around the District as Priority Areas, based on the following criteria:

(A) The area is used heavily by bicyclists and pedestrians; and

(B) The area has a high number of collisions, based on an annual review of collision data.
(2) At least one Priority Area shall exist in each ward in the District.

(3) Upon being designated a Priority Area, the area shall retain that designation for at least 5 years.

(c) By January 1, 2018, and annually thereafter, the Mayor shall transmit to the Council a report that includes detailed information about the implementation of the Bicycle and Pedestrian Priority Area Program. The report shall include:

(1) An explanation of why the Priority Areas within the Program were selected;

(2) A summary of the improvements made in the previous year, including the use of automated traffic enforcement, the use of traffic control officers, temporary traffic safety improvements, and long-term modifications;

(3) A detailed assessment of public space and infrastructure improvements that may be made in the Priority Areas and a timeline for implementation of the improvements;

(4) A description of modifications to traffic patterns and infrastructure that DDOT recommends occur within a Priority Area, including:

(A) Not allowing a right turn when a vehicle operator has a red light at a signalized intersection;

(B) A reduction of the speed limit within the Priority Area;

(C) The installation of protected bicycle infrastructure within the Priority Area; and

(D) The increased use of traffic control officers and the automated traffic enforcement system in the Priority Area.
By January 1, 2018, the Mayor, pursuant to the District of Columbia Administrative
Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.),
shall issue rules to implement the provisions of this title.

**TITLE III. COMPLETE STREETS**

Sec. 301. Complete Streets policy.

(a) The District Department of Transportation shall adopt a Complete Streets policy that
seeks reasonably to accommodate safe and convenient access and mobility for all users of the
District’s roadways, including pedestrians, bicyclists, transit users, motorists, and persons of all
ages and abilities. The Complete Streets policy shall contain goals, including:

1. Promoting healthy communities by encouraging walking, bicycling, and using
   public transportation;

2. Improving safety by designing major arterials to include features such as
   wider sidewalks, dedicated bicycle facilities, medians, and pedestrian streetscape features,
   including trees where appropriate;

3. Ensuring that the Department does not prioritize vehicle qualitative
   measurements above other measures;

4. Protecting the environment and reducing congestion by providing safe
   alternatives to single-occupancy driving; and

5. Preserving community character by involving local citizens and stakeholders
   in planning and design decisions.

(b) The Department shall incorporate the complete streets policy into the Department’s
Transportation Strategic Plan, the Pedestrian Master Plan, the Bicycle Master Plan, and other
Department plans, manuals, rules, regulations and programs as appropriate.
(c) The Department, in cooperation with the Office of Planning, shall establish a District-wide integrated system of bicycle and pedestrian infrastructure.

(d) The Complete Streets policy shall apply to all construction, reconstruction, and maintenance of highways, roads, streets, and lanes located within the District.

(e) The Complete Streets policy shall not apply if:

   (1) Use of a particular highway, road, street, or lane by bicyclists or pedestrians is prohibited by law, including within interstate highway corridors;

   (2) The costs would be excessively disproportionate to the need or probable use of the particular highway, road, street, or lane; or

   (3) The safety of vehicular, pedestrian, or bicycle traffic would be placed at unacceptable risk.

Sec. 302. Rules.

By January 1, 2017, the District Department of Transportation, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of this title.

TITLE IV. BICYCLE AND PEDESTRIAN SAFETY

Sec. 401. Stop as yield.

(a) A person operating a bicycle or human-powered vehicle approaching a stop sign or a steady red traffic control signal shall slow down and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection, except that a person, after slowing to a reasonable speed and yielding the right-of-
way if required, may cautiously make a turn or proceed through the intersection without
stopping.

(b) For purposes of this section, the term:

(1) “Bicycle” shall have the same meaning as provided in section 10(1) of the
District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective
March 6, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1609(1)).

(2) “Human-powered vehicle” means a device with wheels which is propelled
solely by human power and does not require a license to operate.

Sec. 402. Door ing prevention.

Section 2214.4 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR
§ 2214.4) is amended by striking the phrase “without interfering with moving traffic or
pedestrians” and inserting the phrase “without interfering with moving traffic, bicyclists, or
pedestrians” in its place.

Sec. 403. The Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective
September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2401 et seq.), is amended as
follows:

(a) Section 3 (D.C. Official Code § 31-2402) is amended by adding a new paragraph (3-
1) to read as follows:

“(3-1) The term “bicyclist” means a person operating a bicycle, as that term is
defined in section 10(1) of the District of Columbia Comprehensive Bicycle Transportation and
Safety Act of 1984, effective March 6, 1985 (D.C. Law 5-179; D.C. Official Code § 50-
1609(1)).”.
(b) Section 10 (D.C. Official Code § 31-2409) is amended by adding a new subsection (p) to read as follows:

"(p) Bicyclist insurance policies –

(1) Each insurer selling or offering bicyclist insurance shall be required to adhere to the provisions of this section, where applicable.

(2) An insurer that offers bicyclist insurance policies may require that an insured register his or her bicycle and maintain such registration before a policy is issued or renewed."

Sec. 404. Universal street safety education.

(a) The District Department of Transportation, in collaboration with the State Board of Education, the Metropolitan Police Department, and appropriate nonprofit organizations and advocacy groups, shall notify schools of the availability of and make available to schools existing educational curriculum for individuals under 18 years of age regarding the safe use of public streets and premises open to the public by pedestrians and users of bicycles and human-powered vehicles. At a minimum, the curriculum shall address:

(1) The safe use of bicycles;

(2) How to navigate traffic, including high-risk traffic situations;

(3) Bicycle skills;

(4) On-bicycle training;

(5) Proper use of bicycle helmets;

(6) Traffic laws and regulations;

(7) The use of bicycle lanes and trails; and

(8) Safe pedestrian practices.

(b) For purposes of this section, the term:
(1) "Bicycle" shall have the same meaning as provided in section 10(1) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 6, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1609(1)).

(2) "Human-powered vehicle" means a device with wheels which is propelled solely by human power and does not require a license to operate.

**TITLE V. MOTOR VEHICLE SAFETY**

Sec. 501. For-hire vehicle operator training.

(a) Section 47-2829(e)(2)(A) of the District of Columbia Official Code is amended as follows:

(1) Strike the phrase "At a minimum, the training course shall be designed to develop the applicant’s knowledge of the following:" and insert the phrase "At a minimum, the training course and any refresher course provided by the Commission shall be designed to develop the applicant’s knowledge of the following:" in its place.

(2) Sub-subparagraph (iii) is amended to read as follows: "(iii) District traffic laws and regulations and the penalties for violating these laws and regulations, including:

"(I) The rights and duties of motorists;

"(II) The rights and safety of pedestrians, including not blocking the crosswalk or intersection; and

"(III) The rights and safety of bicyclists, including not driving or stopping in a bicycle lane or bicycle infrastructure.".
(b) Section 20t-2 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 10, 2015 (D.C. Law 20-197; D.C. Official Code § 50-301.25b), is amended to read as follows:

"(a) A company that uses digital dispatch shall train associated operators:

(1) In how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner; and

(2) On District traffic laws and regulations, and the penalties for violating these laws and regulations, including:

(A) The rights and duties of motorists;

(B) The rights and safety of pedestrians, including not blocking the crosswalk or intersection; and

(C) The rights and safety of bicyclists, including not driving or stopping in a bicycle lane or bicycle infrastructure.

(b) Completion of a public vehicle-for-hire driver’s training course approved by the Commission shall satisfy the operator training required by this section."

Sec. 502. Study of remediation and deferred disposition program.

Before January 2, 2017, the Mayor shall transmit to the Chairperson of the Council committee with oversight of transportation a report and recommendation as to whether the District should implement a remediation and deferred disposition program for individuals that commit moving or nonmoving infractions in the District. The report shall include the following:

(1) A review of the best practices in other jurisdictions;

(2) An examination of issues such as staffing levels and implementation costs;
(3) The moving and nonmoving infractions, if any, to which the remediation and deferred disposition program may apply;
(4) Whether the program should reduce the entire fine or number of points included with an infraction, a portion of a fine or the number of points included with an infraction, or both; and
(5) The content of the remediation and deferred disposition program, including the content of a safety course provided in the program, the process by which a person would participate in the program, and the alternative activities a person may take in lieu of paying a fine or receiving points.

