

# Major Crash Review Task Force

## 2018 Annual Report



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# DC Major Crash Review Task Force

July 2019

Mayor Muriel Bowser

**Re: Major Crash Review Task Force – 2018 Report**

Dear Mayor Bowser,

The Bicycle and Pedestrian Safety Amendment Act of 2016 (DC Law 21-155) established a Major Crash Review Task Force. According to the statute, *“The Task Force shall review every crash handled by the Major Crash 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.”*

The Task Force first convened in early 2017 and met monthly to review crashes handled by the Major Crash Unit at the Metropolitan Police Department, which include all fatal traffic crashes as well as very serious crashes that may lead to a death in the future. The Task Force includes DDOT and MPD as co-chairs, the Office of Planning, and representatives from the Bicycle Advisory Council, the Pedestrian Advisory Council, and the Multimodal Accessibility Advisory Council.

In accordance with the Act, I hereby submit this report including recommendations from the Major Crash Review Task Force.

Please feel free to contact Major Crash Review Task Force co-chair Linda Bailey at 202-671-4697 or [Linda.Bailey@dc.gov](mailto:Linda.Bailey@dc.gov) to discuss any questions you have regarding this report.

Sincerely,

Linda Bailey  
*Task Force co-chair*

## Purpose of Report

In December of 2015, Mayor Bowser published the District’s Vision Zero action plan to eliminate all traffic fatalities and serious injuries in the District. One strategy in the action plan was to establish a multi-agency response team for crashes involving fatal or disabling injuries, responsible for holistic analysis of contributing factors and recommendation of countermeasures. Similarly, the Bicycle and Pedestrian Safety Amendment Act of 2016 (DC Law L21-0155) created the Major Crash Review Task Force (MCRTF), which is required to “review every crash handled by the Major Crash 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.” The statutory (voting) members of the Task Force comprise representatives from the Metropolitan Police Department (MPD), the District Department of Transportation (DDOT), the Office of Planning (OP), the Bicycle Advisory Council (BAC), the Pedestrian Advisory Council (PAC), and the Multimodal Accessibility Advisory Council (MAAC). In addition, a non-voting representative from the Department of Motor Vehicles (DMV) has attended the Task Force meetings.

The Metropolitan Police Department’s (MPD) Major Crash Unit is responsible for investigating and preparing reports for traffic crashes involving serious personal injury where the victim may die, and for traffic crash deaths that occur within the District of Columbia, provided that the location is not under the jurisdiction of the U.S. Park Police. On average, MPD’s Major Crash Unit handles about 50-60 crashes each year. It is important to understand that the Major Crash Unit does not handle all crashes involving serious injuries; only fatal crashes and crashes that involve critical, likely-to-be-fatal, injuries are investigated by the Major Crash Unit. All other crashes are investigated by MPD’s Districts and, consequently, are not reviewed by the Task Force. The Task Force also does not review fatal crashes handled by the U.S. Park Police. In addition, under the Act, the Task Force does not review any crash until the MPD’s investigation is complete and either 1) the United States Attorney and the DC Office of the Attorney General (OAG) have reviewed the investigation’s findings and declined to bring a criminal prosecution or 2) the United States Attorney or the DC OAG has brought a criminal prosecution and a final judgment has been issued in the criminal proceeding.

The Task Force held an initial organization meeting in April 2017. Because the review of crashes necessarily involves access to private and sensitive information about the people involved and the circumstances of the crashes (e.g. review of photographs or video footage), the Task Force consulted

with the attorneys at DDOT and MPD, as well as the Office of Open Government (OOG, see OOG-0003\_6.21.17\_AO Major Crash Task Force OMA, available online at <https://www.open-dc.gov/documents/oog-000362117ao-major-crash-task-force-oma>) about how best to balance the privacy interests involved with open government principles. Based upon the advice the Task Force obtained from these sources, a Governing Document was developed (see Appendix 2) along with a Non-Disclosure Agreement (NDA, see Appendix 3) for all Task Force members to sign. Consistent with OOG's opinion, as well as with advice from DDOT and MPD attorneys, Task Force meetings have been open to the public, except that the portions of meetings during which private or sensitive materials from specific crashes are reviewed have been closed.

The Task Force formally adopted the Governing Document and NDA, and began regular review of crashes, in late 2017. The Task Force has been able to review 18 of the 51 crashes handled by MPD's Major Crash Unit in 2017. In 2017, 30 fatal crashes occurred in the District of Columbia. The Task Force prioritized fatal crashes for review. The remaining crashes were still under investigation, pending with the United States Attorney or DC OAG, or pending in criminal proceedings as of the end of 2018. Recognizing that 18 is a relatively small number of crashes upon which to base recommendations, the recommendations in this report are accordingly narrow. This initial Task Force report focuses on summarizing apparent themes in the crashes reviewed thus far and attempts to relate them to broader trends visible in the available crash data. The Task Force also made some specific recommendations regarding particular intersections or streets at which crashes occurred in Appendix 4, which contains summary information about each crash reviewed. This report is intended to convey the Task Force's observations thus far, and will be built upon to improve activities and the annual report for 2019.

This report summarizes the activities, findings, and recommendations of the Major Crash Review Task Force for the year 2018, in which crashes from the year 2017 were reviewed.

## 1.0 MPD Major Crash Unit Investigative Protocol

Typically, MPD's Major Crash Unit is notified of a fatal or serious crash by the Command Information Center, which is a centralized city-wide MPD monitoring facility located at Police Headquarters. This notification will come at the request of the supervisor on the scene of a crash where it is believed that a fatality may occur or has occurred.

Upon notification, the Major Crash Unit will respond with both on-duty and off-duty on-call personnel with an official (Sergeant or Lieutenant). Once on the scene the Unit will:

- Check on condition of all victims
- Determine what hospital the victim was transported to and seek a medical update from the hospital
- Secure the crash scene
- Identify / separate and secure all witnesses
  - Witnesses will be interviewed and recorded if possible
- Identify and secure all security cameras and videos of crash
- Evaluate / mark scene with reconstruction paint for future examination if needed and photograph crash positions
- Scan / Laser to electronically measure and map the crash scene
- Collect all evidence: Vehicles, vehicle parts, victim's clothing for DNA purposes, cell phones and other electronic devices, alcohol, smoking devices and pill bottles, and any other pertinent evidence that is present or has merit to the crash
- Identify the living operator(s): interview (recorded) and collect breath, urine or blood sample (if not refusing) to determine if operator was impaired
  - If operator refuses, examine for other, non-chemical, evidence of impairment<sup>1</sup>
- On scene consultation via telephone with the United States Attorney if it appears that charges are warranted at the scene of the crash
- Locate the next of kin and make the proper notifications

After the "on scene" investigation is complete the follow up investigation and reconstructive phase of the investigation will include the following:

- Post-crash reconstruction of the crash scene where the skid analysis, friction factors, and other available evidence will be measured to determine speed of the vehicles (if possible);
- The execution of any search warrants obtained as a result of the crash to include but not limited to: vehicle crash data recorders, cell phone records and hospital toxicology;

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<sup>1</sup> Under D.C. Code 50-1905 (<https://code.dccouncil.us/dc/council/code/sections/50-1905.html>), a driver who refuses testing also may be subject to having their license or privilege to drive in DC revoked for 12 months.

- The evaluation of engineering of roadway and any other physical conditions that were present at the time of the crash;
- The evaluation of conditions of roadway, i.e. pot-holes, roadway defects, obstructions and road conditions, if the crash occurred during inclement weather;
- The collection of historical data on the operators/victims of the crash;
- The determination of points of origin and destination of persons involved if not available at the on scene phase;
- The completion of a final reconstruction report with findings.

Following these actions, the case will either be closed out by MPD if the US Attorney's Office / OAG declines prosecution or the case will be presented for trial by US Attorney's Office or OAG.

The protocol above represents the minimum activities that MPD's Major Crash Unit will perform when it assumes a case. The list above is not an exhaustive list of tasks that the Major Crash Unit performs in every investigation. Very few crashes are the same with the same factors involved. In fact, many cases have additional investigative efforts and measures that are needed and dictated as the case progresses. The most difficult of cases are generally hit-and-run cases which require the location and the identification of the striking vehicle and operator. These cases often require surveillance, cell phone tracking, and video examination to develop leads.

All cases, excluding a single operator crash with a fixed object, are presented to the United States Attorney's office and DC OAG for review and determination regarding the prosecution or declination to prosecute the case.

## 2.0 Findings

The MCRTF reviewed 18 of the 51 crashes that were handled by MPD's Major Crash Unit during 2017. Table 1 illustrates the geographic distribution of these crashes by Ward: Ward 1: 1 crash; Ward 2: 3 crashes; Ward 3: 1 crash; Ward 4: 2 crashes; Ward 5: 6 crashes; Ward 6: 2 crashes; Ward 7: 2 crashes; and Ward 8: 1 crash. Our findings and recommendations are summarized below and the Task Force will continue to monitor these issues as additional crashes are reviewed.

**Table 1 |** Crash Review Summary by Ward

Location of Crash	Number of Crashes	Percentage of Total
Ward 1	1	6%
Ward 2	3	17%
Ward 3	1	6%
Ward 4	2	11%
Ward 5	6	33%
Ward 6	2	11%
Ward 7	2	11%
Ward 8	1	6%
<b>Total</b>	<b>18</b>	<b>100%</b>

*Source: Metropolitan Police Department*

For comparison, Table 2 provides all injury crashes by ward for the year 2017.

**Table 2 |** 2017 Injury Crashes by Ward

Location of Crash	Number of Injuries	Percentage of Total	Number of Disabling Injuries	Percentage of Total
Ward 1	478	7%	18	6%
Ward 2	1191	18%	50	17%
Ward 3	356	5%	18	6%
Ward 4	587	9%	17	6%
Ward 5	1064	16%	37	12%
Ward 6	1096	17%	55	18%
Ward 7	1007	15%	57	19%
Ward 8	845	13%	49	16%
<b>Total</b>	<b>6624</b>	<b>100%</b>	<b>301</b>	<b>100%</b>

*Source: Metropolitan Police Department / District Department of Transportation TARAS2*



Finding 1: Thirteen (72%) of the crashes reviewed by the Task Force occurred on multi-lane roadways, after sunset (for definition of “multi-lane roadways” and other terms used here, see Appendix 1). Multi-lane roadways are designed for heavy traffic volumes, and when those volumes are not present – such as late at night – typically invite higher speed travel than may be the daytime norm.:

- Four fatal crashes occurred on New York Avenue NE:
  - Two fatal crashes [January 7 (3:15 a.m.) and June 23, 2017 (3:31 a.m.)] occurred in the 3100-3600 blocks of New York Avenue NE, one on the eastbound side and one on the westbound side. New York Avenue in this area turns from a principal arterial into a freeway as it heads east, and ranges from about 95-115 feet wide, with a low brick median wall between the two sides. The eastbound side varies between about 40-60 feet wide; the westbound side is between about 40-45 feet wide. There are 3-4 lanes in each direction.
  - One fatal crash [January 11, 2017 (6:10 p.m.)] occurred in the 300-600 block of New York Avenue NE; the driver went from the westbound side into the eastbound side. New York Avenue NE is a principal arterial and has six lanes in this area, is about 65 feet wide in the 600 block (with no median) and about 80 feet wide at 300 New York Avenue NE (with a low concrete then brick median as New York Ave. approaches Florida Avenue).
  - One fatal crash [May 27, 2017 (2:44 a.m.)] occurred in the Unit block of New York Avenue NE. As with the previous crash, the driver went from the westbound side into the eastbound side. New York Avenue NE is a principal arterial in this area, is about 70 feet wide, and has three lanes on each side until about 200 feet from the intersection with North Capitol Street, at which point the westbound side adds a fourth lane for drivers turning left.
- One fatal crash occurred on Connecticut Avenue NW [January 29, 2017 (11:09 p.m.)], at the intersection with N Street, in the crosswalk on the northeast side of the intersection. At that location, Connecticut is a principal arterial and is about 105 feet wide, with a wide concrete median with trees. The northbound side of Connecticut Ave. is about 42 feet wide, with three marked lanes.

- One fatal crash occurred in the 1100 block of the eastbound side of Florida Avenue NE [August 26, 2017 (11:17 p.m.)]. Florida Ave. NE is a principal arterial in this area and is about 44 feet wide, with two lanes in each direction. There is no median.
- One fatal crash occurred on the westbound side of Benning Road NE [June 16, 2017 (2:34 a.m.)], in the 2800 block. Benning Road is a principal arterial in this area and is about 90 feet wide with a concrete median between the east- and westbound sides. The westbound side is about 42 feet wide. There are four lanes in each direction.
- One fatal crash occurred on the westbound side of Eastern Avenue NE [March 25, 2017 (8:58 p.m.)], in the 1200 block. At that point, Eastern Ave. is a minor arterial and is about 41 feet wide, with no median. There are two travel lanes and two parking lanes in each direction. The lane markings for the parking lanes vs. travel lanes are unclear.
- One fatal crash occurred on the northwest-bound side of Blair Road NW [March 25, 2017 (2:45 a.m.)], in the 5800 block. At that location, Blair Road is a minor arterial and is about 45-50 feet wide, with no median. There are two marked lanes in each direction.
- One fatal crash occurred on the southbound side of Queens Chapel Road NE [June 6, 2017 (11:21 p.m.)], in the 2100 block. At that location, Queens Chapel Road is a collector and is about 40 feet wide, with a concrete median. There are two unmarked lanes in each direction.
- One fatal crash occurred at the intersection of Arkansas Avenue and Decatur Street NW [October 23, 2017 (2:30 a.m.)]. At that location, Arkansas Ave. is a minor arterial and is about 60 feet wide; Decatur is a local street and is 55 feet wide at the intersection. As Arkansas Ave. approaches the intersection, there are two travel lanes and two parking lanes. The pavement markings in this location do not make clear which lanes are parking lanes and which are travel lanes.
- One fatal crash occurred on the northbound side of 5<sup>th</sup> Street NW [August 20, 2017 (10:07 p.m.)], in the 2400 block. At that location, 5th Street is a minor arterial and is about 40 feet wide, with no median. There is one vehicle lane and one bike lane in each direction. The lanes are marked; the vehicle lanes are wide, at approximately 13.5 feet.

