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 2002, effective May 21, 2002 (D.C.
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. Doorin 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 than 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 20f-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.