Sec. 503. Repeat offenders.
(a) A person that violates one of the following provisions of law more than once within a 12-month period shall be subject to escalating fines as provided in subsections (b) and (c) of this section:
(1) Section 2200.5 of Title 18 of the District of Columbia Municipal Regulations;
(2) Section 2201.11 of Title 18 of the District of Columbia Municipal Regulations;
(3) Section 2103.7 of Title 18 of the District of Columbia Municipal Regulations;
(4) Section 2207 of Title 18 of the District of Columbia Municipal Regulations;
(5) Section 2208 of Title 18 of the District of Columbia Municipal Regulations; or
(6) Section 2405.1 of Title 18 of the District of Columbia Municipal Regulations;
(b) The escalating fines shall apply as follows:
(1) For a second offense within a 12-month period, the fine shall be 1.5 times the amount provided in Title 18 of the District of Columbia Municipal Regulations.
(2) For a third offense within a 12-month period, the fine shall be 3 times the amount provided in Title 18 of the District of Columbia Municipal Regulations.

(3) For a fourth offense and each subsequent offense within a 12-month period, the fine shall be 5 times the amount provided in Title 18 of the District of Columbia Municipal Regulations; provided, that a fourth offense of section 2405.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR §2405.1) shall result in the vehicle automatically being towed.

Sec. 504. The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-214; D.C. Official Code § 50-1731.01 et seq.), is amended as follows:

(a) Section 4(a) (D.C. Official Code § 50-1731.04(a)) is amended by striking the phrase “operating a moving motor vehicle” and inserting the phrase “operating a motor vehicle” in its place.

(b) Section 5 (D.C. Official Code § 50-1731.05) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “while operating a moving school bus” and inserting the phrase “while operating a school bus” in its place.

(2) Subsection (b) is amended by striking the phrase “while operating a moving motor vehicle” and inserting the phrase “while operating a motor vehicle” in its place.

Sec. 505. Aggressive driving.

(a) A person shall be guilty of aggressive driving if the person commits 3 or more of the following offenses at the same time or during a single and continuous period of driving within the course of one mile:

(1) Exceeding a maximum speed limit;

(2) Unsafe or improper lane change;
(3) Failure to yield the right of way;
(4) Following too closely;
(5) Passing on the right;
(6) Failure to obey a traffic control device;
(7) Failure to use turn signals; or
(8) Performing reckless driving.

(b)(1) The penalty for violating this section shall be a fine of $200 and 2 traffic points.

(2) A violation of this section shall be processed and adjudicated under the provisions applicable to moving violations set forth in Title II of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978. (D.C. Law 2-104; D.C. Official Code § 50-2302.01 et seq.).

(3) In addition to any penalty prescribed by this section, a person convicted of a violation of this section shall attend and successfully complete approved traffic educational sessions that are designed to improve the safety and habits of drivers and that are approved by the Department of Motor Vehicles. Failure to successfully complete the sessions shall result in the suspension of the person’s license.

Sec. 506. Side guards and blind spot mirrors on registered trucks.
Effective January 1, 2016, all heavy-duty vehicles registered in the District shall be equipped with the following:

(1) Blind-spot mirrors or a blind-spot camera system;
(2) Reflective blind-spot warning stickers; and
(3) Side-underrun guards to prevent bicyclists, other vehicles, or pedestrians from sliding under rear wheels.
Sec. 507. Audible warnings from public sector large vehicles.

By January 1, 2017, the Mayor shall transmit to the Chairperson of the Council committee with oversight of transportation a report and recommendation as to whether DC Circulator buses and District-owned, heavy-duty vehicles should be equipped with pedestrian-alert technologies. The report shall review best practices in other jurisdiction and examine issues such as cost, implementation, and feasibility, and shall provide a timeline for implementation if the Mayor recommends utilizing this technology.

TITLE VI. MAJOR CRASH REVIEW

Sec. 601. Access to video for crash victims.

Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 et seq.), is amended by adding a new section 904 to read as follows:

"Sec. 904. Access to automated traffic enforcement and District-owned camera video.

"If an automated traffic enforcement camera or other camera owned by the District with the capacity to record video captures footage of a collision handled by the Metropolitan Police Department Major Crash Investigation Unit, the Mayor shall:

"(1) Inform all parties involved in the collision of the existence of the footage;

"(2) Ensure that the footage is preserved for evidentiary purposes; and

"(3) Assist the parties in obtaining access to the footage."

Sec. 602. Crash review Task Force.

(a) There is established a Major Crash Review Task Force ("Task Force"), which shall consist of the following members:

(1) The Chief of the Metropolitan Police Department, or the Chief's designee;
(2) The Director of the District Department of Transportation, or the Director's designee;

(3) The Director of the Office of Planning, or the Director's designee;

(4) A representative from the Bicycle Advisory Council who is selected by that body; and

(5) A representative from the Pedestrian Advisory Council who is selected by that body.

(b) The Task Force shall:

(1) Review every crash handled by the Major Crash Investigations Unit of the Metropolitan Police Department; and

(2) Recommend changes to the Mayor and the Council to the District's statutes, regulations, and policies that the Task Force believes would reduce the number of crashes in the District resulting in serious injury or death.

TITLE VII. FISCAL IMPACT; EFFECTIVE DATE

Sec. 701. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(3)).

Sec. 702. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.
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 certificate\(^5\) 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 companies\(^6\) 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, 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.
The Honorable Phil Mendelson

Title VI also defines as aggressive driving any person who commits three or more of a series of offenses 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.

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. 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 or 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. 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.

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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.

ATTACHMENT

C
MEMORANDUM

TO: Councilmember Mary Cheh
FROM: Ellen A. Efros, General Counsel
DATE: May 25, 2016
RE: Legal Sufficiency Determination for Bill 21-335, the Bicycle and Pedestrian Safety Amendment Act of 2016

The measure is legally and technically sufficient for Council consideration.

Title I of Bill 21-335 would require the District Department of Transportation ("DDOT") to publish the following on its website:

- Data related to all traffic collisions in the District;
- Information relating to public space permits that would block a sidewalk, bicycle lane, or other public pedestrian or bicycle path; and
- Information relating to citizen petitions for traffic calming measures.

In addition, DDOT would be required to submit reports to the Council relating to bicycle and pedestrian safety.

Title I would also require the Metropolitan Police Department ("MPD") to publish on its website information related to all notices of infractions issued for moving violations in the preceding month.

Title II would establish the Bicycle and Pedestrian Priority Area Program, under which DDOT would designate corridors around the District, and their immediately adjacent blocks, as Priority Areas. The bill would then require the Mayor to transmit to the Council an annual report that includes detailed information about how to improve the safety of pedestrians and bicyclists in each Priority Area.

Title III would require DDOT to incorporate a Complete Streets policy1 into the Transportation Strategic Plan, the Pedestrian Master Plan, the Bicycle Master Plan, and other DDOT plans, manuals, rules, regulations, and

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1 "Complete Streets policy" means a policy by which streets are designed, operated, and maintained to accommodate safe and convenient access and mobility for all users of the District's transportation system, including pedestrians, bicyclists, users of mass transit, motorists, emergency responders, and persons of all ages and abilities.
programs. Furthermore, Title III would require DDOT to report annually to the Council on the agency's progress in implementing the Complete Streets policy during the previous calendar year, as well as plans for further implementation of the Complete Streets policy during the upcoming year.

Title IV would create new consumer protections related to bicycle insurance policies. Specifically, the bill would prohibit an insurer from cancelling a bicycle insurance policy except for refusal or failure of the insured to pay a premium due under the terms of the policy. Title IV would also provide the insured with a means to appeal the validity of a cancellation or nonrenewal.

Title V would amend section 2214.4 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2214.4) to provide that no person shall open any door of a vehicle unless it is reasonably safe to do so and can be done without interfering with moving traffic, bicyclists, or pedestrians. Title V would also require the Mayor to develop and make available to public schools and public charter schools an educational curriculum for children in the first through fifth grade regarding traffic laws and the safety of bicyclists and pedestrians.