- One critical injury crash occurred in the 3100 block of the Whitehurst Freeway [September 1, 2017 (1:52 a.m.)]. A motorcycle rider traveling along the westbound side crashed and landed on the eastbound side. At that location, the Whitehurst Freeway is about 46 feet wide, with a concrete barrier separating the two sides. The westbound side is about 24 feet wide; the eastbound side is about 22 feet wide. There are two marked travel lanes in each direction.

Finding 2: Nighttime is critical. Twelve of the crashes cited in Finding 1 occurred between 8:30 pm and 4:00 am, when streets are less likely to have heavy traffic.

These facilities are not easy to speed on during the day time/commute hours, but in the evening, there are fewer impediments and physical cues to deter drivers from exceeding the posted speed limit. We have provided more information on these crashes in Appendix 4.

The only post-sunset crash listed in Finding 1 that did not occur between 8:30 pm and 4:00 am was the January 11, 2017 crash on New York Avenue NE.

Finding 3: Speed was a contributing factor in ten crashes (56%) reviewed by the Task Force and may be underestimated:

- MPD determined that speed was a contributing factor in ten crashes: January 7, 2017; January 11, 2017; May 15, 2017; May 27, 2017; June 6, 2017; June 16, 2017; June 23, 2017; August 20, 2017; August 26, 2017; and October 23, 2017. As outlined in Finding 4, in each of these crashes, MPD either determined that the driver also was impaired or MPD was not able to test for and exclude impairment as a factor. See also Appendix 4.
- In one crash, a motorcyclist traveled 35-45 mph in a 35 mph zone. MPD determined that speed may have been a contributing factor in that crash: September 1, 2017. MPD was not able to test for and exclude impairment as a factor in this crash. See Finding 4 and Appendix 4.
- In one crash, the driver exceeded the speed limit by 10 mph but MPD did not consider speed a contributing factor in the crash: March 25, 2017. MPD also determined that this driver was impaired. See Finding 4 and Appendix 4.

- MPD affirmatively excluded speed as a factor in four crashes: January 29, 2017; April 28, 2017; May 30, 2017; and June 2, 2017.
- In the remaining two crashes reviewed by the Task Force, the Major Crash Unit was not able to determine whether speed contributed to the crash or resulting death or injury. Either the necessary evidence was not present or there was a delay in referral to the Major Crash Unit and the district officers who initially investigated did not suspect speed as a factor.
- Currently, the public data available on [Opendata.dc.gov](http://opendata.dc.gov) in the Crashes in DC and Crash Details datasets appears to report speeding as negative (N) when the reality is that information about speed may be unknown. MPD generates the public data, while DDOT manages the Opendata database, so both agencies will have to be involved in improvements to these data points.
- The District's FY 2019 *Preliminary Crash Data (2013 to 2017)* ([http://www.ddot-hso.com/ddot/hso/documents/Grants Information/Procedures Manual/2019/DC%20CRASH%20CHARTS%202017%20DRAFT.pdf](http://www.ddot-hso.com/ddot/hso/documents/Grants%20Information/Procedures%20Manual/2019/DC%20CRASH%20CHARTS%202017%20DRAFT.pdf)) states: "Between 2012 and 2016, speeding-related fatalities accounted for 46.3 percent of all traffic fatalities (50 of 108). In 2016, speeding-related fatalities accounted for 59.3 percent (16 of 27) of all traffic-related fatalities." Based upon the crashes reviewed thus far by the Task Force, speed appears to be a persistent factor in fatal and critical injury crashes.

Finding 4: Impairment was a contributing factor in nine crashes (50%) reviewed by the Task Force and may be underestimated:

- MPD determined that alcohol and/or drug impairment was a contributing factor in nine crashes: January 7, 2017; March 25, 2017; May 15, 2017; May 27, 2017; June 6, 2017; June 16, 2017; June 23, 2017; August 26, 2017; and October 23, 2017. Blood Alcohol Concentration (BAC) levels in the above crashes ranged from .15 to .25 and thus were significantly higher than the .08 limit set by DC law. At least some of the impaired persons involved in these crashes appear to have had a history of prior driving offenses. See Finding 5 below.

- In one crash, involving a motorcyclist (August 20, 2017), tetrahydrocannabinol (THC) was found to be present, the impairing effect of which could not be determined.
- MPD affirmatively tested for and excluded impairment as a factor in two crashes: January 29, 2017 and May 30, 2017.
- In the remaining six 2017 crashes reviewed by the Task Force, the Major Crash Unit was not able to affirmatively test and determine whether impairment was present and a contributing factor in the crash. Either the Major Crash Unit tried and was not able to obtain toxicology results due to legal barriers or there was a delay in referral to the Major Crash Unit and the district officers who initially investigated did not suspect impairment and consequently did not test for it.
- Currently, the public data available on [Opendata.dc.gov](https://opendata.dc.gov) in the Crashes in DC and Crash Details datasets appears to report impairment as negative (N) when the reality is that information about impairment is unknown or not yet available. (The latter may happen because the crash data is submitted to DDOT before a toxicology report has been received.) DDOT review of MPD crash data reveals that impairment was a contributing factor in 23% (69 of 301) of serious injury crashes in 2017.
- Increased rates of impairment in the crashes the Task Force reviewed may be linked to an increase in Driving Under the Influence (DUI) training for MPD officers. Over the past 6 years, MPD has enhanced training to detect impaired driving. Over this time period, MPD has certified and trained an average of 120 new members per year in Standardized Field Sobriety testing and approximately 60 new members per year on the Intoximeter instrument. Both of these courses are intensive and require several days to instruct. The increase in the training has had an impact on the number of arrest made by MPD. In 2018, MPD performed 124 saturation alcohol patrols or checkpoint deployments.

**Table 3 | Annual MPD Saturation Alcohol Patrol / Checkpoint DUI Arrests**

Calendar Year	Annual Total DUI Arrests	Percent Change from Prior Year
2013	1466	
2014	1487	1%
2015	1182	-26%
2016	1442	18%
2017	1471	2%
2018	1629	10%

*Source: Metropolitan Police Department*

- Although the Bicycle and Pedestrian Safety Act mandated ignition interlock for all offenders, currently only sixteen people are enrolled in the program. According to the District’s most recent (FY17) Highway Safety Annual Report (<http://www.ddot-hso.com/ddot/hso/documents/Publications/Annual%20Report/2017/FY2017%20Annual%20Report.pdf>), the DC OAG requested interlock on 75 cases in FY17 (see page 28). Based upon the limited information available to the Task Force, it is unclear whether every driver who should be enrolled in the program actually is being enrolled.

Finding 5: Eight crashes (44%) reviewed by the Task Force involved drivers or motorcyclists traveling without valid licenses or endorsements and/or who had problematic driving histories:

- Four crashes (22%) were caused by drivers who were driving without a valid driver’s license: January 7, 2017; January 11, 2017; May 27, 2017; and June 16, 2017 (learner’s permit only); Three of these drivers had lost their privilege for reasons unrelated to their driving record (January 7, 2017; January 11, 2017; and May 27, 2017), although some of these drivers also appear to have problematic driving histories.
- Availability of information about driver history was unreliable. Generally, MPD does not research the driver’s history during an investigation because investigators do not want knowledge of the history to bias the investigation. After the investigation phase is completed, MPD may research the driver’s history but, in some cases the Task Force reviewed, MPD had only general information about driving history. A history of automated camera citations issued to the owner of the vehicle involved in a crash is not typically obtained because it is not possible for MPD to definitively link past citations to the driver involved in the crash.

- The June 23, 2017 crash was caused by a driver who had a valid license at the time of the crash but who had lost his license multiple times previously and had three points on it at the time of the crash.
- Three of the four crashes caused by motorcyclists involved motorcyclists who had a valid driver's license but no motorcycle endorsement: June 6, 2017; August 20, 2017; and October 23, 2017.

Finding 6: Twelve crashes (67%) reviewed by the Task Force involved at least three of five factors discussed in Findings 1-5: (1) impairment, (2) speed, (3) nighttime driving, (4) streets designed for high volumes that function as high-speed throughways at late-night and other off-peak hours, and (5) a driver or motorcyclist driving without a valid license or motorcycle endorsement:

- Five crashes (28%) involved all five factors: January 7, 2017; May 27, 2017; June 6, 2017; June 16, 2017 (driver had learner's permit only); and October 23, 2017. (See Findings 1-5 and the Appendix 4 for additional details about these crashes.)
- Five crashes (28%) fit at least four of the five factors:
  - The January 11, 2017 crash occurred at night, on a street designed for high speeds (New York Avenue NE), the driver was speeding, and the driver did not have a valid license.
  - The May 15, 2017 crash occurred at night, on a street designed for high volumes during peak hour, and therefore permitting high speeds off-peak (Blair Road NW), and the driver was both impaired and speeding. The driver had a valid license.
  - The June 23, 2017 crash occurred at night, on a street designed for high volumes during peak hour, and therefore permitting high speeds off-peak (New York Avenue NE), and the driver was both impaired and speeding. The driver had a valid license, but the license had been suspended multiple times before, and had recently been reinstated, but had three points accrued.

- The August 20, 2017 crash occurred at night, on a street with very few cross-streets or other access points for several blocks, which can invite speeding (5<sup>th</sup> Street NW), the motorcyclist was riding without a motorcycle endorsement on his driver's license, and the motorcyclist was speeding. The motorcyclist also had THC in his system, the effect of which could not be determined.
- The August 26, 2017 crash occurred at night, on a high speed street (Florida Avenue NE) and involved a moped rider who was both impaired and speeding. Both the moped rider and the driver involved had valid licenses.
- Two crashes (11%) fit at least three of the five factors mentioned above:
  - The March 25, 2017 crash occurred at night, on a street designed for high speeds (Eastern Avenue NE), and the driver was impaired. MPD also determined that the driver exceeded the speed limit by 10 mph, but did not consider his speed to be a contributing factor in the crash.
  - The September 1, 2017 crash occurred at night, on a street designed for high speeds (Whitehurst Freeway), and MPD concluded that speed may have been a factor in the crash. MPD was not able to obtain toxicology results.

Finding 7: The information available about crashes is limited. This is partly because MPD may not be able to obtain certain evidence and partly because MPD's primary job is to gather evidence to help determine whether or not a crime occurred:

- Major crash investigations are carried out by the police with the primary focus on gathering evidence for any potential criminal charges. While MPD also may identify issues involving street conditions or design, they are not necessarily looking at all potential engineering/design factors in a crash or at developing concepts for preventing crashes.



- MPD can only obtain toxicology results with the permission of the family or with a warrant, but there are many instances where neither of those apply, meaning there are many cases (as noted in Finding 4) where impairment is unknown.
- MPD may not be able to determine driver speed, due to absence of skid marks or other reliable evidence.
- MPD may not be able to obtain the event data recorder information for every crash, which limits the ability to develop relevant evidence. Destruction or absence (in crashes involving older cars) of a recorder and privacy rights are the primary barriers, but if there is no crime involved, MPD may not see the need for the recorder.

Finding 8: Eight crashes (44%) reviewed by the Task Force involved only one car or motorcycle and resulted in the driver or motorcyclist's death (in one case, also killing two passengers) or critical injury:

- The eight crashes involving only one car or motorcycle and in which the driver/rider killed were: January 7, 2017 (two passengers also killed); May 15, 2017; June 2, 2017; June 6, 2017; June 16, 2017; August 20, 2017; September 1, 2017; and October 23, 2017. (See previous findings and Appendix 4 for details on these crashes.)
- Based upon the Task Force's review of these and other crashes, it appears likely that each of these crashes could have resulted in death or serious injury to other people.

Finding 9: Five (28%) of the crashes that were reviewed by the Task Force killed or injured people walking or biking. All of these crashes killed or injured people who were age 50 or older:

- The January 29, 2017 crash killed a 61-year-old man crossing Connecticut Avenue on foot at N Street NW. This man also had some difficulty in walking.
- The March 25, 2017 crash killed a 58-year-old man standing behind his parked car on Eastern Avenue NE.
- The April 28, 2017 crash at Florida Avenue and 1<sup>st</sup> Street NW killed a 74-year-old bicyclist (male).

