



2015 SEP 21 AM 9:58
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

SEP 21 2015

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
1350 Pennsylvania Ave., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Today, I am transmitting the *Vision Zero Act of 2015* for consideration by the Council of the District of Columbia. This ambitious legislation, which was prepared by an interagency task force, will help ensure greater safety for people walking, biking, and driving across the city.

The *Vision Zero Act of 2015* contains provisions that address safety through improved education, engineering, data, and enforcement, including:

- Requiring ignition interlock devices and tougher penalties for repeat DUI offenders;
- A "Complete Streets" law that formalizes the priority of pedestrians, transit users, bicycles, and cars with a Vision Zero based approval process for designing infrastructure; and
- Enhanced penalties for operating a dirt bike or all-terrain vehicle.

I urge the Council's prompt approval of this legislation, which will help us achieve the goal of zero traffic fatalities and serious injuries in the District of Columbia by 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser

Enclosures



Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To amend the District Department of Transportation Establishment Act of 2002 to help achieve the goal by the year 2024 of zero fatalities and serious injuries to travelers of the District's transportation system, and to create a safer transportation infrastructure in the District of Columbia through more effective use of data, education, enforcement, and engineering program of safety related infractions and fines to 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, to amend the ignition interlock program to require mandatory participation for repeat offenders and first offenders that have a blood alcohol level of twice the legal limit, and to impose a permanent license revocation for a third conviction for DUI, DWI, or OWI, 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, and to amend the Distracted Driving Safety Act of 2004 to increase the penalties, including the addition of points on a driver's license, for first offenders and escalate the penalties for subsequent offenses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vision Zero Act of 2015".

Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*) ("Act"), is amended as follows:

(a) Section 2a (D.C. Code § 50-921.01a) is amended to read as follows:

"Sec. 2a. Definitions.

1 “For the purposes of this title, the term:

2 “(1) “Complete Streets” means streets designed and operated to enable safe access
3 for all users, including pedestrians, bicyclists, transit riders, and motorists of all ages and
4 abilities.

5 “(2) “Person” means an individual, corporation, firm, agency, company,
6 association, organization, partnership, society, or joint stock company.

7 “(3) “Property line” means the line of demarcation separating privately owned
8 property fronting or abutting a street or alley from publicly owned property on the other side of
9 the line of demarcation.

10 “(4) “Public right-of-way” means the surface, air space above the surface, and
11 area below the surface of any public street, highway, bridge, tunnel, alley, or sidewalk.

12 “(5) “Public space” means all the publicly owned property between property lines
13 shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking
14 between such property lines.

15 “(6) “Respondent” means a person subject to a civil fine, compliance order, or
16 abatement procedure as defined in section 9k.”.

17 (b) A new section 9l is added to read as follows:

18 “Sec. 9l. Complete Streets.

19 “(a) To ensure the safety and convenience of all users of the transportation system,
20 including pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly,
21 motorists, freight providers, and emergency responders, DDOT shall design, operate and
22 maintain a system of Complete Streets by:

1 “(1) providing a connected network of facilities accommodating all modes of
2 travel, while recognizing that individual corridors have modal priorities;

3 “(2) actively looking for opportunities to repurpose rights-of-way to enhance
4 connectivity for pedestrians, bicyclists, and transit; and

5 “(3) focusing improvements to non-motorized use of transportation rights-of-way
6 within one quarter (1/4) mile of schools, parks, and other civic uses.

7 “(b) (1) All transportation and other public space projects shall accommodate and
8 balance the choice, safety, and convenience of all users of the transportation system to ensure
9 that all users, especially the most vulnerable, can travel safely, conveniently, and efficiently
10 within the right-of-way.

11 “(2) Pedestrian, bicycle, and transit performance measures, in addition to
12 vehicle performance measures, shall be evaluated to ensure proposed alternatives balance the
13 needs of all users of the right-of-way in keeping with the modal priorities of individual corridors.

14 “(3) Wherever possible, projects should help DDOT achieve goals as set by the
15 District’s Comprehensive Plan and Long-Range Transportation Plan.

16 “(c) Facilities for all users will be included in the construction, reconstruction, retrofit,
17 repaving, and rehabilitation of District streets, except under one or more of the following
18 conditions:

19 “(1) An affected roadway prohibits, by law, use by specified users, in which
20 case a greater effort shall be made to accommodate those specified users elsewhere, including on
21 roadways that cross or otherwise intersect with the affected roadway; or

22 “(2) The costs of providing accommodation are excessively disproportionate to
23 the need or probable use; or

1 “(3) The impact to other users would be significant and a parallel adjacent
2 route is able to accommodate the specified users.