Title VI would require vehicle for-hire operators to be trained on the rights and duties of motorists, as well as the rights and safety of pedestrians and bicyclists. Additionally, Title VI would require the Mayor to transmit a report and recommendation to the Council as to whether the District should implement a remediation and deferred disposition program for individuals who commit moving or nonmoving infractions in the District. Title VI would also create the offense of aggressive driving, which would carry a penalty of a $200 fine, 2 traffic points, and mandatory completion of traffic school. Title VI would also require, effective January 1, 2017, the installation of side guards and blind spot mirrors on all heavy-duty vehicles registered in the District. In addition, the bill would require, effective January 1, 2019, the installation of side-underrun guards on all heavy-duty vehicles registered in the District. Title VI would also require the Mayor to transmit a report and recommendation to the Council as to whether DC Circulator buses and District-owned, heavy-duty vehicles should be equipped with pedestrian-alert technologies. Title VI would also make it a crime to park an all-terrain vehicle or dirt bike on public property and to sell or lease an all-terrain vehicle or dirt bike in the District. An all-terrain vehicle or dirt bike operated, parked, sold, or leased in violation of District law would be subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301 et seq.).

Title VII would amend the District of Columbia Traffic Act, 1925, to require a person convicted of driving a motor vehicle while impaired or under the influence of alcohol or a drug, as a condition of a restricted license, to enroll in the Ignition Interlock System Program, install an ignition interlock system on any vehicle owned or operated by him or her, and refrain from operating a
motor vehicle that is not equipped with an ignition interlock system. Title VII would also amend the Anti-Drunk Driving Act of 1982 to increase the mandatory minimum terms of incarceration for driving under the influence of alcohol or a drug or driving while impaired. Additionally, upon a third conviction for driving under the influence of alcohol or a drug or operating a vehicle while impaired, a person’s operator’s permit would be permanently revoked without the possibility of reinstatement.

Title VIII would amend the Fiscal Year 1997 Budget Support Act of 1996 to increase access to photographs and video footage of crashes investigated by the Metropolitan Police Department Major Crash Investigation Unit. Title VIII would also create a Major Crash Review Task Force ("Task Force"), which would be responsible for reviewing every crash handled by the Metropolitan Police Department Major Crash Investigation Unit and recommending to the Mayor and the Council changes to the District’s statutes, regulations, policies, and infrastructure that the Task Force believes would reduce the number of crashes in the District resulting in serious injury or death.

I am available if you have any questions.
ATTACHMENT

D
B21-335
Bicycle and Pedestrian Safety Act of 2016
Comparative Print

1. 18 DCMR § 2214.4:


... No person shall open any door of a vehicle unless it is reasonably safe to do so and can be done without interfering with moving traffic, bicyclists, or pedestrians and with safety to such person and passengers. No person shall leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to receive or discharge passengers.


§ 47-2829. Vehicles for hire; identification tags on vehicles; vehicles for school children; ambulances, private vehicles for funeral purposes; issuance of licenses; payment of fees.

(e) (2) Upon March 15, 1985, the following additional licensing requirements shall apply to all persons who apply for a license to operate any public vehicle-for-hire licensed under the terms of subsections (d) and (h) of this section:

(A) Completion of the primary public passenger vehicle-for-hire license training course as established by the District of Columbia Taxicab Commission Department of For-Hire Vehicles for a fee of no less than $100 per person. Upon completion of the course, the applicant shall be issued a certificate of completion that shall include the date of completion and shall be presented to the Office of Taxicabs with the application for a license. Before issuing the certificate, each person shall have passed an examination consisting of the subject matters taught in the course and an evaluation of the person’s English communication skills. At a minimum, the training course shall be designed to provide the training course and any refresher course provided by the Department of For-Hire Vehicles shall be designed to develop the applicant’s knowledge of the following:

(i) The geography of the District, with particular emphasis on major streets throughout the District, significant government buildings, attractions, and tourist sites, and historical knowledge of the District;

(ii) District laws and regulations governing the taxicab industry and the penalties for violating these laws and regulations;
(iii) District traffic laws and regulations, including the rights and duties of motorists, pedestrians, and bicyclists and the penalties for violating these laws and regulations.

District traffic laws and regulations and the penalties for violating these laws and regulations, including:

(I) The rights and duties of motorists, which include not blocking the crosswalk or intersection, and not driving or stopping in a bicycle lane;
(II) The rights and duties of pedestrians; and
(III) The rights and duties of bicyclists.

3. D.C. Official Code § 50-301.25b:

§ 50-301.25b. Training of employees and operators.

(a) A company that uses digital dispatch shall train associated operators in how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner.

(2) Completion of a public vehicle-for-hire driver's training course approved by the Commission shall satisfy the operator training requirement of this subsection.

(a) A company that uses digital dispatch shall train associated operators:

(1) In how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner; and

(2) District traffic laws and regulations, and the penalties for violating these laws and regulations, including:

(A) The rights and duties of motorists, which include not blocking the crosswalk or intersection, and not driving or stopping in a bicycle lane;

(B) The rights and duties of pedestrians; and

(C) The rights and duties of bicyclists.

(b) Completion of a public vehicle-for-hire driver's training course approved by the DFHV shall satisfy the operator training required by subsection (a) of this section.


§ 50-2201.04b. Operation of All-terrain vehicles and dirt bikes.

(a) No person shall operate at any time an all-terrain vehicle or dirt bike on public property including any public space in the District.
(a) No person shall:

(1) Operate at any time an all-terrain vehicle or dirt bike on public property including any public space in the District.

(2) Park at any time an all-terrain vehicle or dirt bike on public property, including any public space in the District.

(3) Sell or lease an all-terrain vehicle or dirt bike in the District.

(b) All-terrain vehicles or dirt bikes shall not be registered with the Department of Motor Vehicles.

(e) Any individual violating any provision of this section shall upon conviction be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 30 days, or both. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General of the District of Columbia or any of his assistants in the name of the District of Columbia.

(c)(1) A person violating subsection (a)(1), (2), or (3) of this section shall upon a first conviction be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 30 days, or both.

(2) A person violating subsection (a)(1), (2), or (3) of this section shall upon a second conviction for violating subsection (a)(1), (2), or (3) of this section, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated no more than 90 days, or both.

(3) A person violating subsection (a)(1), (2), or (3) of this section, shall upon a third or subsequent conviction for violating subsection (a)(1), (2), or (3) of this section, be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both.

(d) In addition to the penalties described in subsection (c) of this section, the Mayor shall suspend the driver’s license, or privilege to operate a motor vehicle in the District, of an individual convicted of violating subsection (a)(1) or (2) of this section for one year from the date of conviction. If an individual is incarcerated pursuant to a conviction under subsection (a)(1) or (2) of this section, the driver’s license or privilege to operate a motor vehicle in the District shall be suspended for one year from the date of the termination of the individual’s term of incarceration.

(e) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute violations of this section, in the name of the District of Columbia.
(f) An all-terrain vehicle or dirt bike operated, parked, sold, or leased in violation of this section shall be subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301 et seq.).

5. D.C. Official Code § 41-301:

§ 41-301 Definitions.


6. D.C. Official Code § 50-2201.05a:

§ 50-2201.05a. Establishment of Ignition Interlock Device Program.

(a) Within 180 days of April 20, 2013, the Mayor shall establish an Ignition Interlock Device Program applicable to persons who have been convicted of an offense pursuant to § 50-2206.11, § 50-2206.12, or § 50-2206.14, note, or any succeeding emergency act establishing those sections in substantially similar language, or pursuant to § 50-2206.11, § 50-2206.12 or § 50-2206.14, or whose operator’s permit has been revoked pursuant to § 50-1403.01(a) for driving while the person’s alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor.

(b) For the purposes of this section, the term “covered offense” means a violation of any of the following provisions of law:

(1) Sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14); or
(2) Driving a motor vehicle in a party state while under the influence of intoxicating liquor or a narcotic drug or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, pursuant to article IV(a)(2) of section 2 of the Driver License Compact Adoption Act of 1984, effective March 16, 1985 (D.C. Law 5-184; D.C. Official Code § 50-1001(a)(2)).

(b) Except as provided in sections 3d(d-1) and 3f(c-1) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code §§ 50-2206.13(d-1) and 50-2206.15(c-1)), and section 3f(a-1)(2) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.55(a-1)(2)), a person convicted of a covered offense who holds a driver’s license issued by the District shall, as a condition of a restricted license, enroll in the Ignition Interlock System Program (“Program”) established by this section for:

(1) Upon a first conviction, a period of 6 months; and

(2) Upon a second conviction, a period of 1 year.”

(c) A person enrolled in the Program shall:

(1) Not operate a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time, not to exceed the period of license suspension; and

(2) Install an ignition interlock system on each motor vehicle owned by or registered to the person.”