- The May 30, 2017 crash at 12<sup>th</sup> and E streets SE critically injured 68-year-old bicyclist (female).
- The June 26, 2017 crash on 21<sup>st</sup> Street NW killed an 82-year-old man crossing 21<sup>st</sup> Street on foot.

In addition, a June 2, 2017 incident on private property at a grocery store parking lot killed a 78-year-old woman who had just exited her own car. More complete information about these crashes is available in Appendix 4. To put this information in a larger context:

- Of thirteen 2017 fatal crashes that have not been reviewed by the Task Force, but for which public information is available in an MPD press release and/or the Crash Details Table on [Opendata.dc.gov](https://opendata.dc.gov), eight crashes killed pedestrians and bicyclists and four of the people killed were over age 50. Putting the two sets together, we have fourteen 2017 crashes that killed or injured pedestrians or bicyclists and ten (55.56%) of the people killed were over 50.
- DDOT TARAS2 data reveals that from 2009 to 2018, there was a total of 16,756 pedestrians and bicyclists involved in 15,834 crashes. Of these, 2559 (19.45%) of the pedestrians and bicyclists involved in crashes were age 50 or older. Of the 16,756 pedestrians and bicyclists, 134 were killed and 1,175 suffered disabling injuries. 66 (49.25%) of the people killed and 296 (25.19%) of the people who suffered disabling injuries were pedestrians or bicyclists who were over 50.
- Older adults, children and people with disabilities have more fragile bodies and are more likely to be killed or critically injured in a crash. Many of these individuals move more slowly and their reflexes and cognition may decline. It is more difficult for these individuals to avoid crashes and to recover from them. The crashes reviewed by the Task Force took place on streets whose design may not fully account for this human vulnerability.

The Task Force will continue to track these issues, and others, as it moves forward with review of additional crashes.

## 3.0 Recommendations

As initially stated, 18 is a relatively small number of crashes upon which to base recommendations. Therefore, the recommendations offered in this report are limited. The Task Force has also made some specific recommendations regarding particular intersections or streets at which crashes occurred in Appendix 4. The broad Task Force recommendations are:

Recommendation 1: DDOT's Vision Zero Division, Planning and Sustainability Administration, and the Transportation Operations and Safety Division must continue the annual high crash intersection location visits, but also should identify the District streets or corridors that are most likely to experience fatal or serious injury crashes, including locations that have characteristics in common with those identified for site visits. The Vision Zero Division should initiate a broader conversation within DDOT and with other appropriate agencies about how to make both short- and long-term improvements to these streets, so they can handle day time transportation needs but not encourage (and even discourage) reckless driving behaviors at night, especially impaired and aggressive driving. This process also should consider the need to design streets, at all times, to accommodate the varying abilities of our younger, disabled, and/or aging residents to continue walking and cycling. DDOT's Traffic Engineering and Signals Division should investigate the extent to which late-night signal timing may be contributing to reckless driving behaviors at night.

Recommendation 2: DC's Vision Zero Division, in coordination with other DDOT offices and DC agencies, should identify any Federal or local statutory or regulatory policies or standards (e.g. provisions in the Manual on Uniform Traffic Control Devices) that obstruct the District's efforts to design or re-design its streets with safety as the foremost consideration. If any such barriers are identified, the Division also should consider leading an effort to challenge or remove those barriers, possibly in coordination with leaders in other Vision Zero cities. This includes barriers to implementing more near-term improvements consistent with the tactical urbanism approach (for definition, see Appendix 1). Likewise, the Division should identify and review available objective information and recommendations on speed- and impairment-related crashes and determine which recommendations, if any, would be helpful to the District in reducing speed- and impairment-related crashes, especially high-speed crashes. In particular, the Task Force recommends that the Division's review include:

- The National Transportation Safety Board’s 2017 report, *Reducing Speeding-Related Crashes Involving Passenger Vehicles* (<https://www.nts.gov/safety/safety-studies/Documents/SS1701.pdf>);
- The January 2018 report of the National Academy of Sciences, *Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem* (<http://nationalacademies.org/hmd/Reports/2018/getting-to-zero-alcohol-impaired-driving-fatalities.aspx>) ; and
- Recommendations from the National Transportation Safety Board to DC and other jurisdictions regarding alcohol- and drug-impaired driving (see <https://www.nts.gov/safety/mwl/Documents/2019-20/2019-20-MWL-SafetyRecs.pdf>, Recommendations under “End Alcohol and Other Drug Impairment in Transportation” section).

As part of this review and coordination, the Vision Zero Division, the Department of Motor Vehicles and the Office of the Attorney General should also determine whether the District’s Ignition Interlock Program is operating optimally and, if not, identify barriers to its operation and, if possible, recommend changes to the Mayor and DC Council to eliminate those barriers and increase the program’s effectiveness.

Recommendation 3: DC’s Vision Zero Division, in coordination with other appropriate DDOT offices and DC agencies, should coordinate a review of the histories of both drivers and vehicles involved in fatal and critical injury crashes over the last three years, with a focus on prior license suspension/revocation and impairment- and speed-related offenses. As discussed in the findings above, the Task Force’s access to information about driver or vehicle history has been limited but, based on the limited information available, the Task Force is concerned that drivers with a significant history of repeated impairment- or speeding-related offenses may be overrepresented in the District’s fatal and critical injury crashes. The Task Force will continue to explore this issue as it reviews crashes over the next year, but it should be possible for the Division to conduct a more systematic review of crashes to see if Finding 5 holds true for a larger universe of crashes. If so, then it may be appropriate to look at the District’s approach to these drivers and vehicles to see if earlier and different interventions might have led to a different outcome

for them and others killed or injured in the crashes they caused. Relevant questions to ask would include (but not be limited to): *Did the driver(s) involved in the crash have a record of previous offenses related to impaired driving or speeding? If yes, what were the offenses charged and what was the outcome of any proceedings? Had automated enforcement citations for speeding been issued to the owner of the vehicle(s) involved in the crash? If yes, what specific speeding offenses were involved and what was the outcome of any proceeding?*

Recommendation 4: To ensure that public data accurately reflects available information, the DC Vision Zero Division, DDOT's Performance Management Administration, MPD, the Office of the Chief Technology Officer, and other relevant agency members of the Traffic Records Coordinating Committee should collaborate to revise the Crashes in DC and Crash Details Table datasets on [Opendata.dc.gov](https://opendata.dc.gov) to include an "Unknown" or similar category for both Impairment and Speed. As currently configured, these databases make it impossible for users to accurately determine how many crashes have involved speed or impairment. More important, incorrect negative information may lead the public to misunderstand the relationship between crashes, impairment and speed. Both datasets also should be updated if information that was not previously available becomes available. Because of the legal implications for individual cases, changes to official crash records can be difficult to make; however, this improvement in how information is recorded is important for analyses regarding overall crash patterns.

Recommendation 5: DC's Vision Zero Division, in coordination with other DDOT offices and DC agencies as appropriate, should review fatal and critical injury crashes with an eye toward the cause of the crash from a safety perspective or at methods of preventing crashes. This should become part of major crash investigations, with someone empowered to determine causes and suggest changes, especially to the built environment. DDOT currently does have a similar informal approach to reviewing crash sites; we are recommending that this process should become more formal and should be applied to all major crashes. This review should take place as soon as possible after a crash occurs so that steps can be taken quickly to identify and institute needed changes. Although the MCRTF's review also may identify long-term changes needed to the built environment, our review generally may not take place until long after the crash has occurred.

Recommendation 6: Initially as non-voting members, but eventually via legislation as voting members, the following agencies should be included in future Major Crash Review Task Force meetings:

**Major Crash Review Task Force Annual Report 2018**

- The Department of Motor Vehicles

Representatives from the following agencies or bodies should be invited to specific meetings of the Major Crash Review Task Force as subject matter experts when relevant cases are reviewed:

- The Office of the Attorney General
- Office of Disability Rights
- Age Friendly DC Task Force
- The Office of the Chief Medical Examiner

## 4.0 Next Steps

The Major Crash Review Task Force has published this report and submitted it to the Mayor and to the Council of the District of Columbia, as required by the Bicycle and Pedestrian Safety Amendment Act of 2016 (DC Law L21-0155). The Task Force will continue to review crashes investigated by the MPD Major Crash Unit in calendar year 2019, for crashes that occurred in calendar year 2018. As the Task Force reviews a greater number of cases, its recommendations will grow more precise and specific. The Task Force also intends to augment the membership of the group, to provide additional subject matter expertise for future cases.

# Appendices

## Appendix 1: Definitions

**Collector:** Collectors are defined as roadways that serve both land access and traffic circulation in higher density residential and commercial/industrial areas. This is one step in a [Functional Classification system defined by the Federal Highway Administration](#).

**Local:** Local roadways are defined as mainly serving homes and businesses along the roadway, with no or little through traffic. This is one step in a [Functional Classification system defined by the Federal Highway Administration](#).

**Median:** A median is space in the roadway, typically at the center, which divides traffic traveling in two directions. Pedestrian refuge islands are one type of median that purposefully provides a safe space for people walking to wait partway across the road, and have been shown to increase safety.

**Multi-Lane Roadway:** A roadway with more than one travel lane in each direction is a multi-lane roadway.

**Peak Hour:** Peak hour is ‘rush hour,’ meaning when most people travel to or from work, school, and other daily destinations. Within DC, peak hour is defined as 7:00 – 9:30 am and 4:30 – 6:30 pm.

**Principal Arterial:** Principal arterials are defined as roadways that serve major locations within the urban context and provide a high degree of mobility. They typically have high traffic volume and serve longer trips. This is one step in a [Functional Classification system defined by the Federal Highway Administration](#).

**Tactical Urbanism Approach:** The practice of using quick-build materials to make critical safety improvements to streets in the short term has been called “tactical urbanism.” Most materials and designs are already in use for everyday transportation projects, but tactical urbanism seeks to speed up the process, while realizing many of the safety benefits in the short term.

**Traffic calming:** Traffic calming is a set of improvements to roadways that have been shown to cause drivers to intuitively slow down, increasing safety for all roadway users.

## Appendix 2: MCRTF Governing Document

### Governing Document – Major Crash Review Task Force

#### ARTICLE I

##### Name

The name of this group is Major Crash Review Task Force, hereinafter, referred to as Task Force.

#### ARTICLE II

##### Statement of Purpose

The purpose of the Task Force shall be to review every crash handled by the Major Crash 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.

#### ARTICLE III

##### Authority

The Task Force is formed and shall operate pursuant to section 802 of the Bicycle and Pedestrian Safety Amendment Act of 2016, effective July 25, 2016 (D.C. Law 21-467; D.C. Official Code § 50-1831). (Appendix A [for MCRTF Report Appendix 7]). When a meeting is closed, it will be closed pursuant to D.C. Official Code 2-575(b)(1) and the Major Crash Task Force OMA Advisory Opinion, OOG-0003, issued June 21, 2017. (Appendix B [for MCRTF Report Appendix 7]).

#### ARTICLE IV

##### Composition of the Task Force

1. **Voting members.** The Task Force shall consist of the following voting members: the Chief of the Metropolitan Police Department, or the Chief's designee; the Director of the District Department of Transportation, or the Director's designee; the Director of the Office of Planning, or the Director's designee; a representative from the Bicycle Advisory Council ("BAC") who is selected by the BAC; a representative from the Pedestrian Advisory Council ("PAC") who is selected by the PAC; and a



representative from the Multimodal Accessibility Advisory Council (“MAAC”) who is selected by the MAAC.

Each member organization shall appoint one (1) alternate member to participate in a meeting if the member organization’s member is unable to attend.

Each voting member and alternate member shall sign a non-disclosure statement prior to assuming the duties of the office.

Each member organization shall have one (1) specified representative attend the meeting.

**2. Non-Voting Members.** The Task Force shall have the ability to invite a non-voting membered person (or persons), subject to majority vote. All non-voting members are bound by the non-disclosure agreement. (Appendix C) The non-member person shall have the ability to participate in the closed meeting, share in the discussion, and analyze the confidential information. The non-member shall have the ability to contribute to the suggestions at the meeting. The non-member person (or persons) shall not have the right to vote or receive official communication outside of the closed meeting discussion.

**3. Appointments and terms.** Members shall be appointed according to section 802 of the Bicycle and Pedestrian Safety Amendment Act of 2016, effective July 25, 2016 (D.C. Law 21-467; D.C. Official Code § 50-1831). (Appendix A [for MCRTF Report Appendix 7]). A member of the Task Force shall hold office for the duration of time the member is employed by or is a member of the participating agency or organization, or until an agency Director or member organization designates a new member; whichever occurs first.

**4. Absences.** If a member is absent at a meeting, the alternate member shall take the place of the member for the meeting or until the member returns, whichever is sooner. Members must provide notification that they will be absent at least twenty-four (24) hours before the meeting. Rules on attendance or absences shall not apply to special meetings.

**5. Vacancies.** Any vacancies which occur on the Task Force for any reason shall be filled in the same manner and by the same body which originally designated a representative to that seat, according to section 802 of the Bicycle and Pedestrian Safety Amendment Act of 2016, effective July 25, 2016 (D.C. Law 21-467; D.C. Official Code § 50-1831). (Appendix 7). The representative will serve a term according to “Appointments and terms” section of this document.

**6. Majority.** Until the MAAC is created, three voting members shall constitute a majority of the Task Force. When the MAAC is created and appoints a representative to the Task Force, then four voting members shall constitute a majority of the Task Force.

