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OFFICE OF THE  
MAYOR

MURIEL BOWSER  
MAYOR

OCT 20 2016

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Ave., NW, Suite 402  
Washington, D.C. 20004

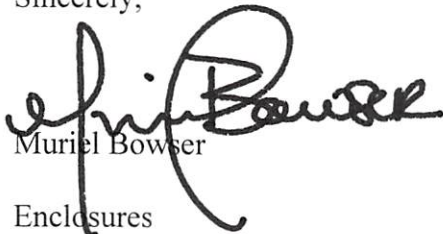
Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is Pedestrian and Bicycle Safety Technical Amendment Act of 2016. As its name suggests, the bill provides some important but technical corrections to the Pedestrian and Bicycle Safety Amendment Act of 2016. Of note, the bill clarifies what accident and traffic data the administration is capable of providing to the Council and public and prohibits stopping, standing, placing or maintaining an all-terrain vehicle or dirt bike in public space in the District unless to load the all-terrain vehicle or dirt bike on a transport to another jurisdiction. The bill does add one more provision not in the Pedestrian and Bicycle Safety Technical Amendment Act of 2016, to remove the requirement that workers must be present in a work zone in order for a moving violation fine to double. This will bring the District in line with neighboring jurisdictions in protecting pedestrians and bicyclists in work zones.


As always, I am available to discuss any questions you may have regarding this legislation. In order to facilitate a response to any questions, please have your staff contact Adrea Turner, Chief of Staff, District Department of Transportation, at 671-2846.

I urge you to take prompt and favorable action regarding the enclosed legislation.

Sincerely,

  
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 provisions from the Bicycle and Pedestrian Safety Amendment Act of 2016 to clarify the accident and traffic data that the administration is capable of providing to the Council and public, amend provisions of The District of Columbia Traffic Act of 1925 to prohibit stopping, standing, placing or maintaining an all-terrain vehicle or dirt bike in public space in the District, unless to load the all-terrain vehicle or dirt bike on a transport to another jurisdiction, to remove the requirement that workers must be present in a work zone in order for a moving violation fine to double, adds to the list of ways a license can be revoked the administrative revocation that occurs when a person is arrested for an alcohol- or drug-related offense, to amend the Anti-Drunk Driving Act of 1982 to remove contradictions about the ability for a person to have his or her driver license or privilege to operate a motor vehicle reinstated after revocation, and to amend title IX of the Fiscal Year 1997 Budget Support Act of 1996 to clarify that MPD will be required to notify the person or persons involved in a collision of photographic or video evidence of the collision captured by an MPD-controlled automated traffic enforcement camera.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pedestrian and Bicycle Safety Technical Amendment Act of 2016”.

Sec. 2. The Bicycle and Pedestrian Safety Amendment Act of 2016, enacted July 25, 2016 (D.C. Act 21- 467; 63 DCR 143), is amended as follows:

(a) Section 102(a)(7) is amended by striking the word “accident” and inserting the word “crash” in its place.

(b) Section 103(a) is amended to read as follows:

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39           “(a) To the extent available, the Mayor shall publish online, at least once per quarter, a  
40 summary of the following information related to all notices of infractions issued for moving  
41 infractions in the preceding quarter:

42                   “(1) The location where the moving infraction occurred;

43                   “(2) The agency that issued the notice of infraction;

44                   “(3) Whether the notice of infraction was issued in person or by use of the  
45 automated traffic enforcement program;

46                   “(4) The violation;

47                   “(5) The jurisdiction in which the motor vehicle involved in the moving  
48 infraction is registered; and

49                   “(6) The year, make, model, and type of the motor vehicle that committed the  
50 moving infraction.”.

51           (c) Section 104(a) is amended as follows:

52                   (1) Paragraph (1) is amended by striking the phrase “, and coordinates”.

53                   (2) Paragraph (5) is amended to read as follows:

54                   “(5) A description of or plan showing any safe accommodation provided  
55 for pedestrians and bicyclists, as required by section 603(f) of the Fiscal Year 1997 Budget  
56 Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-  
57 1141.03(f)).”.

58           (d) Section 106 is amended as follows:

59                   (1) Strike the word “frequency” and insert the word “rate” in its place.

60 (2) Insert the phrase “or bicyclists” after the word “pedestrians”.