(d)(1) For the duration of the person’s participation in the Program, the Department shall issue to the offender a restricted license which shall appropriately set forth the restrictions required by this section and regulations issued pursuant to this section.

(2) The Department may revoke the participant’s operator’s permit or issue a civil fine for failing to comply with the requirements of the Program.

(e) Participants in the Program shall pay all costs of participating in the Program.


§ 50-2206.13. Penalties for driving under the influence of alcohol or a drug

(a) Except as provided in subsections (b) and (c) of this section, a person violating any provision of § 50-2206.11 or § 50-2206.12 shall upon conviction for the first offense be fined $1,000, or incarcerated for not more than 180 days, or both; provided, that be fined not less than $500 and not more than $1,000, or incarcerated for not more than 180 days, or both; provided that a 5-day mandatory-minimum term of incarceration shall be imposed, and in addition:

... 

(c) A person violating any provision of § 50-2206.11 or § 50-2206.12 when the person has 2 or more prior offenses under § 50-2206.11, § 50-2206.12, or § 50-2206.14 and is being sentenced on the current offense shall be fined not less than $2,500 and not more than $10,000, or incarcerated for not more than one year, or both; provided, that a 15-day mandatory-minimum...
term of incarceration shall be imposed, and in addition provided, that a 30-day mandatory-minimum term of incarceration shall be imposed, and in addition:

(1) In addition to any other penalty provided by law, and notwithstanding section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a), a person violating any provision of section 3b or 3c when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked without the ability to be reinstated.

(2) Notwithstanding paragraph (1) of this subsection, a person whose driver’s license or privilege to operate in the District was revoked pursuant to paragraph (1) of this subsection may, after 5 years from the date of revocation, apply to the Department for reinstatement. Upon receipt of an application, the Department may reinstate the person’s driver’s license or privilege to operate a motor vehicle in the District for good cause shown.

D.C. Code § 50-2206.15

§ 50-2206.15. Penalty for operating a vehicle while impaired

(a) Except as provided in subsections (b) and (c) of this section, a person violating § 50-2206.14 shall upon conviction for the first offense be fined $500, or incarcerated for not more than 90 days, or both be fined not less than $250 and not more than $500, or incarcerated for not more than 90 days, or both; provided, that a 5-day mandatory-minimum term of incarceration shall be imposed.

(b) A person violating any provision of § 50-2206.14 when the person has a prior offense under § 50-2206.11, § 50-2206.12, or § 50-2206.14 and is being sentenced on the current offense shall be fined not less than $1,000 and not more than $2,500, or incarcerated for not more than one year, or both; provided, that a 5-day mandatory-minimum term of incarceration a 10-day mandatory-minimum term of incarceration shall be imposed.

(c) A person violating any provision of § 50-2206.14 when the person has 2 or more prior offenses under § 50-2206.11, § 50-2206.12, or § 50-2206.14 and is being sentenced on the current offense shall be fined not less than $1,000 and not more than $5,000, or incarcerated for not more than one year, or both; provided, that a 10-day mandatory-minimum term of incarceration a 30-day mandatory-minimum term of incarceration shall be imposed.

(1) In addition to any other penalty provided by law, and notwithstanding section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a), a person violating any provision of section 3e when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked without the ability to be reinstated.

(2) Notwithstanding paragraph (1) of this subsection, a person whose driver’s license or privilege to operate in the District was revoked pursuant to paragraph (1) of this
subsection may, after 5 years from the date of revocation, apply to the Department for reinstatement. Upon receipt of an application, the Department may reinstate the person’s driver’s license or privilege to operate a motor vehicle in the District for good cause shown.


§ 50-2206.55. Revocation of permit or privilege to drive.

(a) The Mayor or his or her designated agent Except as provided in subsection (a-1) of this section, the Mayor or his or her designated agent shall revoke the operator’s permit or the privilege to drive a motor vehicle in the District of Columbia, or revoke both such permit and privilege, of any person who is convicted or adjudicated a juvenile delinquent as a result of the commission in the District of any of the following offenses:

(1) A violation of sections § 50-2206.11, § 50-2206.12, § 50-2206.14, or § 50-2206.16;

(2) A homicide committed by means of a motor vehicle;

(3) A violation of § 50-2201.05c or § 50-2201.05d;

(4) Aggravated reckless driving;

(5) Operating or being in physical control of a vehicle while intoxicated or impaired by the consumption of alcohol or a drug or any combination thereof where such operation or physical control leads to bodily injury; or

(6) Any felony in the commission of which a motor vehicle is involved.

(a-1)(1) Notwithstanding subsection (a) of this section, and except as provided in sections 3d(d-1) and 3f(c-1) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code §§ 50-2206.13(d-1) and 50-2206.15(c-1)), and paragraph (2) of this subsection, the Mayor shall require the operator’s permit of a person who has an operator’s permit issued by the District who is convicted or adjudicated a juvenile delinquent as a result of a violation of sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14), and such person shall enroll in the Ignition Interlock System Program, pursuant to section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a).

(2) If a person who has an operator’s permit issued by the District is convicted or adjudicated a juvenile delinquent as a result of the commission of a violation of sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14), and an offense listed in subsection (a)(2) through (6) of this section, the Mayor shall revoke the person’s operator’s permit and such person shall not enroll in the Ignition Interlock System Program established by section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a).

(a) If an automated traffic enforcement camera or other camera owned by the District captures a photograph or video footage of a collision handled by the Metropolitan Police Department Major Crash Investigation Unit, the Mayor shall:

(1) Within 14 business days of the collision, inform all parties involved in the collision of the existence of the photograph or video footage;

(2) Ensure the preservation of the photograph or video footage for 6 months from the date the photograph or video footage was created; and

(3) Within 14 business days of the request of a party, provide access to the photograph or video footage; provided, that where the photograph or video footage is evidence in a criminal proceeding, access to the photograph or video footage shall be handled through the existing discovery process for criminal cases.

(b) Nothing under this section shall be construed to alter or impair the rights of any person under Title II of the District of Columbia Administrative Procedure Act, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq).

(c) The Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules to implement the provisions of this section.

(d) For purposes of this section, the term “District-owned camera” shall not include a body-worn camera.”
To require the District Department of Transportation ("DDOT") to publish crash data, moving violation data, sidewalk closure information, and citizen petitions for traffic calming measures; to require DDOT to produce reports on locations of dangerous collisions and recommendations for improving bicycle and pedestrian safety; to require DDOT to create a pedestrian and bicyclist priority area program; to require DDOT to adopt a Complete Streets policy; to amend section 18-2214 of the District of Columbia Municipal Regulations to update rules on dooring prevention; to adopt consumer protection polices related to bicycle insurance; to require the Mayor to develop and make available an educational curriculum regarding the safe use of public streets by pedestrians and bicyclists; to amend Chapter 28 of Title 47 of the District of Columbia Official Code to update training for vehicle for-hire operators; to amend the Department of For-Hire Vehicles Establishment Act of 1985 to require training of operators associated with digital dispatch companies; to require the Mayor to transmit a report on remediation and deferred disposition program; to create the offense of aggressive driving; to require side guards and blind spot mirrors on registered trucks; to require the Mayor to transmit a report regarding pedestrian-alert technologies for District-owned vehicles; to amend the District of Columbia Traffic Act, 1925, to enhance the penalties for operating or parking an all-terrain vehicle or dirt bike in the public right-of-way; to amend the ignition interlock program to require mandatory participation for all offenders that have a blood alcohol level above the legal limit, and to impose a permanent license revocation for a third conviction for driving under the influence of alcohol or a drug, driving while intoxicated, or operating a vehicle while impaired, to amend the Anti-Drunk Driving Act of 1982 to increase the penalties for impaired driving for first time offenders and offenders with a blood alcohol content above .08 but less than .20; to amend the Fiscal Year 1997 Budget Support Act of 1996 to provide access to photographs and video footage captured by automated traffic enforcement cameras and other District-owned cameras; and to establish a Major Crash Review Task Force.
BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
act may be cited as the “Bicycle and Pedestrian Safety Amendment Act of 2016”.

TITLE I. OPEN ACCESS TO DATA AND INFORMATION

Sec. 101. Definitions.

For purposes of this title, the term:

(1) “Collision” shall have the same meaning as provided in section 2(3) of the
District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official
Code § 50-2201.02(3)).