## ARTICLE V

### Officers

Officers shall consist of co-chairpersons and secretary.

### Appointments and Elections

The co-chairpersons shall be among the Metropolitan Police Department and the District Department of Transportation voting members. In the event that the chair becomes vacant, the second representative from the Metropolitan Police Department or the District Department of Transportation shall automatically become the chairperson for the remainder of the term of the office.

The secretary shall be elected by the membership of the Task Force and shall be an employee of the Metropolitan Police Department or the District Department of Transportation. Once elected, the Secretary will also be a non-voting member of the Task Force. The secretary shall be elected at the first meeting of the Task Force and hold office for that fiscal year. A new election for the secretary shall be held on an annual basis by the members in the last meeting of each fiscal year. The elected secretary shall begin on the first day of the subsequent fiscal year.

### Duties of Officers

1. **Co-Chairpersons.** The co-chairpersons shall be the principal representatives of the Task Force subject to the control of the Task Force, and shall in general supervise all of the business and affairs of the Task Force and preside at all meetings. The co-chairpersons shall perform all duties incident to the office of chairperson and such other duties as may be prescribed by the Task Force from time to time. The co-chairpersons shall be the sole signers of the documents submitted to the Mayor or officials outside of the Task Force.

2. **Secretary.** The secretary performs or causes to be performed, the following activities:

- a. Record the minutes of the Task Force Meetings.
- b. See that all notices are duly provided in accordance with the provisions of this governing document and as required by law.
- c. Take attendance and provide the list to the present District Department of Transportation member.

### Meeting Procedure and Quorum

1. **Regular Meetings.** Meetings shall be held no less than quarterly at the time to be decided by the Task Force. The meetings shall be held at the Metropolitan Police Department's Traffic Safety and Specialized Enforcement Branch, located at 501 New York Avenue, NW, Washington, DC 20001.

2. **Special Meetings.** Special meetings shall be called as necessary by the co-chairpersons.

3. **Closed Door Meeting.** When a majority of voting members determine, a regular meeting or special meeting or part of a regular meeting or special meeting may be classified as a closed door meeting. A closed door meeting is a gathering of selected members of a public body and government

representatives, whether formal or informal, regular, special, or emergency, at which the members consider, review, or advise on major crash incidents, including gathering information, discussing, deliberating, recommending, and writing. Such a gathering will be considered a closed door meeting, whether held in person, by telephone, electronically, or by any other means of communication. See D.C. Official Code § 2-575(b)(1) allowing for a meeting, or portion of a meeting of a public body to be closed when a “law or court order requires that a particular matter or proceeding not be public.” When a closed door meeting is held, the members of the committee and non-voting members shall meet without anyone from the public present. To start the meeting as an official closed meeting, the Co-chairpersons must read into the minutes the Task Force Advisory Memo (Appendix B), prior to taking attendance.

**4. Quorum.** A majority of members must be present to constitute a quorum for the transaction of business at any meeting. An act of a majority of members shall constitute as an act of the Task Force.

**5. Notice of Meetings.** Notice of regular meetings shall be sent to each member no less than five (5) working days prior to the scheduled meeting by an Officer. The notice shall be in writing and/or by electronic mail, and specify the time, date, location, and agenda for the meeting.

**6. Minutes.** Minutes shall be kept of all meetings and sent to all members of the Task Force. Official minutes from all meetings shall be recorded by the secretary and kept by the District Department of Transportation members.

**7. Voting.** All voting members shall have the right to vote. Approval of any motion shall be by simple majority of those voting, unless otherwise specified in this governing document. Non-members who attend meetings, whether subject matter expert or regular guest of a member, shall not have a vote.

## *ARTICLE VI*

### **Enactment Provision.**

This governing document shall be submitted to the Co-chairpersons for approval. Notice shall be sent to the Task Force members no less than five (5) working days prior to the meeting at which this governing document is acted upon. This governing document shall become effective immediately upon approval by the co-chairpersons.

Changes shall be made with a majority vote among members, subject to District Department of Transportation General Counsel review.

## *ARTICLE VII*

### **Responsibilities**

Review crashes handled by the Major Crash Unit of the Metropolitan Police Department either:

1. Upon receipt of notice that the United States Attorney's Office for the District of Columbia and 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, the issuance of a final judgment in the criminal proceeding.

Prepare recommendations to the Mayor and Council for safety improvements based on the crash review.

#### *ARTICLE VIII*

##### **Definitions**

When used in this Agreement, the following term shall have the meaning ascribed:

**Fiscal Year.** The fiscal year shall mean the District of Columbia's Fiscal Year, beginning October 1 of the preceding year and ending September 30. For example, Fiscal Year 2018 begins October 1, 2017 and ends September 30, 2018.

## Appendix 3: MCRTF Non-Disclosure Agreement

### NON-DISCLOSURE & CONFIDENTIALITY AGREEMENT

Major Crash Review Task Force

### NON-DISCLOSURE & CONFIDENTIALITY AGREEMENT

I, \_\_\_\_\_, a willing participant in the Major Crash Review Task Force (“Task Force”), intending to be legally bound, hereby consent to the terms in this Non-Disclosure & Confidentiality Agreement (“Agreement”) in consideration of my being granted access to certain Confidential Information, that is owned by, produced by, or in the possession of the Metropolitan Police Department, the District Department of Transportation, the Department of Motor Vehicles, Department of For-Hire Vehicles, Office of Planning or any participant involved in the Task Force as tracked on official meeting attendance sheets.

The District Department of Transportation will maintain the Agreement on behalf of the Task Force and Participants involved in official Closed Door Meetings, as tracked on official meeting attendance sheets.

#### Definitions

When used in this Agreement, the following terms and phrases shall have the meaning ascribed:

1. **Confidential Information.** - All information or material that is reviewed in a Closed Door Meeting. This includes, but is not limited to, oral discussions, written or printed notes, records, data, and photographs.
2. **Exclusions from Confidential Information.** - Information that is:
  - a. publicly known at the time of disclosure or subsequently becomes publicly known through no fault of the undersigned;
  - b. discovered or created by the undersigned before disclosure by the Task Force;
  - c. learned by the undersigned through legitimate means other than from the Task Force or any other Task Force representative; or,
  - d. disclosed by the undersigned with the Task Force’s prior written approval.
3. **Closed Door Meeting.** A gathering of selected members of a public body and government representatives, whether formal or informal, regular, special, or emergency, at which the members consider, review, or advise on major crash incidents, including gathering information, discussing, deliberating, recommending, and writing. Such a gathering will be considered a closed door meeting, whether held in person, by telephone, electronically, or by any other means of communication. See D.C. Official Code § 2-575(b)(1) allowing for a meeting, or portion of a meeting of a public body to be closed when a “law or court order requires that a particular matter or proceeding not be public.”

4. **Task Force.** An advisory group established by the Bicycle and Pedestrian Safety Amendment Act of 2016, Title VIII Major Crash Review, Sec. 802, effective October 8, 2016 (D.C. Law 21-155; 63 DCR 10143) to review crashes handled by the Major Crash Unit of the Metropolitan Police Department and recommend, regulations, policies, and infrastructure to reduce the number of crashes in the District resulting in serious injury or death.

### **Major Crash Review Task Force Information**

The Task Force will review every crash handled by the Major Crash 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.

The members of the Task Force will conduct Closed Door Meetings and have access to Confidential Information including, but not limited to, oral discussions, written or printed notes, records, data, and photographs pertaining to civil and criminal incidents. This Agreement applies to all information discussed during, produced in, or disseminated in a formal or informal Closed Door Meeting.

Pursuant to D.C. Official Code § 2-575(b)(1), the meeting is closed to discuss and take action regarding specific methods and procedures to protect the public from substantial dangers to public health and safety, and to receive briefings by staff members, legal counsel, law enforcement officials, or emergency service officials concerning these methods and procedures; provided, that disclosure would endanger the public and a record of the closed session is made public if and when the public would not be endangered by that disclosure. (Title VIII Major Crash Review, Sec. 802, effective October 8, 2016 (D.C. Law 21-155; 63 DCR 10143))

I understand and agree to the following terms and conditions of my access to the information indicated above and participation in the Task Force.

1. I hereby acknowledge that I have received appropriate information concerning the nature and protection of information to which I have been provided access, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and that I understand these procedures.

2. By being granted conditional access to the information indicated above, the Task Force and all of its participants, as tracked on official attendance sheets by the District Department of Transportation representative, involved in the Closed Door Task Force related meetings and forums to which I am a party have placed special confidence and trust in me and I am obligated to protect all information from unauthorized disclosure, in accordance with the terms of this Agreement and laws, regulations, and directives applicable to the critical information to which I am granted access and am privy to.

3. I attest that I understand my responsibilities and that I am familiar with and will comply with the standards for protecting such information that I may have access to in accordance with the terms of this Agreement and the laws, regulations, and/or directives applicable to the Task Force and information to which I am granted access.

4. I attest that I am familiar with, and I will comply with the standards for access, dissemination, handling, and safeguarding of the information to which I am granted access as cited in this Agreement and in accordance with the guidance provided to me relative to the Task Force as designated in the Bicycle and Pedestrian Safety Amendment Act of 2016.

5. I will not take, disclose, or release any information provided to me pursuant to this Agreement without proper authority or authorization from the Metropolitan Police Department, the District Department of Transportation, or the government of District of Columbia or a court of law. Should situations warrant the disclosure or release of such information, I will do so only under approved circumstances and in accordance with the laws, regulations, or directives applicable to the specific categories of information. I will honor and comply with any and all dissemination restrictions cited or verbally relayed to be by the proper authority.

6. I hereby agree that I will promptly report to the appropriate official any loss, theft, misuse, misplaced, unauthorized disclosure, or any other confidentiality violation, I have knowledge of and whether or not I am personally involved. I also understand that my anonymity will be kept to the extent possible when reporting confidentiality violations.

7. I understand that a violation of the terms and conditions of this Agreement may result in the cancellation of my access to the information covered by this Agreement and/or terminate my participation in the Task Force.

8. This Agreement is made and intended for the benefit and protection of the Task Force, the Metropolitan Police Department, the District Department of Transportation, the government of District of Columbia, all participants formally involved in the Task Force, and the individuals involved in the crash, and may be enforced by the government of District of Columbia.

9. I understand that I am subject to the Ethics Manual for District of Columbia employees, regardless of my status as an employee. I understand that I have the duty to report violations to appropriate authorities. I also understand that I shall not to use nonpublic information improperly, nor shall I use government property for other unauthorized activities. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012, D.C. Law 19-124, D.C. Official Code 41-1161.01 *et seq.* (2014 Supp.).

10. I understand that neither the Metropolitan Police Department, the District Department of Transportation, nor the government of District of Columbia has waived any statutory or common law evidentiary privileges or protections that they may assert in any administrative or court proceeding to protect any sensitive or Confidential Information to which I have been given access under the terms of this Agreement.

11. I understand that the confidentiality provisions of this Agreement shall survive the termination of this Agreement; and it is my duty to hold all Confidential Information in confidence. This Agreement shall remain in effect until the Confidential Information no longer qualifies as Confidential Information or until I receive a written notice from the Task Force releasing me from this Agreement, whichever occurs first.

12. My execution of this Agreement does not nullify or affect in any manner other non-disclosure or confidentiality agreement which I have executed or may execute with the governments of the United States, the government of District of Columbia, or any of their departments or agencies.

Each provision of this Agreement is severable. If a court finds any provision of this Agreement invalid or unenforceable, the remainder of this Agreement shall remain in full force and is to be interpreted to affect the intent of the parties

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**Major Crash Review Task Force**  
**NON-DISCLOSURE & CONFIDENTIALITY AGREEMENT**

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I, \_\_\_\_\_, knowingly and willingly make this Agreement in good faith, without reservation or purpose of evasion.

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Signature:

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Effective/Sign Date:



## Appendix 4: Detailed Summary of 2017 Crashes Reviewed by the MCRTF and Location-Specific Recommendations

### Fatal Crashes

CCN: 17003695 (driver and his two passengers killed)

Location: Ward 5, 3197 New York Avenue NE (principal arterial)

Date of Crash: January 7, 2017 (Saturday)

Time: 3:15 a.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-3600-block-new-york-avenue-northeast>

Summary of MPD's Investigation: The driver of a Mercedes sedan and his two passengers had celebrated a birthday at a nightclub. After leaving the nightclub, the driver was traveling eastbound in the 3600 block of New York Avenue NE, toward the Maryland line, and lost control of the car. The car mounted a nearby grass-covered island and hit the far right guardrail on the bridge. The passengers died at the scene. The driver died two weeks later. All of the people involved were men and were DC residents. The driver was age 33; the passengers were 23 and 34.

MPD's investigation found that the driver's impairment and speeding were both contributing factors in this crash. The driver's Blood Alcohol Concentration (BAC) was .18 and MPD estimated his speed at 75-80 mph in a 45 mph zone. MPD was unable to obtain more precise information about speed because the car's event data recorder was destroyed in the crash and resulting fire. The driver was driving without a valid license; his license had been revoked for reasons unrelated to his driving record.

Weather: At or around the time of the crash, the temperature was 25F, winds were 13 mph NNE, and there was no precipitation.

