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GOVERNMENT OF THE DISTRICT OF COLUMBIA

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#1E-2023-0901: RESOLUTION APPROVING TESTIMONY CONCERNING 4 BILLS TO IMPROVE SAFETY-FOCUSED TRAFFIC ENFORCEMENT (B25-0421, B25-0422, B25-0425 AND B25-0435)

WHEREAS, the D.C. Council will convene a joint hearing with the Committees on Transportation and the Environment and Public Works and Operations on October 4, 2023 to consider the following four proposed bills:

- B25-0421, the “License Suspension Reform Amendment Act of 2023,” which would suspend the drivers’ licenses of people charged with (1) negligent homicide due to operation of a vehicle, (2) leaving the scene of an accident in which there was a personal injury, and (3) driving while intoxicated or under the influence, or with alcohol in their system under 21;
- B25-0422, the “Automated Traffic Enforcement [ATE] Effectiveness Act of 2023,” which would (1) assess points against the driving record of individuals for moving violations detected by an ATE system, (2) require reporting to automobile insurance companies of driving records of drivers who accumulate five moving violations in a year, and (3) require towing or immobilization of a parked vehicle with five or more unpaid moving violations, as well as vehicles with counterfeit, stolen, or otherwise fraudulent temporary identification tags;
- B25-0425, the “Strengthening Traffic Enforcement, Education, and Responsibility (‘STEER’) Amendment Act of 2023,” which would (1) create a booting and impounding regime based on traffic tickets accumulated in a six-month period, regardless of whether drivers pay their fines; (2) empower the District Attorney General to bring civil suits against drivers and motor vehicles, including out-of-state drivers; (3) require the District DMV to create a safe driving course for drivers to complete prior to reinstatement of driving privileges or release of vehicles from impoundment; (4) require reporting of DUI offenses between the D.C. Superior Court and DMV, with oversight by the OAG, and require suspension of drivers’ licenses while negligent vehicular homicide charges are pending;
- B25-0435, the “Fraudulent Vehicle Tag Enforcement Amendment Act of 2023,” which would (1) clarify and expand restrictions on the use of counterfeit, stolen, fraudulent, and fake license plates, as well as license plate covers, (2) expand the authority of the District to tow or impound such vehicles when parked on public streets, and (3) seek investigations and enforcement measures against persons selling fake license plates; therefore

BE IT RESOLVED, ANC 1E authorizes Commissioner Josh Jacobson to provide the following testimony on behalf of ANC 1E:

My name is Josh Jacobson, and I am the Commissioner for 1E06 and Chair of 1E’s Transportation and Public Spaces Committee. ANC 1E is centered on Georgia Avenue, and I am testifying on 1E’s behalf. DC’s Vision Zero program was launched in 2015 with the goal of zero traffic deaths by 2024. 2023 is now the deadliest year on record on our streets since Vision Zero was announced. These deaths are the results of poor policy choices ranging from limited penalties for dangerous driving to poorly designed roadways that allow vehicles to speed. Before I give feedback on the specific bills, I want to note two things:

- 1) Ideally, our streets would be made safer through additional traffic calming measures that make it physically and cognitively difficult to speed. However, we note that this is a longer term project so we appreciate the measures the Council has introduced.
- 2) The use of fixed fines and fees can disproportionately harm families of color, and the use of law enforcement for revenue-raising can create conflicts of interest for cities that don't improve safety. We ask for reforms to the District's ATE fines that would lower these fines or create progressive fine structures, so that traffic fines are not crippling to lower-income drivers in the District. We are more in favor of a points-based system than a fine-based system.

ANC 1E would like to offer the following suggestions to enhance the proposed legislation and reduce deaths on our roads:

For The License Suspension Reform Amendment Act of 2023 – we endorse this bill overall and ask for the Council to expand the suspension provisions to include the suspension of driver's licenses for drivers who commit moving violations under District of Columbia Municipal Regulations Ch. 18-22, and in doing so strike a vulnerable user or pedestrian as defined in D.C. Code § 50-2204.51, causing personal injury. Additionally, we would like to see removal of driving privileges after one DUI conviction.