(2) “DDOT” means the District Department of Transportation.

(3) “Motor vehicle” shall have the same meaning as provided in section 2(11) of
the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official
Code § 50-2201.02(11)).

(4) “MPD” means the Metropolitan Police Department.

Sec. 102. Publication of collision data.

(a) DDOT shall publish on its website, at least once per month, the following data related
to each collision that occurred in the preceding month:

(1) The date and time of the collision;

(2) The type of motor vehicle or motor vehicles involved in the collision;

(3) The location, by ward, block or intersection, and coordinates of the collision;

(4) The Police Service Area in which the collision occurred;

(5) The number of fatalities or injuries that result from the collision,
disaggregated as follows:

(A) The number of motorists killed;
(B) The number of motorists injured;
(C) The number of passengers killed;
(D) The number of passengers injured;
(E) The number of bicyclists killed;
(F) The number of bicyclists injured;
(G) The number of pedestrians killed;
(H) The number of pedestrians injured; and

(i) Available demographic information about the person or persons involved in the collision, including age-range, physical disabilities, if any, race, gender, and the jurisdiction in which the vehicle involved in the moving infraction is registered; and

(6) As identified in MPD's accident report, the apparent human factor or factors that contributed to the collision, such as intoxication, driver inattention or distraction, speeding, or failure to yield.

(b) If complete data about a collision is not available at the time of publication, DDOT shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 103. Publication of moving infraction data.

(a) MPD shall publish on its website, at least once per month, the following information related to all notices of infractions issued for moving infractions in the preceding month:

(1) The date and time of the moving infraction;
(2) The location, by ward, block or intersection, and coordinates, where the moving infraction occurred;
(3) The Police Service Area in which the moving infraction occurred;
(4) The agency that issued the notice of infraction;
(5) Whether the notice of infraction was issued in person or by use of the automated traffic enforcement program;
(6) The provision of law violated;
(7) The jurisdiction in which the motor vehicle involved in the moving infraction is registered;
(8) The age of the driver of the motor vehicle; and
(9) The jurisdiction from which the driver's license was issued; and
(10) The year, make, model, and type of the motor vehicle that committed the moving infraction.

(b) If an agency other than MPD issued the notice of infraction, the issuing agency shall transfer the information required by this section to MPD as soon as practicable.

(c) If complete data about a notice of infraction is not available at the time of publication, MPD shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 104. Publication of information relating to permits for the occupation of public space, public rights of way, and public structures.

(a) DDOT shall publish on its website, at least once per week, the following information related to permits for the occupation of public space, public rights of way, and public structures issued pursuant to section 603 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.03) ("permit"), in the preceding week that would block a sidewalk, bicycle lane, or other public pedestrian or bicycle path:
(B) The number of motorists injured;

(C) The number of passengers killed;

(D) The number of passengers injured;

(E) The number of bicyclists killed;

(F) The number of bicyclists injured;

(G) The number of pedestrians killed;

(H) The number of pedestrians injured; and

(I) Available demographic information about the person or persons involved in the collision, including age-range, physical disabilities, if any, race, gender, and the jurisdiction in which the vehicle involved in the moving infraction is registered; and

(6) As identified in MPD's accident report, the apparent human factor or factors that contributed to the collision, such as intoxication, driver inattention or distraction, speeding, or failure to yield.

(b) If complete data about a collision is not available at the time of publication, DDOT shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 103. Publication of moving infraction data.

(a) MPD shall publish on its website, at least once per month, the following information related to all notices of infractions issued for moving infractions in the preceding month:

(1) The date and time of the moving infraction;

(2) The location, by ward, block or intersection, and coordinates, where the moving infraction occurred;

(3) The Police Service Area in which the moving infraction occurred;
(4) The agency that issued the notice of infraction;

(5) Whether the notice of infraction was issued in person or by use of the automated traffic enforcement program;

(6) The provision of law violated;

(7) The jurisdiction in which the motor vehicle involved in the moving infraction is registered;

(8) The age of the driver of the motor vehicle; and

(9) The jurisdiction from which the driver’s license was issued; and

(10) The year, make, model, and type of the motor vehicle that committed the moving infraction.

(b) If an agency other than MPD issued the notice of infraction, the issuing agency shall transfer the information required by this section to MPD as soon as practicable.

(c) If complete data about a notice of infraction is not available at the time of publication, MPD shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 104. Publication of information relating to permits for the occupation of public space, public rights of way, and public structures.

(a) DDOT shall publish on its website, at least once per week, the following information related to permits for the occupation of public space, public rights of way, and public structures issued pursuant to section 603 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.03) (“permit”), in the preceding week that would block a sidewalk, bicycle lane, or other public pedestrian or bicycle path:
(1) The location of the public space, public right of way, or public structure affected by the issuance of the permit, by ward, block or intersection, and coordinates;

(2) A description of the public space, public right of way, or public structure affected by the issuance of the permit, including whether the permit closes a sidewalk, bicycle lane, or other public pedestrian or bicycle path;

(3) The duration for which the portion of a sidewalk, bicycle lane, or other public pedestrian or bicycle path, will be closed, including the start and end date for the closure;

(4) A brief explanation of the reason for issuing the permit to close a portion of a sidewalk, bicycle lane, or other public pedestrian or bicycle path; and

(5) A description of any safe accommodation provided for pedestrians and bicyclists, as required by section 603(f) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.03(f)), or, in the event that a safe accommodation is not provided for pedestrians and bicyclists, an explanation for the absence of a safe accommodation.

(b) If complete data about the permit is not available at the time of publication, DDOT shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 105. Publication of information relating to citizen petitions for traffic calming measures.

(a) DDOT shall publish on its website, at least once per month, the following information related to citizen petitions for traffic calming measures submitted to the agency in the preceding month:
(1) The location of the requested traffic calming measure, by ward, block or intersection, and coordinates;

(2) The date that the citizen petition was submitted to the agency;

(3) The change or modification requested under the citizen petition for traffic calming; and

(4) The status of the citizen petition within the agency’s review of citizen petitions for traffic calming measures.

(b) If complete data about the citizen petitions for traffic calming measures is not available at the time of publication, DDOT shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 106. Annual report on locations with the highest frequency of collisions that injure or kill pedestrians.

By July 1, 2017, and annually thereafter, DDOT shall transmit to the Chairperson of the Council committee with oversight of transportation a report that:

(1) Identifies the 20 locations at which pedestrians were most frequently seriously injured or killed as the result of a collision during the preceding 5 years;

(2) Describes any inspections conducted by DDOT at the locations identified pursuant to paragraph (1) of this section;

(3) Makes recommendations for how to decrease the number of collisions with pedestrians at the locations identified pursuant to paragraph (1) of this section and provides a timeline for implementing the recommendations; and

(3) Provides status updates on the implementation of recommendations provided in past reports required by this section.

(a) By July 1, 2018, and every 2 years thereafter, DDOT, with input from other District agencies as needed, shall submit to the Council and make publicly available a report for improving bicycle and pedestrian safety, which shall include:

(1) Recommendations on how to enhance the safety of bicyclists and pedestrians where motor vehicles make left and right turns;

(2) Recommendations on how arterial streets may be designed to minimize the risk of collisions with bicyclists and pedestrians;

(3) Recommendations on how to enhance the safety of pedestrians at unsignalized crosswalks; and

(4) A timeline for implementing the recommendations contained in the report.

(b) DDOT shall use the report required by subsection (a) of this section to develop strategies and plans to improve bicycle and pedestrian safety.

TITLE II. BICYCLE AND PEDESTRIAN PRIORITY AREAS

Sec. 201. Bicycle and Pedestrian Priority Area Program.

(a) There is established the Bicycle and Pedestrian Priority Area Program ("Program"), which shall be implemented by the District Department of Transportation ("DDOT").

(b)(1) Under the Program, DDOT shall designate corridors, including blocks immediately adjacent to the corridor, around the District as Priority Areas, taking into account the following criteria:

(A) Use by bicyclists and pedestrians;

(B) The frequency of collisions between a motor vehicle and a pedestrian or bicyclist;
(C) The severity of collisions between a motor vehicle and a pedestrian or bicyclist; and

(D) Any other bicycle and pedestrian safety data collected by DDOT.

(2) Upon being designated a Priority Area, a corridor shall retain that designation for at least 5 years.