Lighting: The Opendata.dc.gov Street Lights dataset shows some street lights on the westbound side of New York near this location, but no street lighting on the eastbound side. Google Maps shows a single streetlight over the exit ramp on the eastbound side.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: A review of the crash database shows hundreds of crashes at or near this location.<sup>2</sup> This and the January 23 crash discussed below are the only fatal crashes; approximately 53 crashes involved major injuries to drivers (four in 2018, three in 2017 and the remainder in 2015 or earlier). About sixty crashes involved minor injuries to drivers. None of the crashes involved bicyclists. One involved a pedestrian, who suffered minor injuries.

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<sup>2</sup> We reviewed the crash database information discussed in this Appendix in late 2018 and early 2019.

## Recommendations:

- The Task Force recommends that DDOT review the streetlighting in this area. The existing lighting appears to be on far side of exit ramp and on the opposite side of NY NE near the crash location.

CCN: 17006039 (driver killed, second driver injured)

Location: Ward 5, 300-600 block of New York Avenue NE (principal arterial)

Date of Crash: January 11, 2017 (Wednesday)

Time: 6:10 p.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-600-block-new-york-avenue-northeast>

Summary of MPD's Investigation: The driver of a black Kia Optima was traveling westbound in the 600 block of New York Avenue NE when he struck the left rear side of a Chevy Trailblazer traveling in the same direction. The impact caused the Kia to mount the left side curb, travel sideways, and then collide with a light pole. The Chevy mounted the right curb, also traveling sideways, where it came to a rest. The Kia driver was taken to a local hospital, where he died. The Chevy driver sustained minor injuries. The Kia driver was male, age 36, and a Maryland resident. The Chevy driver was female, age 55, and a DC resident.

MPD found that speed was the contributing factor in this crash. MPD was not able to obtain toxicology results, so no information about impairment is available for this crash. The Kia driver was driving without a valid license; his license had been revoked for reasons unrelated to his driving record.

Weather: It was raining at the time of the crash. Precise information about temperature is not available, but the high that day was 57F and the low 35F.

Lighting: The Street Lights dataset on [Opendata.dc.gov](https://opendata.dc.gov) shows regularly-spaced lights on both sides of New York NE near this location.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: The Crashes-in-DC map shows 1100+ crashes along New York Avenue NE at or near the location of this crash. Of these 1100+ crashes, five involved pedestrians and one crash, in October 2016, killed a pedestrian; pedestrians suffered minor injuries in the other four crashes. Seven crashes involved bicyclists. Bicyclists suffered major injuries in one crash in November 2016, minor injuries in three crashes, and no injuries in three crashes. The remaining crashes involved only motor vehicle occupants. One of these crashes, in November 2013, killed a vehicle occupant; 85 resulted in major injuries to drivers and/or passengers (one in March 2017, the remainder in 2015 or earlier); 203 resulted in minor injuries to drivers and/or passengers.

## Recommendations:

- The Task Force recommends that DDOT examine the width of the lanes in this area to see if they can be narrowed.

CCN: 17016737 (pedestrian killed)

Location: Ward 2, Connecticut Avenue and N Street NW (principal arterial/local)

Date of Crash: January 29, 2017 (Sunday)

Time: 11:09 p.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-connecticut-avenue-and-n-street-northwest>

Summary of MPD's Investigation: The pedestrian (male, age 61, a Virginia resident) was on the north side of the intersection in a signalized crosswalk, walking west across Connecticut Avenue, at a time when he had neither a green nor a "Walk" signal. The driver (female, in her 40's, a Maryland resident) of a Dodge sedan struck the pedestrian in the northbound left lane, very close to the median island. She had a green light. The pedestrian worked nearby and was leaving work to go home, as he did every night he worked. He walked with a limp; he had had a heart attack the year before. The driver was heading north to her job, as she did every night she worked.

MPD's investigation found that the pedestrian's decision to cross against the signal was the contributing cause of the crash. Neither impairment nor speed were contributing factors in the crash: the driver was tested for impairment and was found not to be impaired; MPD estimated her speed to be about 25 mph in a 25 mph zone, but MPD could not measure it more precisely because there were no skidmarks. She was driving with a valid license.

Weather: At around the time of the crash, it was 39F, overcast, with winds at 9.2 mph NNW.

Lighting: The [Opendata.dc.gov](https://opendata.dc.gov) Street Lights dataset shows regular street lighting on both sides of Connecticut; there is, however, no lighting on or near the median island at this intersection.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: The Crashes-in-DC dataset shows about 200 crashes at or near this location; this is the only fatal crash. There have been five other crashes involving pedestrians, all of those crashes occurred in or after September 2016 and resulted in minor or no injuries. There have been three crashes involving bicyclists, all resulting in minor injuries (in 2 crashes the bicyclist was injured, in one a motor vehicle occupant was injured). These occurred in 2014, 2015 and 2017. The remaining crashes involved only drivers or passengers and occurred in various years. Eleven resulted in major injuries (all occurring in or before March 2015); 19 resulted in minor injuries (these are spread over all years).

## Recommendations:

- The Task Force recommends that DDOT include this intersection in its intersection visit program, with particular attention to median lighting, signal timing, the evenness of the pavement in the crosswalk, and the angle of the curb ramp on the median.

CCN: 17048831 (pedestrian killed)

Location: Ward 7, 1216 Eastern Avenue NE (minor arterial)

Date of Crash: March 25, 2017 (Saturday)

Time: 8:58 p.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-1200-block-eastern-avenue-northeast>

Summary of MPD's Investigation: A Ford Expedition driver (male, age 57, Maryland resident) was traveling westbound in the 1200 block of Eastern Avenue NE and struck the pedestrian (male, age 58, DC resident), who was standing in the street behind his own Dodge car, near his home, removing something from his trunk. The driver's Ford vehicle pushed the pedestrian into the Dodge, which caused the Dodge to hit a second parked vehicle.

MPD's investigation found that the driver's impairment was a contributing factor in this crash. The driver refused to provide breath evidence, but officer observation and circumstantial evidence revealed impairment. MPD determined that the driver was traveling at 40 mph in a 30 mph zone; MPD did not consider this speed excessive, so speed was not identified as a contributing factor in this crash. The driver was driving with a valid license.

Weather: The minimum temperature that day was 36F; the maximum was 56F. There was no precipitation.

Lighting: The Opendata.dc.gov Street Lights dataset shows regular street lighting along the east side of Eastern.

Criminal Charges Filed/Civil Citations Issued: The driver was arrested and charged with Second Degree Murder, Driving Under the Influence, and Possession of an Open Container. Based on docket information on DCCourts.gov (Case No. 2017 CF1 005215), the driver pled guilty to Involuntary Manslaughter on October 20, 2017. On February 9, 2018, he was sentenced to 60 months, 24 months of which were suspended, leaving 36 months to serve. He was also ordered to pay \$100 into the Crime Victims of Compensation Fund and his probation is conditioned upon alcohol treatment and grief counseling.

History of Crashes at Location: The Crashes-in-DC dataset shows 65 other crashes at or near this location. None of the other crashes were fatal, none involved pedestrians, and none involved bicyclists. Fifteen crashes resulted in major injuries to drivers and/or passengers (all occurring in 2015 or earlier), thirteen in minor injuries, the remainder in no injuries.

## Recommendations:

- The Task Force notes and supports DDOT's 2018 High Crash Evaluation for this area, but also recommends marking the crosswalk on the south side of the Eastern/Nash intersection, as well as marking the crosswalk on the north side of the intersection.

CCN: 17070056 (bicyclist killed)

Location: Ward 5, 1<sup>st</sup> and Florida NW (collector/principal arterial)

Date of Crash: April 28, 2017 (Friday)

Time: 2:49 p.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-unit-block-florida-avenue-northwest>

Summary of MPD's Investigation: The bicyclist was traveling northbound on First Street NW, when he passed through a red light at Florida Avenue NW and hit the rear corner panel of a pickup truck that was traveling westbound on Florida Avenue NW through a green light. The cyclist had a helmet. His injury did not appear to be critical at first, but he died 10 days later. The crash was not assigned to Major Crash until he died and some evidence was lost when the crash scene was cleared. The truck driver was 28 years of age and a Maryland resident; the bicyclist was 75 and a DC resident.

MPD's investigation found that the bicyclist's decision to enter the intersection on a red signal was the contributing cause of the crash. Because of the delay in assignment to the Major Crash Unit, there are no toxicology results, so no information about impairment is available for this crash. The truck driver's speed was not considered a contributing factor because the bicyclist hit the truck; the bicyclist's speed is unknown. The driver had a valid license.

Weather: At around the time of the crash, the temperature was 84, wind speed was around 12.7 mph from the south, and it was partly cloudy.

Lighting: Daytime

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: The Crashes-in-DC dataset shows 143 other crashes at or near the intersection of Florida and 1st NW. Eleven of those crashes involved bicyclists (one suffered major injuries, eight suffered minor injuries); six crashes involved pedestrians (one sustained major injuries, four suffered minor injuries); and the remaining crashes involved only motor vehicles (no fatalities, nine major injuries, 22 minor injuries). Of the 11 other crashes involving bicyclists, six were within 12 months before or after this crash, and three of those six were in the same month).

## Recommendations:

- The Task Force recommends that DDOT include this intersection in its intersection visit program. It also may be worthwhile to take a closer look at the other crashes involving bicyclists (and possibly pedestrians).

CCN: 17080988 (driver killed)

Location: Ward 4, 5800 Block of Blair Road NW (minor arterial)

Date of Crash: May 15, 2017 (Monday)

Time: 2:45 a.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-5800-block-blair-road-northwest>

Summary of MPD's Investigation: A Honda Accord (sedan) driver (male, age 48, a Maryland resident) was traveling northwest bound, in the left lane, in the 5800 block of Blair Road NW. He changed lanes, lost control of his car, struck a tree, and his car flipped over. He died at the scene. The driver in front of him witnessed the crash and told police that the Honda driver had been traveling at a high speed. The Honda driver was headed home from work.

MPD's investigation found that the driver's impairment (alcohol and marijuana) and speeding were contributing factors in the crash. The driver's BAC was .21. His speed was 50 mph in a 25 mph zone. In addition, before leaving work, he had had an emotional telephone conversation. The driver had a valid license.

Weather: At around the time of the crash, the temperature was 55.4F, winds were 3.5 mph, and it was mostly cloudy.

Lighting: Based on the Opendata.dc.gov Street Lights dataset, there appear to be four streetlights on the west side of the street and none on the east side.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: The Crashes-in-DC dataset shows 25 other crashes at or near this location. None of the others appear to have been fatal and none appear to have involved pedestrians or bicyclists. Four of the crashes, all of which occurred between 2009 and 2014, resulted in major injuries to drivers; seven resulted in minor injuries to drivers.

## Recommendations:

- The Task Force notes and supports DDOT's 2018 High Crash Evaluation for this area.
- DDOT should review street lighting in this area and see if additional lighting on the east side of the street is needed.

CCN: 17089129 (driver of one car killed, driver and passengers in another car injured)

Location: Ward 5, 33 New York Avenue NE (principal arterial)

Date of Crash: 5/27/17 (Saturday)

Time: 2:44 a.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-unit-block-new-york-avenue-northeast>

Summary of MPD's Investigation: A 2001 Acura sedan driver traveling westbound in the unit block of New York Avenue NE lost control of his car, swerved into oncoming traffic, and struck a black Toyota Rav4 SUV that was heading east. The left side of the Acura hit the left front corner of the Toyota. The Acura then slid onto the sidewalk and into a parking lot next to a hotel at 33 New York Avenue NE. The impact of the crash caused the Acura to separate into two sections. The driver of the Acura and driver and passenger of the Toyota were taken to the hospital. The Acura driver was pronounced dead at the hospital. The driver and a passenger of the Toyota Rav4 suffered minor injuries. The Acura driver was male, age 33, and a DC resident; the Toyota driver (30) and passenger (late 20s) were Maryland residents.

MPD's investigation found that the Acura driver's impairment and speeding were both contributing factors in this crash. The Acura driver's BAC was .25 and testing also showed both THC and oxycodone. MPD was not able to precisely determine the speed of either car, but estimated the Acura driver's speed as at least 55 mph in a 35 mph zone and the Toyota driver's speed as 35-40 mph. The Acura driver did not have a valid license; at the time of this crash, his license had been revoked for reasons unrelated to his driving record, although his license had previously been suspended three times based upon his history of civil traffic offenses.

Weather: At around the time of the crash, the temperature was 64, the wind was calm and the skies were mostly cloudy.

Lighting: According to the Opendata.dc.gov Street Lights dataset, there are five streetlights on each side of NY between the bridge over the Metropolitan Branch Trail and Florida Avenue.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: A review of crash data shows 342 other crashes along NY NE in this area. Of these 342 crashes, 79 occurred within the 12 months before or after this crash. Of that 79, none were fatal, four caused injuries to pedestrians (all minor injuries), two involved

bicyclists (one resulting in minor injuries, the other in no injuries), 11 caused minor injuries to drivers and one resulted in major injuries to a driver.

Recommendations: None specific to this crash

CCN: 17093545 (pedestrian killed)

Location: Ward 3, 4865 MacArthur Boulevard (parking lot)

Date of Crash: June 2, 2017 (Friday)

Time: 4:57 p.m.

