

AN ACT

Bill 19-1108

Emergency
Declaration
Res. 19-763
20 DCStat 575Codification
District of
Columbia
Official Code
2001 Edition

To require, on an emergency basis, the Mayor to assess the potential safety impact from lower fines, to post general automated enforcement warning signs, to evaluate existing speed limits and revise existing speed limits through rulemaking, and to submit an automated enforcement expansion plan, to prohibit the Mayor from adopting an order, regulation, or rule concerning posted speed limits by emergency rulemaking, and to repeal any such order, regulation, or rule adopted after December 15, 2012; to amend the District of Columbia Traffic Adjudication Act of 1978 to modify the process for Council approval of mayoral changes to the fine schedule; to amend the Pedestrian Protection Amendment Act of 1987 with regard to when a vehicle must stop for a pedestrian in a marked crosswalk or unmarked crosswalk at an intersection; and to amend the District of Columbia Municipal Regulations to reduce traffic fines for certain moving violations, including speeding, failure to clear the intersection, failure to stop and give right-of-way to a pedestrian in a roadway, failure to come to a complete stop before turning right on red, and failure to obey a “no turn on red” sign.

Safety-Based
Traffic
Enforcement
Emergency
Amendment
Act of 2012

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Safety-Based Traffic Enforcement Emergency Amendment Act of 2012”.

TITLE I -- ASSESSMENTS; AUTOMATED ENFORCEMENT PLAN; SIGNAGE

Sec. 101. Safety impact of fine reductions.

Note,
§ 50-2301.05

Within 18 months from the effective date of the Safety-Based Traffic Enforcement Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-1013)(“Act”), the Mayor shall transmit to the Council an assessment of the safety impact, if any, resulting from the reduced fines required by that act, which shall include a detailed analysis of any changes in moving violation rates and repeat violation rates.

Sec. 102. Signs identifying the District as a strict enforcement zone.

Within 180 days of the effective date of the Act, the Mayor shall post signs identifying the entire District as a strict traffic enforcement zone and warning that automated cameras are used to enforce a wide range of moving violations. The signs shall be posted throughout the District, in locations as determined by the Mayor to be necessary or appropriate.

Sec. 103. Automated enforcement expansion plan.

Not later than April 1, 2013, the Mayor shall transmit to the Council a plan for expansion of automated traffic enforcement in the District. The plan shall include:

(1) An explanation of the plan, its goals, and the strategies to achieve the goals, such as red light, speed, fixed, and mobile;

(2) A recommended number of automated enforcement cameras, by category, that should be deployed in the District to achieve appropriate levels of enforcement and associated traffic safety results;

(3) A timeline for deploying the recommended number of cameras, including the number of additional cameras needed, by category and by fiscal year; and

(4) The amount of funding necessary, in addition to what has been authorized as of the date of the plan's publication, by fiscal year, to attain the target number of cameras.

Sec. 104. Speed limit assessment.

(a) By November 1, 2013, the Mayor shall complete a District-wide assessment that evaluates the speed limits on the District's arterials and other streets. The report of the assessment shall include the criteria used for assessing the speed limits. Upon its completion, the assessment shall be posted to the District Department of Transportation's website. The assessment shall identify a list of recommended speed limits for all District streets based on each of the following independent approaches:

(1) Utilize factors common among transportation officials for the determination of speed limit;

(2) Use factors based on safety and mobility needs of pedestrians, bicyclists, transit drivers, and all other potential road users, as well as factors based on input from local neighborhood representatives and organizations that promote road safety including Advisory Neighborhood Commissions, the Pedestrian Advisory Council, and the Bicycle Advisory Council;

(3) Evaluate whether comparable arterials should have comparable speed limits, and similarly do so for other streets;

(4) Include, based solely on an engineering perspective, speed limits for the District's arterials and other streets.

(b) By January 1, 2014, the Mayor shall revise, through rulemaking, existing speed limits throughout the District as appropriate. Notwithstanding this requirement, the Mayor shall not cause an anti-deficiency as determined by a fiscal impact statement obtained by the Mayor from the Chief Financial Officer.

Sec. 105. Emergency speed-limit changes.

(a) Notwithstanding section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505(c)), the Mayor may not adopt an order, regulation, or rule concerning posted speed limits through emergency rulemaking.