(c) By July 1, 2017, and annually thereafter, the Mayor shall transmit to the Council a report that includes detailed information about the implementation of the Program, including:

(1) An explanation of why each Priority Area was selected;

(2) A summary of the improvements made in the previous year to each Priority Area, including the use of automated traffic enforcement, the use of traffic control officers, temporary traffic safety improvements, and long-term modifications; and

(3) A description of modifications to traffic patterns and infrastructure that DDOT recommends occur within each Priority Area, and a timeline for implementing the modifications, which may include:

(A) Not allowing a right turn when a motor vehicle operator has a red light at a signalized intersection;

(B) A reduction of the speed limit;

(C) The installation of protected bicycle infrastructure; and

(D) The increased use of traffic control officers and the automated traffic enforcement system.

(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules to implement the provisions of this section.
(e) For purposes of this section, the term:

(1) "Collision" shall have the same meaning as provided in section 2(3) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(3)).

(2) "Motor vehicle" shall have the same meaning as provided in section 2(11) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(11)).

TITLE III. COMPLETE STREETS

Sec. 301. Complete Streets policy.

(a) For purposes of this section, the term:

(1) "Complete Streets policy" means a policy by which streets are designed, operated, and maintained to accommodate safe and convenient access and mobility for all users of the District’s transportation system, including pedestrians, bicyclists, users of mass transit, motorists, emergency responders, and persons of all ages and abilities.

(2) "Highway" means any street, road, or public thoroughfare, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel, that is under the jurisdiction and control of the District.

(b) The District Department of Transportation ("DDOT") shall create a Complete Streets policy, which shall contain, at a minimum, the following goals:

(1) Improving safety and promoting healthy communities by encouraging walking, bicycling, and using public transportation;

(2) Establishing a District-wide integrated system of vehicle, bicycle, and pedestrian infrastructure;
(3) Accommodating and balancing the choice, safety, and convenience of all users of the District’s transit network, while recognizing that individual corridors have modal priorities;

(4) Protecting the environment and reducing congestion by providing safe alternatives to single-occupancy driving;

(5) Preserving community character by involving local citizens and stakeholders in planning and design decisions;

(6) Actively looking for opportunities to repurpose highways to enhance connectivity for pedestrians, bicyclists, and transit; and

(7) Improving non-motorized use of highways within one quarter mile of schools and parks.

(c) DDOT shall incorporate the Complete Streets policy into the Transportation Strategic Plan, the Pedestrian Master Plan, the Bicycle Master Plan, and other DDOT plans, manuals, rules, regulations, and programs, including the construction, reconstruction, and maintenance of all highways, unless:

(1) Use of a particular highway by specified users is prohibited by law, including within interstate highway corridors, in which case DDOT shall endeavor to accommodate such users elsewhere, including on highways that cross or otherwise intersect with the affected highway;

(2) The costs would be excessively disproportionate to the need or probable use of the particular highway;

(3) The safety of vehicular, pedestrian, or bicycle traffic would be placed at an unacceptable risk; or
(4) The impact to other users would be significant and a parallel, adjacent route is able to accommodate the specified users.

(d) By July 1, 2017, and annually thereafter, DDOT shall report to the Council on the agency’s progress towards implementing the Complete Streets policy during the previous calendar year, as well as plans for further implementation of the Complete Streets policy during the upcoming year. These reports must incorporate performance measures established by DDOT to determine how well streets are serving all users and identify barriers to implementing the Complete Streets policy.

(e) DDOT, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules to implement the provisions of this section.

**TITLE IV. BICYCLE CONSUMER PROTECTION**

Sec. 401. Definitions.

For purposes of this title, the term:

(1) “Bicyclist” means a person operating a bicycle, as that term is defined in section 10(1) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 6, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1609(1)).

(2) “Commissioner” means the Commissioner of the Department of Insurance, Securities, and Banking, or the Commissioner's designee.

(3) “Insured” means a named insured or any other person insured in a bicycle insurance policy, with the exception of those persons specifically excluded by endorsement on the bicycle insurance policy.
(4) "Insurer" means any person, company, or professional association licensed in the District of Columbia that provides bicycle insurance policies.

(5) "Named insured" means the person identified in the declaration of the bicycle insurance policy.

(6) "Person" means any natural person, firm, copartnership, association, government, government agency, or instrumentality.

Sec. 402. Consumer protection for bicycle insurance.

(a) No insurer shall cancel a bicycle insurance policy except for refusal or failure of the insured to pay a premium due under the terms of the policy of bicycle insurance.

(b) No cancellation or refusal to renew by an insurer of a bicycle insurance policy shall be effective unless the insurer has delivered or mailed to the named insured, at the address shown in the policy or to the named insured's last known address, a written notice of intent to cancel or refusal to renew. The required notice shall be provided to the named insured at least 30 calendar days prior to the effective date of cancellation, or, in the case of nonrenewal, 30 calendar days prior to the end of the policy period. The notice shall contain a statement advising the named insured of his or her right to request, in writing, within 15 calendar days of receipt of the notice, that the Commissioner review the action of the insurer in cancelling or refusing to renew the policy of the insured.

(c) Proof of mailing of the notice of cancellation, or of intention not to renew, to the named insured by post office receipt secured or certified mail at the address shown in the policy or to the named insured's last known address, shall be sufficient proof of notice.
(d) Despite failure of the named insured to make timely payment of the renewal premium, failure by the insurer to provide the notice required by this section shall result in the insurer being required:

(1) To provide coverage for any claim which would have been covered under the policy, if a claim arises within 45 calendar days after the date within which the named insured discovers or should have discovered that his or her policy has not been renewed; and

(2) To renew the policy upon tender of payment; provided, that tender is made within 15 calendar days after the date the named insured discovers, or should have discovered, that his or her policy has not been renewed.

(e) No insurer shall fail or refuse to issue a policy of bicycle insurance to an applicant, fail or refuse to renew a policy of bicycle insurance, or cancel a policy of bicycle insurance in violation of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 et seq.).

(f) No applicant for a policy of bicycle insurance, as a condition precedent to obtaining a policy or renewing a policy, shall be required to disclose whether he, she, or any person reasonably expected to operate the applicant's bicycle has ever had an insurance policy cancelled or not renewed; provided, that at the time of application an applicant may be required to disclose his or her experience as a bicyclist for a past period of not more than 3 years.

(g) No insurer shall refuse to insure, refuse to continue to insure, limit coverage available to, or charge a disadvantageous rate to any person seeking to obtain bicycle insurance because that person had not been previously insured.
(h) The restrictions on cancellation contained in this title shall not be effective with respect to any policy which has been in force for 60 calendar days or less if the policy is not a renewal policy.

Sec. 403. Appeals.

(a) If the insured disputes the validity of a purported cancellation or nonrenewal, the insured may send, within 15 calendar days of receipt of the notice of intent to cancel or not to renew, written notification to the Commissioner of the reasons the insured believes the action by the insurer is invalid. The Commissioner shall, upon receipt, immediately send the insurer a copy of the notification.

(b) Unless the matter referred to in subsection (a) of this section has been settled, the Commissioner shall determine, within 45 calendar days, whether the cancellation or nonrenewal was authorized under the terms of this title and shall notify immediately the insured and the insurer in writing of the decision.

(c)(1) If the Commissioner determines that a policy was improperly cancelled or not renewed, the policy in question shall be considered to be in effect and to have been in effect from the date of notification of cancellation or nonrenewal.

(2) If the Commissioner determines that a policy was properly cancelled or not renewed, the policy in question shall be considered to be cancelled or not renewed as of the cancellation or nonrenewal date given in the notice sent by the insurer pursuant to section 402 or as of the date of determination by the Commissioner, whichever is later. The insured shall pay any portion of the required premium or cost to the insurer for the insurance coverage in effect and provided by the insurer for which the insured has not paid.
(d) Decisions of the Commissioner shall be appealable pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.).

Sec. 404. Immunity.

(a) There shall be no liability on the part of and no cause of action of any nature shall arise against any employee of the District government, any insurer, its authorized representatives, its agents, its employees, or any firm, person, or corporation who, in good faith:

(1) Furnishes to the named insured information as to the reason for cancellation or nonrenewal;

(2) Makes any statement in any written notice of cancellation or renewal;

(3) Makes any other communication, oral or written, specifying the reason for cancellation or nonrenewal;

(4) Provides information pertaining to the insured; or

(5) Makes statements or submit evidence at any hearing conducted in connection therewith.