MPD Press Release: None

Summary of MPD's Investigation: A woman (age 78, DC resident) drove her car to the grocery store to shop and parked in the lot on a hill (4% grade). As she got out of the driver's side of the car, the car rolled back while the door was still open and pulled her underneath the left front tire. The car went down the driveway. She was taken to a hospital and died there.

MPD's investigation found that the driver's parking brake was not engaged and the vehicle was parked in such a way that caused it to roll backwards in her direction, which was a contributing factor in this crash. Speed was not a factor in this crash. MPD did not suspect impairment as a factor and did not test for it. The driver had a valid driver's license.

Weather: At around the time of the crash, the temperature was 83F, winds were 15 mph NW, and there was no precipitation.

Lighting: Daytime

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: A review of the crash database shows 11 other crashes at 4865 MacArthur Boulevard NW. It is impossible to tell whether these crashes occurred in the same private space or on MacArthur Boulevard. None of the other crashes was fatal. One other crash led to major injuries to a vehicle occupant; three resulted in minor injuries (one bicyclist, one pedestrian, one vehicle occupant).

Recommendations: None specific to this incident.



CCN: 17096366 (motorcyclist killed)

Location: Ward 5, 2100 block of Queens Chapel Road NE (collector)

Date of Crash: June 6, 2017 (Tuesday)

Time: 11:21 p.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-2100-block-queens-chapel-road-northeast>

Summary of MPD's Investigation: A motorcyclist (male, age 28, DC resident), traveling at a high rate of speed southbound on Queens Chapel Road, went over the crest of a bridge and struck an unoccupied DDOT contractor truck parked in the right lane to service a light pole, which was covered by trees. (The truck's occupants had walked to the passenger side of the truck; they were not physically changing the bulb at the time of the crash.) The motorcyclist attempted to stop but lost control, laid the motorcycle down, and slid into the back of the parked truck. The motorcyclist died at the scene of the crash. The motorcyclist had been seen speeding around neighborhood all evening by a tow crane operator who also was in the area. The motorcyclist had a helmet; it was unclear if he was wearing it. The truck had been there a few minutes. The truck's hazard lights, headlights, and orange emergency warning lights were activated. It is unclear whether the contractor had placed traffic cones behind the truck.

MPD's investigation found that the driver's impairment and speeding were contributing factors in this crash. The driver's BAC was .20 and his toxicology results also showed PCP. MPD was able to determine that his speed was excessive but could not determine it precisely. The motorcyclist had a valid driver's license, but did not have a motorcycle endorsement; the motorcycle was unregistered.

Weather: At around the time of the crash, the temperature was 64.6F, winds were 4.6 mph from NNW, and skies were clear.

Lighting: As noted above, the street light at the crash site was not working. The truck's lights were activated. Otherwise, according to the [Opendata.dc.gov](https://opendata.dc.gov) Street Lights dataset, there are streetlights on the west side of Queens Chapel in this area.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: A review of the crash database shows 17 other crashes in this area, but most are on nearby streets. Of the ones along Queens Chapel Road, two resulted in major injuries to vehicle occupants; there were no minor injuries to vehicle occupants and none of the crashes involved pedestrians or bicyclists.

Recommendations: None specific to this crash

CCN: 17102284 (driver killed)

Location: Ward 7, 2800 block of Benning Road NE (principal arterial)

Date of Crash: June 16, 2017 (Friday)

Time: 2:34 a.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-2800-block-benning-road-ne>

Summary of MPD's Investigation: The driver (male, age 27, DC resident) of a black Mercury Grand Marquis was traveling westbound in the 2800 block of Benning Road, Northeast. At the stop light before the bridge over the Anacostia River (Anacostia Avenue NE), the driver took off on green at a high rate of speed. MPD's investigation showed that, due to his speed, the driver's car turned sideways and struck and broke a utility (light) pole. He was trapped inside the car, unconscious, and was pronounced dead at the scene.

MPD's investigation found that the driver's impairment and speeding were contributing factors in this crash. The driver's BAC was .25. MPD estimated his speed at 60-80 mph in a 35 mph zone. MPD could not determine his speed more precisely because there was no black box. MPD also indicated that, based on his BAC and reconstruction of the crash, he may have fallen asleep. He also had had an emotional telephone discussion before he started driving. The driver had a learner's permit, but no license.

Weather: At or around the time of the crash, the temperature was 68F, winds were ESE at 6 mph, and there was no precipitation.

Lighting: The Opendata.dc.gov Street Lights dataset indicates there are numerous streetlights on both sides of Benning near this location.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: A review of the crash database shows 80 other crashes in or near 2800 Benning, with most crashes occurring several blocks east of the location of this crash. Of those 80 crashes, none involved pedestrians; one involved a bicyclist but no injuries are noted. Two resulted in major injuries to vehicle occupants, but both of those occurred in the 3300 block of Benning.

Recommendations:

- This is a known location for speeding. There is a speed camera near the crash location for eastbound traffic. The Task Force recommends that DDOT and MPD review this location to see if a camera for westbound traffic would be helpful, as well as for potential traffic calming measures.

CCN: 17106866 (one driver killed, one driver sustained major injuries)

Location: Ward 5, 3600 block of New York Avenue NE (freeway)

Date of Crash: June 23, 2017 (Friday)

Time: 3:31 a.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-3600-block-new-york-avenue-northeast-0>

Summary of MPD's Investigation: The driver of an Audi sedan was traveling westbound in the 3600 block of New York Avenue NE, at a high rate of speed, flashing his high beams and passing other vehicles. A Honda Odyssey driver on his way to work tried to let the Audi driver by, but they changed lanes at the same time, and the Audi hit the back end of Odyssey, pushing the Odyssey up onto a median wall; the Odyssey partially landed on the Audi. The Audi exploded, separating as it came to rest. The drivers of a Honda HR-V and a Mercedes sedan, who were also traveling westbound on New York Avenue, then collided with the Odyssey and the Audi. The Audi, Honda HR-V and the Mercedes all became engulfed in flames. The driver of the Audi died at the scene. The driver of the Honda Odyssey suffered critical injuries and is still recovering. The drivers of the Mercedes and Honda HR-V were able to exit their cars. The Honda HR-V driver suffered minor injuries. All of the drivers involved were male. The Audi driver was 45, the Honda Odyssey driver was 37, the Mercedes driver was 35, and the Honda HR-V driver was 44. All four cars had Maryland plates, but the HR-V driver lived in DC.

MPD's investigation found that the Audi driver's impairment and speeding were both contributing factors in this crash. The Audi driver's BAC was .15; he also had THC in his system, but its effect could not be determined. MPD was not able to determine the Audi driver's exact speed, because there were no skidmarks and MPD could not get airbag data, but concluded that his speed was excessive based on other evidence. The Audi driver had a valid license, but his license had been suspended multiple times and he had just gotten his license back and had three points on it.

Weather: Around the time of the crash, the temperature was 78F, winds were SSW 9 mph, and there was no precipitation. It rained afterward.

Lighting: The [Opendata.dc.gov](https://opendata.dc.gov) Street Lights dataset shows some lighting on the eastbound side of New York, spaced fairly widely, and frequent lighting on the lanes leading off westbound New York to Fort Lincoln Drive and South Dakota Avenue. There does not appear to be any direct lighting on the westbound lanes of New York in this area.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: A review of the crash database shows hundreds of crashes at or near this location. This and the January 7 crash discussed above are the only fatal crashes; approximately 53 crashes involved major injuries to drivers (four in 2018, three in 2017 and the remainder in 2015 or earlier). About sixty crashes involved minor injuries to drivers. None of the crashes involved bicyclists. One involved a pedestrian, who suffered minor injuries.

Recommendation: The Task Force recommends that DDOT review the street lighting in this location.

CCN: 17108851 (pedestrian killed)

Location: Ward 2, 1500 block of 21<sup>st</sup> Street NW (collector)

Date of Crash: June 26, 2017 (Monday)

Time: 10:50 a.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-1500-block-21st-street-northwest>

Summary of MPD's Investigation: A pedestrian (male, age 82, a DC resident) crossing 21<sup>st</sup> Street NW south of Massachusetts Avenue, walking eastbound, crossed 21<sup>st</sup> at an angle from the southwest corner of the intersection toward a point south of the southeast corner. A driver (female, age 19, a Maryland resident) of a Nissan sedan, who had been heading northwest on Massachusetts, stopped at a red light and then turned left onto southbound 21<sup>st</sup> street when the light turned green. She hit the pedestrian at a point when he was about 35 feet south of the crosswalk, within the travel lanes of 21<sup>st</sup> Street. The pedestrian was initially thought to have only minor injuries, so the crash was not referred to the Major Crash Unit until the pedestrian died two days later.

MPD's investigation found that the pedestrian's decision to cross 21<sup>st</sup> Street outside of the crosswalk was the contributing factor in the crash. Because of the delay in assignment to the Major Crash Unit, there are no toxicology results, so no information about impairment is available for this crash. MPD also noted that the driver's view may have been obstructed by another vehicle. The markings for the crosswalk were missing at the time; it has since been re-stripped. The driver had a valid license.

Weather: At or around the time of the crash, the temperature was 79F, winds were W at 13 mph (gusting to 22 mph), and there was no precipitation ([wunderground.com/history](http://wunderground.com/history)).

Lighting: Daytime

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: The Crashes-in-DC dataset shows about sixteen other crashes at or near the location of this crash. One 2014 crash involved a pedestrian and resulted in major injuries; one 2013 involved a bicyclist and resulted in minor injuries. Of the fourteen crashes that involved only drivers and vehicle occupants, two resulted in major injuries, one from 2012 and one from 2013, and one crash from 2012 resulted in minor injuries.

Recommendations:

- The Task Force recommends that DDOT include the intersection of Massachusetts and 21<sup>st</sup> NW in its intersection visit program, with particular attention to sightlines for left-turning vehicles.

CCN: 17144124 (motorcyclist killed)

Location: Ward 1, 2400 block of 5<sup>th</sup> Street NW (minor arterial)

Date of Crash: August 20, 2017 (Sunday)

Time: 10:07 p.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-2400-block-5th-street-northwest>

Summary of MPD's Investigation: A motorcyclist (male, age 25, DC resident) heading north on 5<sup>th</sup> Street NW came to the traffic signal at McMillan Drive NW, stopped, and then ran the red light. He continued riding into the 2400 block of 5<sup>th</sup>, at a high rate of speed, lost control of the motorcycle as he rounded a curve, and crashed into a guardrail on the east side of 5<sup>th</sup>. The motorcyclist, who was wearing a helmet, was thrown from the motorcycle. He was taken to a hospital and was pronounced dead there. The motorcycle was a Honda CBR600R.

MPD's investigation found that speed was a contributing factor in the crash, but his precise speed could not be determined. He also had THC in his system, but there is no *per se* level of impairment its effect could not be determined. The motorcyclist had a valid driver's license, but no motorcycle endorsement. The motorcycle was borrowed.

Weather: At or around the time of this crash, the temperature was 69F, winds were calm and there was no precipitation.

Lighting: The Opendata.dc.gov Street Lights dataset shows lights on both sides of 5th at frequent intervals between McMillan and Gresham.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: A review of the crash database shows seventeen other crashes between the intersection of McMillan and 5th and the intersection of Gresham and 5th. Most of these appear to be at or close to the intersection of McMillan and 5th. This was the only fatal crash. One other crash resulted in major injuries to another motorcyclist. Seven crashes resulted in minor injuries to drivers. None of the crashes involved pedestrians or bicyclists.

Recommendations: None specific to this crash.

CCN: 17148003 (moped rider killed)

Location: Ward 5/6, 1100 block of Florida Avenue NE (principal arterial)

Date of Crash: August 26, 2017 (Saturday)

Time: 11:17 p.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-1100-block-florida-avenue-northeast>

Summary of MPD's Investigation: A Piaggio moped rider (female, age 39, DC resident) was going eastbound on Florida Avenue NE in the far left lane of travel. The driver of a Volkswagen Touareg (male, age 27, Maryland resident) was also traveling eastbound on Florida Avenue, Northeast in the far right lane. The driver of the Touareg attempted to make a U-turn from the far right lane to go westbound on Florida Avenue. As the Touareg driver crossed the left lane of travel, the moped rider tried to stop but was unable to do so, and struck the driver's side rear of the Touareg. The moped rider was pronounced dead at the hospital. She was wearing a helmet.

MPD's investigation found that the VW driver's decision to make a U-turn from the far right lane, as well as the moped rider's impairment, were the contributing causes of the crash. Her BAC was .22; she also had amphetamines in her system. The driver showed some evidence of impairment, but not enough to conclude that he was impaired within the meaning of the law. His BAC was .04. The moped rider's speed appeared to be faster than surrounding traffic, but MPD was not able to determine how fast she was going. Both the moped rider and the driver had valid licenses.

Weather: At around the time of this crash, the temperature was 71F, winds were 6 mph NE, and there was no precipitation.

Lighting: The Street Lights dataset shows two streetlights on each side of Florida between 11th and 12th. MPD indicated that trees block some of the lighting.

Criminal Charges Filed/Civil Citations Issued: The VW driver was ticketed for turning from the wrong lane and for having a non-functioning mirror.