(b) Notwithstanding any other provision of law, any order, regulation, or rule adopted through emergency rulemaking concerning posted speed limits after December 15, 2012, is repealed.

(c) This section shall expire on December 31, 2013, or within 45 days after the District Department of Transportation posts the District-wide assessment provided by section 104 of the Act, whichever is earlier.

Sec. 106. Council approval of fine schedule.

Section 105(a)(1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05(a)(1)), is amended by striking the phrase “The Mayor may modify this schedule of fines by an order which shall be presented to the Council. The order shall be effective 45 days after the Mayor presents it to the Council unless the Council adopts a resolution either disapproving or approving the Mayor’s order, and does so during the review period of 45 days, which shall not include Saturdays, Sundays, legal holidays, and days of recess for the Council” and inserting the phrase “The Mayor may issue proposed rules, 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.*), (“APA”), to propose changes to the schedule of fines. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sunday, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within this 45-day review period, the proposed rules shall be deemed approved. Notwithstanding section 6(c) of the APA (D.C. Official Code § 2-505(c)), the Mayor may not amend the schedule of fines until the Council has approved the proposed rules or the proposed rules have been deemed approved” in its place.

TITLE II -- PEDESTRIANS IN CROSSWALKS

Sec. 201. Section 2(a) of the Pedestrian Protection Amendment Act of 1987, effective October 9, 1987 (D.C. Law 7-34; D.C. Official Code § 50-2201.28(a)), is amended to read as follows:

**Note,
§ 50-2201.28**

“(a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within any marked crosswalk, or unmarked crosswalk at an intersection, when the pedestrian is upon the lane, or within one lane approaching the lane, on which the vehicle is traveling or onto which it is turning.”.

TITLE III -- AMENDMENTS TO THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS

DCMR

Sec. 301. Section 2600.1 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(1) The existing text under the subheading “Speeding” is amended as follows:

(A) Strike the phrase “\$75” after the phrase “Up to 10 mph in excess of limit [§ 2200]” and insert the phrase “\$50” in its place.

(B) Strike the phrase “\$125” after the phrase “11 to 15 mph in excess of limit [§ 2200]” and insert the phrase “\$92” in its place.

(C) Strike the phrase “150” after the phrase “16 to 20 mph in excess of limit [§ 2200]” and insert the phrase “\$100” in its place.

(D) Strike the phrase “\$200” after the phrase “21 to 25 mph in excess of limit [§ 2200]” and insert the phrase “\$150” in its place.

(2) The existing text under the subheading “Intersection” is amended by striking the phrase “\$100” after the phrase “Failure to clear (including crosswalks) [§ 2201.11]” and inserting the phrase “\$50” in its place.

(3) The subheading “Right turn on red” and existing text is amended to read as follows:

“Right turn on red

Failure to come to a complete stop before turning [§ 2103.7]	\$50
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Failure to yield right-of-way to vehicle or pedestrian [§ 2103.7]	\$50
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Violation of “No Turn on Red” sign [§ 4013]	\$50”.
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(4) The existing text under the subheading “Right-of-way” is amended by striking the phrase “\$250” after the phrase “Failure to stop and give right-of-way to pedestrian in roadway [§ 2208]” and inserting the phrase “\$75” in its place.

(5) The existing text under the subheading “Speeding” is amended as follows:

(A) Strike the phrase “\$75” after the phrase “Up to 10 mph in excess of limit [§ 2200]” and insert the phrase “\$50” in its place.

(B) Strike the phrase “\$125” after the phrase “11 to 15 mph in excess of limit [§ 2200]” and insert the phrase “\$75” in its place.

(C) Strike the phrase “150” after the phrase “16 to 20 mph in excess of limit [§ 2200]” and insert the phrase “\$100” in its place.

(D) Strike the phrase “\$200” after the phrase “21 to 25 mph in excess of limit [§ 2200]” and insert the phrase “\$150” in its place.

TITLE IV – APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 401. Applicability.

(a) Title I and Title II of this act shall apply as of the effective date of this act.

(b)(1) Section 301(1) through (4) of Title III shall apply as of April 1, 2013 through September 30, 2013.

(2) After September 30, 2013, section 301(2) through (5) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 402. Fiscal impact statement.

The Council adopts the December 18, 2012 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 403. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).