Sec. 405. Rights and policy terms.

(a) The rights provided by this title shall be in addition to and shall not prejudice any other rights the named insured may have at common law or otherwise.

(b) Notwithstanding section 201(a)(1) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective May 1, 2008 (D.C. Law 17-149; D.C. Official Code § 50–1611(a)(1)), an insurer that offers bicyclist insurance policies may require that an insured register his or her bicycle with the National Bicycle Registry, as that term is defined in section 10(1B) of the District of Columbia Comprehensive Bicycle Transportation and
Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1609(1B)), or a District bicycle registry established by the Mayor in accordance with section 201 of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective May 1, 2008 (D.C. Law 17-149; D.C. Official Code § 50-1611), and maintain such registration for the duration of the policy coverage.

**TITLE V. BICYCLE AND PEDESTRIAN SAFETY**

Sec. 501. Section 2214.4 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2214.4) is amended by striking the phrase “without interfering with moving traffic or pedestrians” and inserting the phrase “without interfering with moving traffic, bicyclists, or pedestrians” in its place.

Sec. 502. Universal street safety education.

(a) The Mayor shall develop and make available to public and public charter schools in the District an educational curriculum for children in the first through fifth grade regarding the safe use of public streets and premises open to the public by pedestrians and users of bicycles. At a minimum, the curriculum shall address:

1. The safe use of bicycles;
2. Traffic laws and regulations;
3. The use of bicycle lanes and trails; and
4. Safe pedestrian practices.

(b) For purposes of this section, the term “bicycle” shall have the same meaning as provided in section 10(1) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 6, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1609(1)).
TITLE VI. MOTOR VEHICLE SAFETY

Sec. 601. Section 47-2829(e)(2)(A) of the District of Columbia Official Code is amended as follows:

(a) Strike the phrase “the training course shall be designed” and insert the phrase “the training course and any refresher course provided by the Department of For-Hire Vehicles shall be designed” in its place.

(b) Sub-subparagraph (iii) is amended to read as follows:

“(iii) District traffic laws and regulations and the penalties for violating these laws and regulations, including:

“(I) The rights and duties of motorists, which include not blocking the crosswalk or intersection, and not driving or stopping in a bicycle lane;

“(II) The rights and duties of pedestrians; and

“(III) The rights and duties of bicyclists.”.

Sec. 602. Section 20f-2 of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 10, 2015 (D.C. Law 20-197; D.C. Official Code § 50-301.25b), is amended to read as follows:

“Sec. 20f-2. Training of employees and operators.

“(a) A company that uses digital dispatch shall train associated operators:

“(1) In how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner; and

“(2) District traffic laws and regulations, and the penalties for violating these laws and regulations, including:
“(A) The rights and duties of motorists, which include not blocking the crosswalk or intersection, and not driving or stopping in a bicycle lane;

“(B) The rights and duties of pedestrians; and

“(C) The rights and duties of bicyclists.”.

“(b) Completion of a public vehicle-for-hire driver’s training course approved by the DFHV shall satisfy the operator training required by subsection (a) of this section.”.

Sec. 603. Study of remediation and deferred disposition program.

Before July 1, 2017, the Mayor shall transmit to the Chairperson of the Council committee with oversight of transportation a report and recommendation as to whether the District should implement a remediation and deferred disposition program for individuals that commit moving or nonmoving infractions in the District. The report shall include the following:

(1) A review of the best practices in other jurisdictions;

(2) An examination of issues such as staffing levels and implementation costs;

(3) The moving and nonmoving infractions, if any, to which the remediation and deferred disposition program should apply;

(4) Whether the remediation and deferred disposition program should reduce the entire fine or number of points assessed, or a portion of the fine or number of points assessed;

and

(5) If the Mayor recommends implementing a remediation and deferred disposition program, the report shall include a detailed description of the content of any proposed safety course provided in the program, the process by which a person would participate in the program, and the alternatives available to participants in lieu of paying a fine or being assessed points.
Sec. 604. Aggressive driving.

(a) It shall be a violation of this section if a person violates 3 or more of the following provisions at the same time or during a single and continuous period of driving within the course of one mile:

1. Section 2000.4 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2000.4);

2. Section 2200 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2200);

3. Section 2201.6 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2201.6);

4. Section 2201.9 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2201.9);

5. Section 2202.4 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2202.4);

6. Section 2205 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2205);

7. Section 2210.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2210.1);

8. Section 2220 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2220);

9. Section 2405.1(e) of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2405.1(e)); or

(b)(1) The penalty for violating this section shall be a fine of $200 and 2 traffic points. The penalties prescribed by this subsection shall be applied in addition to any other penalties provided by law for the offenses listed in subsection (a) of this section.

(2) In addition to any penalty described in paragraph (1) of this subsection, a person who violates this section shall complete traffic school, as approved by the Department of Motor Vehicles, within 90 days of the date on which the infraction is established. Failure to successfully complete the traffic school shall result in the suspension of the driver’s license or privilege to operate a motor vehicle in the District for a period to be determined by the Department of Motor Vehicles.

(c) A violation of this section shall be processed and adjudicated under the provisions applicable to moving violations set forth in Title II of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.01 et seq.).

Sec. 605. Side guards and blind spot mirrors on registered trucks.

(a) Effective January 1, 2017, all heavy-duty vehicles registered in the District shall be equipped with the following:

(1) Blind-spot mirrors or a blind-spot camera system; and

(2) Reflective blind-spot warning stickers.

(b) Effective January 1, 2019, all heavy-duty vehicles registered in the District shall be equipped with side-underrun guards to prevent bicyclists, other vehicles, or pedestrians from sliding under rear wheels.
Sec. 606. Audible warnings from public sector large vehicles.

By July 1, 2017, the Mayor shall transmit to the Chairperson of the Council committee with oversight of transportation a report and recommendation as to whether DC Circulator buses and District-owned, heavy-duty vehicles should be equipped with pedestrian-alert technologies. The report shall review best practices in other jurisdiction and examine issues such as cost, implementation, and feasibility, and shall provide a timeline for implementation, if the Mayor recommends using this technology.

Sec. 607. Section 9b of the District of Columbia Traffic Act, 1925, effective April 5, 2005 (D.C. Law. 15-289; D.C. Official Code § 50-2201.04b), is amended to read as follows:

Sec. 9b. All-terrain vehicles and dirt bikes.

“(a) No person shall:

“(1) Operate at any time an all-terrain vehicle or dirt bike on public property including any public space in the District.

“(2) Park at any time an all-terrain vehicle or dirt bike on public property, including any public space in the District.

“(3) Sell or lease an all-terrain vehicle or dirt bikes in the District is prohibited.

“(b) All-terrain vehicles or dirt bikes shall not be registered with the Department of Motor Vehicles.

“(c)(1) A person violating subsection (a)(1), (2), or (3) of this section shall upon a first conviction be fined not more than the amount set forth in section 101 of the Criminal Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 30 days, or both.
“(2) A person violating subsection (a)(1), (2), or (3) of this section shall upon a second conviction for violating subsection (a)(1), (2), or (3) of this section, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated no more than 90 days, or both.

“(3) A person violating subsection (a)(1), (2), or (3) of this section, shall upon a third or subsequent conviction for violating subsection (a)(1), (2), or (3) of this section, be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both.

“(d) In addition to the penalties described in subsection (c) of this section, the Mayor shall suspend the driver’s license, or privilege to operate a motor vehicle in the District, of an individual convicted of violating subsection (a)(1) or (2) of this section for one year from the date of conviction. If an individual is incarcerated pursuant to a conviction under subsection (a)(1) or (2) of this section, the driver’s license or privilege to operate a motor vehicle in the District shall be suspended for one year from the date of the termination of the individual’s term of incarceration.

“(e) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute violations of this section, in the name of the District of Columbia.

“(f) An all-terrain vehicle or dirt bike operated, parked, sold, or leased in violation of this section shall be subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301 et seq.).”.

**TITLE VII. DRUNK DRIVING**

Sec. 701. Section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a), is amended to read as follows:

“(Sec. 10a. Establishment of Ignition Interlock System Program.

“(a) For the purposes of this section, the term “covered offense” means a violation of any of the following provisions of law:

“(1) Sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14);

or

“(2) Driving a motor vehicle in a party state while under the influence of intoxicating liquor or a narcotic drug or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, pursuant to article IV(a)(2) of section 2 of the Driver License Compact Adoption Act of 1984, effective March 16, 1985 (D.C. Law 5-184; D.C. Official Code § 50-1001(a)(2).