History of Crashes at Location: The crash database shows no other crashes at this precise spot, but does show 15 nearby crashes on Florida NE between 11th and 12th (plus more at the intersections). Of these 15 crashes, none were fatal, five resulted in injuries to drivers (two major, three minor), and one resulted in injuries to a pedestrian. One of the crashes that injured a driver also involved a pedestrian, who was not injured. One non-injury crash involved a bicyclist.

Recommendation:

- The Task Force recommends that DDOT look at whether trees are interfering with street lighting in this area.

CCN: 17183714 (motorcyclist killed)

Location: Ward 4, Arkansas Avenue and Decatur Street NW (minor arterial/local)

Date of Crash: October 23, 2017 (Monday)

Time: 2:30 a.m.

MPD Press Release: <https://mpdc.dc.gov/release/traffic-fatality-4800-block-arkansas-avenue-northwest>

Summary of MPD's Investigation: A 2003 Yamaha SR6 motorcycle rider (male, age 23, DC resident), traveling at high speed along Arkansas Avenue NW, made a sweeping turn, lost control of the motorcycle, skidded about 80 yards, and crashed on the northwest corner of Arkansas and Decatur NW, hitting the metal part of a drainage ditch, fire hydrant and brick wall in front of a house. He died at the scene of the crash.

MPD's investigation found that the motorcyclist's impairment and speeding, as well as rider inexperience, were contributing factors in the crash. The motorcyclist's BAC was .18. MPD could not determine his precise speed because there were no straight linear skidmarks, but was able to determine that his speed was excessive based upon other evidence. The motorcyclist had a valid driver's license, but did not have a motorcycle endorsement. The motorcycle had been reported stolen, but it is unclear when it was stolen.

Weather: At around the time of the crash, the temperature was 52F, winds were calm, and there was no precipitation.

Lighting: The Opendata.dc.gov Street Lights dataset shows three street lights on the east side of Arkansas leading up to the intersection with Decatur. At the intersection, there are street lights on or near each corner.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: A review of the crash database shows 18 other crashes at or near this intersection. None of the other crashes were fatal and none involved bicyclists or pedestrians. One crash caused major injuries to a vehicle occupant; six crashes resulted in minor injuries to vehicle occupants.

Recommendations: None specific to this crash.

## Non-Fatal Crashes

CCN: 17091490 (bicyclist injured)

Location: Ward 6, 12<sup>th</sup> and E streets SE (local/local)

Date of Crash: May 30, 2017 (Tuesday)

Time: 4:40 p.m.

MPD Press Release: None

Summary of MPD's Investigation: The bicyclist (female, age 68, DC resident) was riding eastbound on the sidewalk in the 1100 block of E, approaching 12th. The driver (male, age 58, Maryland resident) was heading southbound on 12th approaching E, intending to turn left onto E. As the bicyclist crossed 12th in the marked crosswalk, the driver did a rolling stop, struck her, and ran her over. The bicyclist suffered a head injury and rib fracture and is recovering. She had a helmet. The intersection is unsignalized; there are stop signs on the north and south sides of 12th.

MPD's investigation found that the driver's failure to yield to the bicyclist in the crosswalk was the contributing factor in the crash. The driver was tested for impairment and found not be impaired. MPD determined that speed was not a factor in this crash. MPD also noted that the driver was trying to get to a specific parking spot and was focused on that spot. In addition, since E Street is one-way heading west, the driver may have been looking to his left as he turned from 12th onto E. The bicyclist came from his right. The driver had a valid driver's license.

Weather: At around the time of the crash, the temperature was 65F, winds were 5 mph ESE, and there was no precipitation.

Lighting: Daytime

Criminal Charges Filed/Civil Citations Issued: The driver was ticketed for failing to yield to a bicyclist in a crosswalk.

History of Crashes at Location: The Crashes-in-DC dataset shows that there were four other crashes at or near this intersection. None of the other crashes involved bicyclists or pedestrians and none resulted in injuries to anyone.



CCN: *Cannot Locate* (motorcyclist injured)

Location: Ward 2, 3100 block of Whitehurst Freeway NW (Other Freeway or Expressway)

Date of Crash: September 1, 2017 (Friday)

Time: 1:52 a.m.

MPD Press Release: None

Summary of MPD's Investigation: A motorcyclist (male, age 44, residence unknown, Montana plates) riding westbound in the left lane along the Whitehurst Freeway, hit a construction company trailer with an arrow sign. He was launched over a jersey wall and landed close to the wall on the eastbound side. He suffered head and other injuries; he was wearing a helmet. Major Crash was notified five hours later and the scene had been cleared when they arrived. The construction company trailer suffered minimal damage and looked like it was operating normally; this was a temporary setup and the scene was not the same when Major Crash arrived, so MPD does not know whether or not the company had cones out. The motorcyclist was not cooperative in the investigation.

MPD's investigation found that speed may have been a contributing factor in the crash; the motorcyclist was traveling 35-45 mph in a 35 mph zone. MPD was not able to obtain toxicology results because no one else was injured in the crash and they were not able to obtain a subpoena. The motorcyclist had a valid license.

Weather: The weather was clear and warm.

Lighting: The Opendata.dc.gov Street Lights dataset shows street lights at regular intervals along the Whitehurst Freeway. There also is a large building next to this area with lights.

Criminal Charges Filed/Civil Citations Issued: None

History of Crashes at Location: The Crashes-in-DC dataset shows three crashes along the Whitehurst Freeway between 30th Street and Wisconsin Avenue NW. All involved only vehicle occupants. None resulted in death or major injury; one resulted in minor injuries to a vehicle occupant.

Recommendations: None specific to this crash.

CCN: 17176222 (vehicle passenger injured)

Location: Ward 8, Interstate 295 and Interstate 695 (interstate/interstate)

Date of Crash: October 11, 2017 (Tuesday)

Time: 8:55 a.m.

MPD Press Release: None

Summary of MPD's Investigation: The driver of a box truck (female, age 28, Maryland resident) was traveling behind a tractor-trailer, heading south on 295, just past Pennsylvania Avenue, approaching the split for 695. The box truck driver slammed into the back of the tractor-trailer. The front passenger in the box truck (age 37, male) was critically injured but survived. It is unknown whether he was wearing a seatbelt. The airbags in the box truck deployed. Major Crash did not go to the scene because it was initially thought the passenger's injuries were minor. They were called in at 10:35 a.m., but the scene had been cleared by then and the tractor-trailer and its driver were in Richmond. The Virginia state police went out and photographed the vehicle and sent the photos to Major Crash. The box truck was a food delivery truck and sat fairly high; the front passenger side was pushed in. The driver was following her usual route, delivering produce.

MPD's investigation found that the box truck driver followed too closely and this was the contributing factor in the crash. Major Crash did not think impairment or speed were involved, but they cannot be sure given the delay in notification and the clearing of the scene. It was rush hour so likely a slow time. There was no indication of impairment, but it also was too late to test the drivers. Both drivers had valid driving licenses,

Weather: At around the time of the crash, the temperature was 74F, winds were 10 mph ENE, and there was no precipitation.

Lighting: Daytime

Criminal Charges Filed/Civil Citations Issued: The box truck driver was ticketed for following too closely.

History of Crashes at Location: A review of the crash database shows 13 other crashes in this area, along the same part of southbound 295. None were fatal; one resulted in major injuries, three in minor injuries. None of the crashes involved bicyclists or pedestrians. Three of the four crashes involved trucks of various sizes.

Recommendations: None specific to this crash.

## Appendix 5: General Crash Statistics for Multi-Lane Roadways

Arkansas Avenue: DDOT TARAS2 data indicates that there have been 368 total crashes along Arkansas Avenue. This represents .17% of the 215,962 crashes in the dataset. One of the 368 crashes (this one) (.27%) killed a person and 2 (0.54%) caused major injuries to people. Fatal and major injury crashes along Arkansas Avenue represent 0.37% of all fatal crashes and 0.07% of all major injury crashes.

Benning Road: DDOT TARAS2 data indicates that there have been 3,821 total crashes along the Benning Road corridor. This represents 1.77% of the 215,962 crashes in the dataset. Seven of the 3,821 crashes (0.18%) killed people and 52 (1.36%) caused major injuries to people. Fatal and major injury crashes along Benning Road represent 2.58% of all fatal crashes and 1.74% of all major injury crashes.

Blair Road: DDOT TARAS2 data indicates that there have been 563 total crashes along the Blair Road corridor. This represents .26% of the 215,962 crashes in the dataset. One of the 558 crashes (discussed in this report) (.18%) killed a person and 9 (1.60%) caused major injuries to people. Fatal and major injury crashes along Blair Road represent 0.37% of all fatal crashes and 0.30% of the 2,980 major injury crashes.

Connecticut Avenue: DDOT TARAS2 data indicates that there have been 4,677 total crashes along the Connecticut Avenue corridor. This represents 2.17% of the 215,962 total crashes in the dataset. Seven of the 4,677 crashes (0.15%) killed people and 62 (1.33%) caused major injuries to people. Fatal and major injury crashes along Connecticut Avenue represent 2.58% of all fatal crashes and 2.08% of all 2,980 major injury crashes.

Eastern Avenue: DDOT TARAS2 data indicates that there have been 2,273 total crashes along Eastern Avenue. This represents 1.05% of the 215,962 crashes in the dataset. Ten of the 2,273 crashes (0.44%) killed people and 50 (2.20%) caused major injuries to people. Fatal and major injury crashes along Eastern Avenue represent 3.69% of the all fatal crashes and 1.68% of the all major injury crashes.

Fifth Street NW: DDOT TARAS2 data indicates that there have been 975 total crashes along the 5<sup>th</sup> Street NW corridor. This represents 0.45% of the 215,962 crashes in the dataset. Two of the 975 crashes (0.21%) killed people (1 driver, 1 motorcyclist), 17 (1.74%) caused major injuries to people (7 Drivers, 1 Passenger, 6 Pedestrians, 1 Bicyclist, 2 Motorcyclists), and the remainder resulted in minor or no injuries to anyone.

Florida Avenue: DDOT TARAS2 data indicates that there have been 3,705 total crashes along Florida Avenue. This represents 1.72% of the 215,962 crashes in the dataset. Six of the 3,705 crashes (0.16%) killed people and 55 (1.48%) caused major injuries to people. Fatal and major injury crashes along Florida Avenue represent 2.21% of all fatal crashes and 1.85% of all major injury crashes.

New York Avenue: DDOT TARAS2 data indicates that there have been 6,549 total crashes along New York Avenue. This represents 3.03% of the 215,962 total crashes in the dataset. Of that 6,549, fifteen crashes (0.23%) killed people and 99 crashes (1.51%) caused major injuries to people. TARAS2 data includes 271 fatal crashes (1.25% of 215,962) and 2,980 major injury crashes (1.38%). Fatal and major injury crashes along New York Avenue represent 5.54% of the 271 fatal crashes and 3.32% of the 2,980 major injury crashes.

Queens Chapel Road: DDOT TARAS2 data indicates that there have been 167 total crashes along Queens Chapel Road. This represents 0.08% of the 215,962 crashes in the dataset. One of the 167 crashes (this one) (0.60%) killed a person and 1 (0.60%) caused major injuries to people. Fatal and major injury crashes along Queens Chapel Road represent 0.37% of all fatal crashes and 0.03% of the 2,980 major injury crashes.

Whitehurst Freeway: DDOT TARAS2 data indicates that there have been 72 total crashes along the Whitehurst Freeway. This represents 0.03% of the 215,962 crashes in the dataset. None of the 72 crashes killed anyone, but four caused major injuries to people. Major injury crashes along the Whitehurst represent less than one percent of the 2,980 major injury crashes.

## Appendix 6: Acknowledgements

The authors of this report would like to acknowledge the following members and contributors to the Task Force for their assistance and expertise:

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Sgt. Terry Thorne, Metropolitan Police Department

Det. Phuson Nguyen, Metropolitan Police Department

Det. Jeffery Bruce, Metropolitan Police Department

Officer Analee Jimenez, Metropolitan Police Department

Sam Zimbabwe, District Department of Transportation

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Timothy Maher, Office of Planning

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David Cranor, Bicycle Advisory Council

Helen Urquhart, Multimodal Accessibility Advisory Council

Brigid Anderson, Department of Motor Vehicles

Dennis Starks, Department of For-Hire Vehicles

## Appendix 7: Legal Documents

AN ACT

**D.C. ACT 21-467**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 25, 2016**

To require the Mayor to publish crash data and moving infraction data; to require the District Department of Transportation (“DDOT”) to publish 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 Bicycle and Pedestrian Priority Area Program; to require DDOT to adopt a Complete Streets policy; to amend section 2214 of Title 18 of the District of Columbia Municipal Regulations to update rules on dooring prevention; to adopt consumer protection polices related to bicycle insurance policies; 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 amend the Bicycle Safety Enhancement Amendment Act of 2008 to require blind-spot mirrors, reflective blind-spot warning stickers, and side-underrun guards on registered heavy-duty vehicles; 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 District of Columbia Traffic Act, 1927 to revise the Ignition Interlock System Program to require mandatory participation for individuals convicted of 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 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 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.