61 (e) Section 107(a) is amended as follows:

62 (3) Paragraph (1) is amended by striking the phrase “where motor vehicles make  
63 left and right turns” and inserting the phrase “at intersections” in its place.

64 (4) Paragraph (3) is amended by striking the word “unsignalized” and inserting  
65 the word “uncontrolled” in its place.

66 (f) Section 609 is amended by striking the word “accident” and inserting the word  
67 “crash” in its place.

68 Sec. 3. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.  
69 1119; D.C. Official Code § 50–2201.01 *et seq.*), is amended as follows:

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

71 (1) Paragraph (a)(2) (D.C. Official Code § 50-2201.04b(a)(2)) is amended to read  
72 as follows:

73 “(2) Park, stop, stand, place, or maintain at any time an all-terrain vehicle or dirt  
74 bike on public property, including any public space in the District, unless in the process of  
75 immediately loading the all-terrain vehicle into another vehicle for lawful transport to another  
76 jurisdiction.”.

77 (2) Subsection (f) (D.C. Official Code § 50-2201.04b(f)) is repealed.

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

79 “(a) For any motor vehicle moving infraction, as defined in Chapter 26 of Title 18 of the  
80 District of Columbia Municipal Regulations, committed by the driver within a work zone, the  
81 civil fine shall be double the amount otherwise prescribed and, in a criminal infraction case, the

82 fine and period of incarceration shall be one category higher than the penalty prescribed by  
83 law.”.

84 (c) Section 10a(a) (D.C. Official Code § 50-2201.05a ) is amended as follows:

85 (1) Paragraph (1) is amended by striking the word “or” at the end.

86 (2) Paragraph (2) is amended by striking the period at the end and adding the  
87 word “or” in its place.

88 (3) A new paragraph (3) is added to read as follows:

89 “(3) Section 13(a) of the District of Columbia Traffic Act, 1925, approved  
90 March 3, 1925 (43 Stat 1125; D.C. Official Code § 50-1403.01(a)), for which an operator's  
91 permit has been revoked pursuant to for driving while impaired or intoxicated, as those two  
92 terms are defined in section 3a of the Anti-Drunk Driving Act of 1982, effective September 14,  
93 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.01.”.

94 Sec. 4. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-  
95 145; D.C. Official Code§ 50-2206.01 et seq.), is amended as follows:

96 (a) Section 3d (d-1)(1) (D.C. Official Code § 50-2206.13(d-1)(1)) is amended by striking  
97 the phrase “permanently revoked without the ability to be reinstated” and inserting the word  
98 “revoked” in its place.

99 (b) Section 3f(c-1)(1) (D.C. Official Code § 50-2206.15(c-1)(1)) is amended by  
100 striking the phrase “permanently revoked without the ability to be reinstated” and inserting the  
101 word “revoked” in its place.

102 Sec. 5. Section 904(a) of Title IX of the Fiscal Year 1997 Budget Support Act of 1996,  
103 effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code§ 50-2209.04(a)), is amended as  
104 follows.

105 (a) Paragraph (1) is amended by striking the phrase “all parties involved in the collision”  
106 and inserting the phrase “the person or persons involved in the collision” in its place.

107 (b) Paragraph (3) is amended by striking the word “party” and inserting the phrase  
108 “person involved in the collision” in its place.

109 Sec. 6. Fiscal impact statement

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

113 Sec. 7. Effective date.

114 This act shall take effect following approval by the Mayor (or in the event of veto by the  
115 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
116 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
117 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
118 Columbia Register.

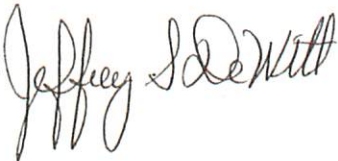
Government of the District of Columbia  
Office of the Chief Financial Officer



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:** October 7, 2016

**SUBJECT:** Revised Fiscal Impact Statement – Bicycle And Pedestrian Safety  
Technical Amendment Act of 2016

**REFERENCE:** Draft Bill as shared with the Office of Revenue Analysis on October 6,  
2016

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*This revised fiscal impact statement replaces the statement issued on September 13, 2016. This revised statement reflects changes to the original draft bill submitted to the Office of Revenue Analysis by the Mayor.*

**Conclusion**

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the bill.