For the ATE Effectiveness Amendment Act of 2023 – we ask that you amend the bill to include several changes:

- Increase the point penalty for moving violations to scale with speed, assessing 1 point for 11 – 15 mph over the limit, 2 for 16 – 20 mph over, and 3 for 21+ mph over with an additional point for these violations in school zones.
- Vehicles with higher front ends are more likely to injure and kill people who are hit by them due to concentrating the force on the chest and head ¹. Additionally, the higher front end makes it difficult for drivers to see people, especially children, in front of them. Since these vehicles pose a greater risk to pedestrians, we must send a message that drivers of these vehicles need to operate them much more carefully than the average vehicle. We ask that you double the points assessed when committed by vehicles with hoods four feet off the ground or higher.
- We specifically wanted to note our support of the presumption that the owner of a vehicle is the operator whenever an infraction is issued by an ATE camera, unless they prove otherwise. A vehicle owner allowing others to drive their vehicle carries risks, and they are choosing to accept that risk whenever they let others drive it.
- If an ATE camera is generating a lot of revenue, it likely means that there are opportunities to improve traffic safety that are being ignored. We ask that you require that the five cameras with the most revenue generated have those funds earmarked for street safety projects for that street or streets immediately adjacent.
- We also understand the importance of quick feedback mechanisms to remind drivers of the dangers they are causing by speeding and urge you to include provisions to have tickets from moving violations captured by ATEs to be mailed within one business day.
- Require the tracking and reporting of revenue collected via towing or immobilization enforcement against vehicles targeted by the ATE Effectiveness Amendment Act (those with five or more unpaid moving violations or improper tags).

For the STEER Act of 2023 – we ask for the following:

- A provision requiring DPW to have an enforcement program on the weekend given the number of vehicles speeding and parked dangerously in our nightlife corridors.

¹ <https://www.iihs.org/news/detail/new-study-suggests-todays-suvs-are-more-lethal-to-pedestrians-than-cars>

- Require DPW to create partnerships with the private sector to boot and tow dangerous vehicles. DPW could share the list of boot and tow eligible vehicles with these private sector entities to reduce opportunities for abuse.

For the Fraudulent Vehicle Tag Enforcement Amendment Act of 2023 – we ask the following:

- Include obscured tags as an offense that allows a vehicle to be booted or towed immediately
- Similar to our suggestion for the STEER Act, allow private entities to do some of the work here (for example, booting and towing tags expired for more than 60 days).
- It is well known that if you use a car cover on your vehicle, you can park wherever you want without any risk of enforcement. We ask that DPW be allowed to investigate covered vehicles for parking violations.

On a more personal note, October 14th marks the 7th anniversary of me receiving an unexpected early morning phone call from my mother. I was expecting her to tell me good news about her getting a new job. Instead, she was crying because my brother Travis had died in a car crash a few hours earlier. I worry about getting that same call from a hospital about my wife or a future kid.

I understand the pain that traffic violence inflicts upon our families, and I work tirelessly to do what I can to prevent other families from experiencing the pain that I did. I hope that the Council understands the seriousness of this issue and passes this legislation to hold dangerous drivers accountable for the risks that they cause our families.

Thank you for your time.

BE IT RESOLVED, Commissioner Josh Jacobson is designated to represent the Commission in all matters relating to this Resolution. In the event that Commissioner Jacobson cannot carry out his representative duties for any reason, ANC 1E authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

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Certification:

After providing sufficient notice for and with a quorum of 6 present at its September 27, 2023 meeting, Advisory Neighborhood Commission 1E voted, with 6 Yeas, 0 Nays, and 0 Abstentions, to adopt the above resolution.



Brian Footer
Chairperson, ANC 1E



Josh Jacobson
Secretary, ANC 1E