3 “(d) The District Department of Transportation will report to the Council annually by
4 February 15 on the Department’s progress towards implementing Complete Streets, as described
5 in this section, during the previous calendar year and plans for the upcoming year. These reports
6 must incorporate performance measures established to gauge how well streets are serving all
7 users and identify barriers to implementing this law.”.

8 Sec. 3. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat
9 1119; D.C. Official Code§ 50-2201.01 et seq.), is amended as follows:

10 (a) Section 9b (D.C. Official Code§ 50-2201.04b) is amended to read as follows:

11 “9b Operation of all-terrain vehicles and dirt bikes.

12 “(a) (1) No person shall operate at any time an all-terrain vehicle or dirt bike on public
13 property including any public space in the District.

14 “(2) No person shall park at any time an all-terrain vehicle or dirt bike on public
15 property, including any public space in the District. Any all-terrain vehicle or dirt bike parked on
16 public property shall be towed pursuant to Title 16 DCMR § 400 et seq.

17 “(3) The sale, leasing, or renting of any all-terrain vehicle or dirt bikes within the
18 District is prohibited.

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

21 “(c) (l) Any individual violating subsection (a) of this section shall upon a first
22 conviction be fined not more than the amount set forth in the Criminal Fine Proportionality

1 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
2 3571.01), or imprisoned not more than 30 days, or both."

3 "(2) Any individual violating subsection (a) of this section shall upon a second
4 conviction be fined not more than the amount set forth in the Criminal Fine Proportionality
5 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
6 3571.01), or imprisoned not more than 90 days, or both.

7 "(3) Any individual violating subsection (a) of this section shall upon a third
8 conviction be fined not more than the amount set forth in the Criminal Fine Proportionality
9 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
10 3571.01), or imprisoned not more than 180 days, or both.

11 "(4) In addition to the penalties under paragraphs (c)(1) and (c)(2) of this section,
12 the Mayor shall suspend the individual's provisional permit or operator's permit for one year
13 from the date of conviction.

14 "(5) All prosecutions under this section shall be in the Superior Court of the
15 District of Columbia upon information filed by the Attorney General of the District of Columbia
16 or any of his or her assistants in the name of the District of Columbia.

17 "(d) If a law enforcement officer or member of the Metropolitan Police force or the
18 United States Park Police force determines that an all-terrain vehicle or dirt bike has been
19 operated or parked in violation of paragraph (a) of this section, the officer may impound the all-
20 terrain vehicle or dirt bike pursuant to the provisions of section 6(k) of the District of Columbia
21 Traffic Act, 1925, approved March 3, 1925 (43 Stat 1121; D.C. Official Code § 50-2201.03(k)).
22 The notice, reclamation, and disposition procedures set forth in sections 6 through 10 of the
23 Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of

1 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code §§ 50-2421.06 through
2 50-2421.10), shall apply to any all-terrain vehicle or dirt bike impounded pursuant to this
3 section.”. (b) Paragraph (a) of Section 10a (D.C. Official Code § 50-2201.05a) is amended to
4 read as follows:

5 “(a) (1) Within 180 days of April 20, 2013, the Mayor shall establish an Ignition
6 Interlock Device Program applicable to persons who have been convicted of an offense pursuant
7 to sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective September 14, 1982
8 (D.C. Law 4-145; D.C. Official Code § 50-2206.11, § 50-2206.12, § 50-2206.14), or section 2,
9 Article IV of the Driver License Compact Adoption Act of 1984, effective March 16, 1985 (D.C.
10 Law 5-184; D.C. Official Code § 50-1001, Article IV) or whose operator's permit has been
11 revoked pursuant to section 13(a) of the District of Columbia Traffic Act, 1925, approved
12 March 3, 1925 (43 Stat 1125; D.C. Official Code § 50-1403.01(a) for driving while impaired or
13 intoxicated, as those two terms are defined in section 1 of the District of Columbia Implied
14 Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901) .

15 “(2) An individual shall be required to install an ignition interlock device on any
16 vehicle owned, registered, leased or operated by him or her:

17 “(A) upon a second or subsequent conviction or revocation as set forth in
18 paragraph (1); or

19 “(B) upon the Department of Motor Vehicles receiving a record of a first
20 conviction for the individual whose alcohol concentration at the time of testing was 0.16 grams
21 or more per 100 milliliters of the person's blood or per 210 liters of the person's breath, or of 0.20
22 grams or more per 100 milliliters of the person's urine.

1 “(3) If there are no motor vehicles owned, registered, leased or operated by the
2 person that the person so certify to the department. A person so certifying shall be deemed to
3 have satisfied the requirement that all motor vehicles owned, registered, leased or operated by
4 the person be equipped with an ignition interlock system as required by this section.