**Background**

In 2016, the Council approved the Bicycle and Pedestrian Safety Act, a comprehensive pedestrian and bicycle safety effort.<sup>1</sup> Among other things, the Act imposed on various District agencies reporting requirements on crashes and violations and tightened the restrictions on all-terrain vehicle use in the District. The bill amends these provisions from the Act.

First, the bill reduces the frequency<sup>2</sup> and the required elements of the regular report the Mayor must submit on moving violations and makes various technical changes to other reporting and notification requirements. Second, the bill allows an all-terrain vehicle on public space while it is loaded onto another vehicle for transport. The Act bans these vehicles from public space.

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<sup>1</sup> Bicycle and Pedestrian Safety Act of 2015, enacted July 25, 2016 (D.C. Act 21-467; 63 DCR 143).

<sup>2</sup> The bill decreases the frequency of the moving infractions report from monthly to quarterly.



The Honorable Phil Mendelson

FIS: "Bicycle and Pedestrian Safety Technical Amendment Act of 2016," Draft Bill as shared with the Office of Revenue Analysis on October 6, 2016

The bill also clarifies that the Department of Motor Vehicles will double a moving violation fine or increase by one category any criminal penalties in any work zone, whether or not workers are present in the zone.

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the bill. There are no costs associated with reducing the frequency or items included in the moving violation reports or clarifying the terminology in any other reports. The proposed changes to the all-terrain vehicle restrictions impose no new costs, as well.

Currently, the District subjects a driver to double the moving violation penalty in a work zone when workers are present. Eliminating the requirement will reduce some staff time reviewing contested tickets, but the impact will be minimal.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

**MEMORANDUM**

**TO:** Lolita S. Alston  
Director  
Office of Legislative Support


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

**DATE:** September 29, 2016

**SUBJECT:** Legal Sufficiency Review of Draft Bill, the "Pedestrian and Bicycle Safety  
Technical Amendment Act of 2016"  
(AE-16-341-C)

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**This is to Certify that** this Office has reviewed the above-referenced draft proposed legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

  
Janet M. Robins

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General

Legal Counsel Division



**MEMORANDUM**

*Privileged and Confidential*

**TO:** Glenn Dubin  
Assistant General Counsel  
District Department of Transportation

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

**DATE:** September 29, 2016

**SUBJECT:** Legal Sufficiency Review of Draft Bill, the "Pedestrian and Bicycle Safety Technical Amendment Act of 2016"  
(AE-16-341-C)

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This responds to your September 14, 2016 request that this Office conduct a legal sufficiency review of the subject draft bill, which would make several changes to the recently enacted Bicycle and Pedestrian Safety Amendment Act of 2016,<sup>1</sup> which is currently undergoing congressional review. The bill would make several wording and technical changes, and would:

- (1) Reduce the amount of information that the Mayor must publish specific about notices of infraction for moving violations;
- (2) Delete a provision stating that in lieu of providing information about a plan showing safe accommodations for pedestrians and bicyclists the Mayor could provide an explanation for why there is no plan;
- (3) Delete a requirement that after information about certain public space permits is published, the Mayor must provide updated data; and
- (4) Add to the list of infractions for which a motor vehicle operator may be required to participate in an ignition interlock program, an offense under the District of Columbia Traffic Act for which an operator's permit has been revoked for driving while impaired or intoxicated (pursuant to a suggestion from the Department of Motor Vehicles).

The attached version of the draft bill incorporates all of the changes shown in the version that you emailed to Katherine Kelley of this Office on September 27, 2016, and includes several additional drafting changes to conform to the Council's drafting manual (adding continuous line

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<sup>1</sup> Enacted July 25, 2016 (D.C. Act 21-467; 63 DCR 143).

numbering and altering section numbering and spacing in several provisions). It is legally sufficient and a legal sufficiency certificate is attached.

If you have any questions regarding this memorandum, please contact Katherine Kelley, Assistant Attorney General, Legal Counsel Division, at 724-5533, or me at 724-5524.

JMR/kvk

Attachments: "Pedestrian and Bicycle Safety Technical Amendment Act of 2016" (draft bill), as  
Approved  
Legal Sufficiency certificate