**ENROLLED ORIGINAL**

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 the 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) The Mayor shall publish online, 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;

(6) 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 motor vehicle involved in the collision is registered; and

(7) 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, the Mayor shall publish online 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) To the extent available, the Mayor shall publish online, 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 age of the driver of the motor vehicle;
- (8) The jurisdiction from which the driver's license was issued;
- (9) The jurisdiction in which the motor vehicle involved in the moving infraction is registered; and
- (10) The year, make, model, and type of the motor vehicle that committed the moving infraction.

(b) If complete data about a notice of infraction is not available at the time of publication, the Mayor 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
- (4) Provides status updates on the implementation of recommendations provided in past reports required by this section.

Sec. 107. Biennial report on improving bicycle and pedestrian safety.

(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”). The purpose of the Program shall be to enhance implementation of rapid infrastructure changes and enforcement attention in specific geographic areas identified pursuant to subsection (b)(1) of this section.

(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 involving a pedestrian or bicyclist;

(C) The severity of collisions involving 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 the 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 the 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 that is under the jurisdiction and control of the District, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

(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) Involving local residents 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; or

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

(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 shall 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) 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.

#### TITLE IV. BICYCLE CONSUMER PROTECTION

##### Sec. 401. Definitions.

For the 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 before the effective date of cancellation, or, in the case of nonrenewal, 30 calendar days before 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 that would have been covered under the policy, if the 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.

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(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 that 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 of receipt of the notification of appeal, 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.**

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 submits evidence at any hearing conducted in connection with the cancellation or nonrenewal.

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 schools and public charter schools in the District an educational curriculum for children in the first through fifth grades 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 the 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) The lead-in language is amended by striking the phrase “the training course shall be designed” and inserting 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) On 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 recommendations 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

(10) Section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (45 Stat. 1123; D.C. Official Code § 50-2201.04).

(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. The Bicycle Safety Enhancement Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-352; D.C. Official Code § 50-205), is amended as follows:

(a) The section heading is amended by striking the phrase “District-owned.”.

(b) New subsections (a-1) and (a-2) are added to read as follows:

“(a-1) 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.

“(a-2) 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; or

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

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

“(c) A person violating any provision of this section shall upon conviction 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 for no more than 30 days, or both.

“(d) In addition to the penalties described in subsection (c) of this section, a person who is convicted of violating subsection (a)(1) of this section shall, upon a second or subsequent conviction for violating subsection (a)(1) of this section, have his or her driver’s license, or privilege to operate a motor vehicle in the District, suspended for one year from the date of conviction; provided, that the period of suspension shall toll during a period 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 or parked 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.*)”.

Sec. 608. Section 101(4) of the Civil Asset Forfeiture Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301(4)), is amended by striking the phrase “or section 4 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 682; D.C. Official Code § 50-1501.04)” and inserting the phrase “section 4 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 682; D.C. Official Code § 50-1501.04), or 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)” in its place.

Sec. 609. Emergency vehicle enforcement cameras.

By July 1, 2017, the Mayor shall transmit to the chairperson of the Council committee with oversight of transportation and the chairperson of the Council committee with oversight of public safety a report and recommendation as to whether emergency vehicles should be equipped with cameras to better enforce regulations associated with the failure to yield to emergency vehicles. The report shall also review best practices in other jurisdictions and examine issues related to equipping emergency vehicles with cameras, such as cost, implementation, accident prevention, and feasibility. If the Mayor recommends equipping emergency vehicles with cameras, the report shall provide a timeline for implementing the use of such cameras.

#### TITLE VII. DRUNK DRIVING

Sec. 701. Section 10a of the District of Columbia Traffic Act, 1925, effective April 3, 2001 (D.C. Law 13-238; 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

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“(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(IV)(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 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;

“(2) Upon a second conviction, a period of one year; and

“(3) Upon a third or subsequent conviction, a period of 2 years.

“(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 a period of time, not to exceed the period of license restriction set forth in subsection (b) of this section; 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)(1) Except as provided in paragraph (2) of this subsection, a participant in the Program shall pay all costs associated with enrolling and participating in the Program.

“(2) Before a participant enrolls in the Program, the Department shall determine whether a participant is indigent. If a participant is determined to be indigent, the Department shall pay all costs associated with that person’s enrollment and participation in the Program.

“(3) For the purposes of paragraph (2) of this subsection, the term “indigent” means a person who receives an annual income, after taxes, of 150% or less of the federal poverty guidelines as updated periodically in the Federal Register by the United States Department of Health and Human Services pursuant to section 673(2) of the Community Services Block Grant Act, approved October 27, 1998 (112 Stat. 2729; 42 U.S.C. § 9902(2)).”

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 by adding a new subsection (d-1) 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 prior offenses under section 3b, 3c, or 3e within the past 5 years 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. Official Code § 50-2206.15) is amended by adding a new subsection (c-1) 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 prior offenses under section 3b, 3c, or 3e within the past 5 years 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. Official 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) 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 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 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, passed on 2nd reading on June 28, 2016 (Enrolled version 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 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 in 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 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.

“(d) For the 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 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 Unit of the Metropolitan Police Department either:

- (1) Upon receipt of notice that the United States Attorney’s Office for the District of Columbia and 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, the issuance of a final judgment in the criminal proceeding.

TITLE IX. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 901. Applicability.

(a) Sections 103 and 801 and the amendatory section 10a(e)(2) of the District of Columbia Traffic Act, 1925 within section 701, 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.




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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, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).


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. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
July 25, 2016



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004

Docket No. **B21-335**

[ ] ITEM ON CONSENT CALENDAR

[ X ] ACTION & DATE

**ADOPTED FIRST READING, 06/07/2016**

[ X ] VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

[ ] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

7-11-16

Date

[ X ] ITEM ON CONSENT CALENDAR

[ X ] ACTION & DATE

**ADOPTED FINAL READING, 06/28/2016**

[ X ] VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

[ ] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

7-11-16

Date

[ ] ITEM ON CONSENT CALENDAR

[ ] ACTION & DATE

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[ ] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Orange				
Alexander					Grosso					Silverman				
Allen					May					Todd				
Bonds					McDuffie									
Cheh					Nadeau									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



June 21, 2017

**VIA ELECTRONIC MAIL**

Lt. Ronald T. Wilkins  
Metropolitan Police Department  
[ronald.wilkins2@dc.gov](mailto:ronald.wilkins2@dc.gov)

Sam Zimbabwe  
District Department of Transportation  
[sam.zimbabwe@dc.gov](mailto:sam.zimbabwe@dc.gov)

**RE: OOG-0003\_6.21.17\_AO**

Dear Lt. Wilkins and Mr. Zimbabwe:

On June 6, 2017, the Office of Open Government (OOG) was asked to provide direction to the Major Crash Task Force (Task Force) to conduct closed meetings “due to the sensitive information they will review and the recommendations they are asked to provide to the Mayor.”<sup>1</sup> The advice of the OOG is sought prior to the Task Force meeting to review confidential records.<sup>2</sup> To make a determination on the appropriate means of Task Force compliance with the Open Meetings Act (OMA), the OOG has reviewed Section 802 of the Bicycle and Pedestrian Safety Amendment Act of 2016 (BPS Act), effective October 8, 2016 (D.C. Law 21-0155; D.C. Code § 50-1831).

The foregoing binding opinion is used by the OOG, pursuant to the authority set forth in section 503(c) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code §2-593(c), may issue advisory opinions on implementation of Subchapter II, the Freedom Of Information Act (D.C. Official Code § 2-531 *et seq.*) (FOIA); and OMA (D.C. Official Code § 2-571 *et seq.*), pursuant to sections 409(g) and 503(a)(2) (D.C. Official Code §§2-579(g);2-593(a)(2)) and 3 DCMR § 10408.1.

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<sup>1</sup> June 6, 2017, email to Director Traci L. Hughes from Marchan Richmond, Legal Intern with the District Department of Transportation.

<sup>2</sup> June 13, 2017, email to Director Hughes from Ms. Richmond in which Ms. Richmond confirms that the Task Force has been formed, “to the extent the members have been identified. However, the members have not begun reviewing confidential information.”

## **BACKGROUND**

The Task Force is a statutorily created body intended to “review every crash handled by the Major Crash Unit of the Metropolitan Police Department (MPD) 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.” BPS Act at section 802(b)<sup>3</sup>. Additionally, it is clear the Task Force was established to “facilitate full public access to collision and moving infractions data, and to make such data available on government websites.<sup>4</sup> This is reiterated in the establishing statute requiring the Mayor to publish crash data and moving infraction data, that the findings of the Task Force are intended to be made public.<sup>5</sup>

The OMA defines a public body as "any government council, including the Council of the District of Columbia, board, commission, or similar entity, including a board of directors of an instrumentality, a board which supervises or controls an agency, or an advisory body that takes official action by vote of its members convened for such purpose." D.C. Official Code § 2-574(3). The OMA includes within the definition of a public body those entities whose establishment was pursuant to statute or Mayor's Order. However, the OMA also looks to the nature of the meeting, and whether the public body is gathering to "consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless whether held in person, by telephone, electronically, or by other means of communication." *Id.* at § 2-574(1).

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<sup>3</sup> The Task Force is made up of the following members: (1) the Chief of the MPD, or designee; (2) the Director of the District Department of Transportation, or designee; (3) the Director of the Office of Planning, or designee; (4) a representative of the Bicycle Advisory Council; (5) a representative of the Pedestrian Advisory Council; and (6) a representative from the Multimodal Accessibility Advisory Council. BPS Act, sec. 802(a)(1-6).

The OOG has previously found that a task force convened to “consider, advise, gather information and ultimately make recommendations to the Mayor intended to affect government operations...” is a public body that must abide by the requirements of the OMA. See, August 31, 2015 OOG-002 Opinion Deputy Mayor for Education Cross-Sector Collaboration Task Force.

<sup>4</sup> June 1, 2016 Committee Report Bill 21-335 the “Bicycle and Pedestrian Safety Amendment Act of 2016”, at page 2. The BPS Act requires the District Department of Transportation to publish monthly collision data on the agency web. Section 904(a), and makes mandatory that MPD release video or photographs from automated traffic enforcement cameras, or other MPD cameras (sans body worn cameras), to individuals involved in collisions, and to retain such records for a minimum of six months, provided the footage is not evidence in a criminal proceeding.

The BPS Act also requires the MPD aggregate and publish monthly data identifying the number of collisions, motorists killed, passengers killed, bicyclists injured, bicyclists killed, pedestrians injured, pedestrians killed, the Police Service Area in which the collision occurred, demographic information about the person or persons involved in the collision, and any human factors that contributed to the collision. BPS Act, Sec. 101.

<sup>5</sup> BPS Act, sec. 802(b).

## **DISCUSSION**

The Task Force is a public body as contemplated by the OMA. D.C. Official Code § 2-575(3). So that it may fulfill its statutory mandate, the Task Force will be required to review “every crash handled by the Major Crash Unit of the MPD” and make recommendations to the Mayor and the Council on ways in which the District may improve pedestrian and vehicular safety with the aim of reducing the number of collisions and collision-fatalities.<sup>6</sup> The Task Force will only review crash records upon notice from the United States Attorney’s Office for the District of Columbia and the Office of the Attorney General for the District of Columbia of a declination to prosecute, or if there is a criminal proceeding against a person involved in the crash, [or] issuance of a judgment in a criminal proceeding.<sup>7</sup>

At issue is whether the Task Force is required to review such records in an open session as required under D.C. Official Code § 2-575(a), or whether review may be undertaken in closed/executive sessions according to one or more of the enumerated exceptions sets out in the OMA at § 2-575(b)(1-14).

Since the Task Force is required to review video and photographic records memorializing vehicular, pedestrian and other model collisions and related fatalities, it necessarily follows that such records may reveal images of such a personal and graphic nature that revelation in an open meeting would violate the personal privacy interests of the individuals involved. D.C. Official Code § 2-575(b)(1) allows for a meeting, or portion of a meeting of a public body to be closed when a “law or court order requires that a particular matter or proceeding not be public.”

Therefore, the District of Columbia Freedom of Information Act (FOIA), D.C. Official code § 2-531, *et seq.* is dispositive. Although FOIA creates the right of any member of the public to inspect public records (D.C. Official Code § 2-532(a)), that right is not absolute. FOIA restricts from disclosure certain records. Specifically, D.C. Official Code § 2-534(a)(2) prohibits release of information that is of such a personal nature where public disclosure would be an unwarranted invasion of personal privacy; and D.C. Official Code § 2-534(3)(C) prohibiting the release of investigatory records compiled for law enforcement purposes where release of the records would “constitute an unwarranted invasion of personal privacy.”

The Task Force may reasonably rely upon the personal privacy protections afforded under FOIA to review collision records in closed session. This does not, however, absolve the Task Force from noting on the record in open session any formal recommendations and actions taken as a result of review in executive session.

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<sup>6</sup> Id. at sec. 802(b).

<sup>7</sup> Id. at sec 802(c)(1).

**CONCLUSION**

As the Task Force is a public body that must conduct itself in accordance, with the Open Meetings Act, it may also rely upon D.C. Official Code § 2-575(b)(1) to review sensitive collision related records as directed under the BPS Act.

Sincerely,



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TRACI L.HUGHES, ESQ.  
Director, Office of Open Government  
Board of Ethics and Government Accountability

Cc: Marchan Richmond  
DDOT Legal Intern  
[marchan.richmond@dc.gov](mailto:marchan.richmond@dc.gov)