“(b) Except as provided in sections 3d(d-1) and 3f(c-1) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code §§ 50-2206.13(d-1)

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and 50-2206.15(c-1)), and section 3t(a-1)(2) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.55(a-1)(2)), a person convicted of a covered offense who holds a driver’s license issued by the District shall, as a condition of a restricted license, enroll in the Ignition Interlock System Program ("Program") established by this section for:

(1) Upon a first conviction, a period of 6 months; and
(2) Upon a second conviction, a period of 1 year.”

“(c) A person enrolled in the Program shall:

“(1) Not operate a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time, not to exceed the period of license suspension;

and

(2) Install an ignition interlock system on each motor vehicle owned by or registered to the person.”

“(d)(1) For the duration of the person’s participation in the Program, the Department shall issue to the offender a restricted license which shall appropriately set forth the restrictions required by this section and regulations issued pursuant to this section.

“(2) The Department may revoke the participant’s operator’s permit or issue a civil fine for failing to comply with the requirements of the Program.

“(e) Participants in the Program shall pay all costs of participating in the Program.

Sec. 702. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.01 et seq.), is amended as follows:

(a) Section 3d (D.C. Official Code § 50-2206.13) is amended as follows:
(1) Subsection (a) is amended by striking the phrase, “be fined $1,000, or incarcerated for not more than 180 days, or both; provided, that:” and inserting the phrase, “be fined not less than $500 and not more than $1,000, or incarcerated for not more than 180 days, or both; provided, that a 5-day mandatory-minimum term of incarceration shall be imposed, and in addition:” in its place.

(2) Subsection (c) is amended by striking the phrase, “provided, that a 15-day mandatory-minimum term of incarceration shall be imposed, and in addition:” and inserting the phrase, “provided, that a 30-day mandatory-minimum term of incarceration shall be imposed, and in addition:” in its place.

(3) A new subsection (d-1) is added to read as follows:

“(d-1)(1) In addition to any other penalty provided by law, and notwithstanding section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a) and section 3t(a-1)(1), a person violating any provision of section 3b or 3c when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked without the ability to be reinstated.”.

(2) Notwithstanding paragraph (1) of this subsection, a person whose driver’s license or privilege to operate in the District was revoked pursuant to paragraph (1) of this subsection may, after 5 years from the date of revocation, apply to the Department for reinstatement. Upon receipt of an application, the Department may reinstate the persons driver’s license or privilege to operate a motor vehicle in the District for good cause shown.”.

(b) Section 3f (D.C. Code § 50-2206.15) is amended as follows:
(1) Subsection (a) is amended by striking the phrase, “be fined $500, or incarcerated for not more than 90 days, or both” and inserting the phrase, “be fined not less than $250 and not more than $500, or incarcerated for not more than 90 days, or both; provided, that a 5-day mandatory-minimum term of incarceration shall be imposed” in its place.

(2) Subsection (b) is amended by striking the phrase, “a 5-day mandatory-minimum term of incarceration” and inserting the phrase, “a 10-day mandatory-minimum term of incarceration” in its place.

(3) Subsection (c) is amended by striking the phrase, “a 10-day mandatory-minimum term of incarceration” and inserting the phrase, “a 30-day mandatory-minimum term of incarceration” in its place.

(4) A new subsection (c-1) is added to read as follows:

“(c-1)(1) In addition to any other penalty provided by law, and notwithstanding section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a) and section 3t(a-1)(1), a person violating any provision of section 3e when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked without the ability to be reinstated.”.

(2) Notwithstanding paragraph (1) of this subsection, a person whose driver’s license or privilege to operate in the District was revoked pursuant to paragraph (1) of this subsection may, after 5 years from the date of revocation, apply to the Department for reinstatement. Upon receipt of an application, the Department may reinstate the persons driver’s license or privilege to operate a motor vehicle in the District for good cause shown.”.

(c) Section 3t (D.C. Code § 50-2206.55) is amended as follows:
(1) Subsection (a) is amended by striking the phrase “The Mayor or his or her designated agent” and inserting the phrase “Except as provided in subsection (a-1) of this section, the Mayor or his or her designated agent” in its place.

(2) A new subsection (a-1) is added to read as follows:

“(a-1)(1) Notwithstanding subsection (a) of this section, and except as provided in sections 3d(d-1) and 3f(c-1) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code §§ 50-2206.13(d-1) and 50-2206.15(c-1)), and paragraph (2) of this subsection, the Mayor shall restrict the operator’s permit of a person who has an operator’s permit issued by the District who is convicted or adjudicated a juvenile delinquent as a result of a violation of sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14), and such person shall enroll in the Ignition Interlock System Program, pursuant to section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a).

“(2) If a person who has an operator’s permit issued by the District is convicted or adjudicated a juvenile delinquent as a result of the commission of a violation of sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14), and an offense listed in subsection (a)(2) through (6) of this section, the Mayor shall revoke the person’s operator’s permit and such person shall not enroll in the Ignition Interlock System Program established by section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a).”.

Sec. 703. Rules.
Within 180 days after the effective date of the Bicycle and Pedestrian Safety Amendment Act of 2016, as approved by the Committee on Transportation and the Environment on June 1, 2016 (Committee print of Bill 21-335), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of this title.

Sec. 704. Applicability.

Sections 701 and 702(c) shall apply upon the issuance of rules by the Mayor pursuant to section 703.

TITLE VIII. MAJOR CRASH REVIEW

Sec. 801. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 et seq.), is amended by adding a new section 904 to read as follows:

“Sec. 904. Access to automated traffic enforcement and District-owned camera photographs and video footage.

“(a) If an automated traffic enforcement camera or other District-owned camera captures a photograph or video footage of a collision handled by the Metropolitan Police Department Major Crash Investigation Unit, the Mayor shall:

“(1) Within 14 business days of the collision, inform all parties involved in the collision of the existence of the photograph or video footage;

“(2) Ensure the preservation of the photograph or video footage for 6 months from the date the photograph or video footage was created; and

“(3) Within 14 business days of the request of a party, provide access to the photograph or video footage; provided, that where the photograph or video footage is evidence in
a criminal proceeding, access to the photograph or video footage shall be handled through the
existing discovery process for criminal cases.

“(b) Nothing under this section shall be construed to alter or impair the rights of any
person under Title II of the District of Columbia Administrative Procedure Act, effective March

“(c) The Mayor, pursuant to the District of Columbia Administrative Procedure Act,
approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules
to implement the provisions of this section.”.

“(d) For purposes of this section, the term “District-owned camera” shall not include a
body-worn camera.”

Sec. 802. Major Crash Review Task Force.

(a) There is established a Major Crash Review Task Force (“Task Force”), which shall
consist of the following members:

(1) The Chief of the Metropolitan Police Department, or the Chief’s designee;

(2) The Director of the District Department of Transportation, or the Director’s
designee;

(3) The Director of the Office of Planning, or the Director’s designee;

(4) A representative from the Bicycle Advisory Council who is selected by the
Bicycle Advisory Council;

(5) A representative from the Pedestrian Advisory Council who is selected by the
Pedestrian Advisory Council; and

(6) A representative from the Multimodal Accessibility Advisory Council who is
selected by the Multimodal Accessibility Advisory Council.
(b) The Task Force shall review every crash handled by the Major Crash Investigations Unit of the Metropolitan Police Department and recommend to the Mayor and the Council changes to the District's statutes, regulations, policies, and infrastructure that the Task Force believes would reduce the number of crashes in the District resulting in serious injury or death.

(c) The Task Force shall begin review of a crash handled by the Major Crash Investigation Unit of the Metropolitan Police Department either:

(1) Upon receipt of notice that the United States Attorney's Office for the District of Columbia or the Attorney General for the District of Columbia has declined to bring any prosecutions related to the crash; or

(2) If there is a criminal proceeding against an individual involved in the crash, a final judgment in any such criminal proceeding.

TITLE IX. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 901. Applicability.

(a) Sections 103 and 801 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 902. Fiscal impact statement.
The Council adopts the fiscal impact statement in the committee report as the fiscal
impact statement required by section 4a of the General Legislative Procedures Act of 1975,

Sec. 903. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the
Mayor, action by the Council to override the veto), a 30-day period of congressional review as
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
Columbia Register.