5 “(4) If a person has certified to the department as described in sub-paragraph (3)
6 and subsequently owns, registers, leases or operates a motor vehicle, said person shall equip the
7 motor vehicle with an ignition interlock system as required by this section.

8 “(5) If a person fails to comply with any of the requirements set forth in this
9 subsection, the mandatory term for which the ignition interlock device is required to be installed
10 will be extended.

11 “(b) For the purpose of this section, “Ignition Interlock Device” means ignition
12 equipment designed to prevent a motor vehicle from being operated by a person whose blood
13 alcohol level exceeds the calibrated setting on the device.

14 “(c) The Mayor shall adopt rules to implement the provisions of this section.”.

15 (c) Section 13 (D.C. Code § 50–1403.01) is amended by adding a new subsection (f) to
16 read as follows:

17 “(f) Notwithstanding any other provision of this section, a person violating any
18 provision of § 50-2206.11, § 50-2206.12, or § 50-2206.14 when the person has 2 prior offenses
19 under § 50-2206.11, § 50-2206.12, or § 50-2206.14 and is being sentenced on the third offense
20 shall have his or her license permanently revoked without the ability to be reinstated.”

21 Sec. 4. The Anti–Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-
22 145; D.C. Official Code §§ 50-2206.01 *et seq.*), is amended as follows:

23 (a) Section 3d (D.C. Code § 50-2206.13) is amended as follows:

1 (1) Subsection (a) is amended by striking the phrase, “upon conviction for the
2 first offense be fined \$1,000, or incarcerated for not more than 180 days, or both; provided, that:”
3 and inserting the phrase, “upon conviction for the first offense be fined not less than \$500 and
4 not more than \$1,000, or incarcerated for not more than 180 days, or both; provided, that a 5-day
5 mandatory-minimum term of incarceration shall be imposed, and in addition:” in its place.

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

10 (b) Section 3f (D.C. Code § 50-2206.15) is amended as follows:

11 (1) Subsection (a) is amended by striking the phrase, “for the first offense be
12 fined \$500, or incarcerated for not more than 90 days, or both” and inserting the phrase, “for the
13 first offense be fined not less than \$250 and not more than \$500, or incarcerated for not more
14 than 90 days, or both; provided that a 5-day mandatory-minimum term of incarceration shall be
15 imposed” in its place.

16 (2) Subsection (b) is amended by striking the phrase, “provided, that a 5-day
17 mandatory-minimum term of incarceration shall be imposed” and inserting the phrase,
18 “provided, that a 10-day mandatory-minimum term of incarceration shall be imposed” in its
19 place.

20 (3) Subsection (c) is amended by striking the phrase, “provided, that a 10-day
21 mandatory-minimum term of incarceration shall be imposed” and inserting the phrase,
22 “provided, that a 30-day mandatory-minimum term of incarceration shall be imposed” in its
23 place.

1 Sec. 5. Section 6 of the Distracted Driving Safety Act of 2004, effective March 20, 2004
2 (D.C. Law 15-124, D.C. Official Code § 50-1731.06) is amended to read as follows:

3 “(6) Enforcement; fines and penalties.

4 “(a) The penalty for violating §§ 50-1731.03, 50-1731.04, or 50-1731.05 shall be a fine
5 of \$500 and 2 points; provided, that the fine and points shall be suspended for a first time
6 violator of §50-1731.04 for using a mobile telephone who, subsequent to the violation but prior
7 to the imposition of a fine and points, provides proof of acquisition of a hands-free accessory of
8 the type required by this chapter.

9 “(b) A violation of the provisions of §§ 50-1731.03, 50-1731.04, or 50-1731.05 shall be
10 processed and adjudicated under the provisions applicable to moving violations set forth in
11 subchapter II of Chapter 23 of this title.”.

12 Sec. 6. Fiscal impact statement.

13 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
14 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
15 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

16 Sec. 7. Effective date.

17 This act shall take effect following approval by the Mayor (or in the event of a veto by
18 the Mayor, action by the Council to override the veto), a 30 day period of Congressional review
19 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
20 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
21 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE



Legal Counsel Division

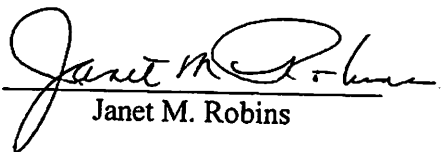
TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: September 11, 2015

SUBJECT: Legal Sufficiency Review of Bill, the "Vision Zero Act of 2015"
(AE-15-586)

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at 724-5524.


Janet M. Robins

JMR/phg