

**A RESOLUTION**

**Proposed Resolution  
19-1185**

**See Emergency Act  
D.C. Act 19-635  
20 DCSTAT 394**

*To declare the existence of an emergency with respect to the need to require 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.*

**RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Safety-Based Traffic Enforcement Emergency Declaration Resolution of 2012”.**

**Safety-Based Traffic  
Enforcement  
Emergency  
Declaration  
Resolution of 2012**

Sec. 2. (a) There exists an immediate need to implement Bill 19-1013, the Safety-Based Traffic Enforcement Amendment Act of 2012, which was approved by the Council on 1<sup>st</sup> reading on December 4, 2012.

(b) Bill 19-1013 amends the District of Columbia Municipal Regulations to reduce the fines for several traffic violations, including speeding, failure to clear an intersection, right turn on red violations, and failure to stop and give right of way to a pedestrian in a roadway. Bill 19-1013 further requires that the Mayor transmit to the Council an assessment of any safety impact resulting from the fine reductions under the bill, post signs identifying the District as a strict traffic enforcement zone, transmit to the Council a plan for the expansion of automated traffic enforcement in the District, complete a District-wide assessment of speed limits, and revise existing speed limits in the District through rulemaking. Bill 19-1013 also clarifies the requirements for a vehicle stopping for a pedestrian in a crosswalk.

(c) Bill 19-1013 as approved on first reading specified one speeding fine tier (11-15 mph over the existing limit) as subject to appropriations for fiscal year 2013. Bill 19-1013 was approved on 2<sup>nd</sup> reading on December 18, 2012 with an amendment that removed the subject to appropriations language in the bill for fiscal year 2013 by changing, from \$75 to \$92, the fine for that tier for fiscal year 2013. Amendments at 2<sup>nd</sup> reading also made clear that the Mayor cannot change existing speeding fines without review by the Council, the Mayor may not adopt speed limit changes through emergency rulemaking, and any emergency rulemaking concerning posted speed limits after December 15, 2012 is repealed.

(d) Late in the day on December 17, 2012, the Council was informed that the Mayor had ordered an emergency rulemaking to raise the speed limit on four additional roadways in the District, to take effect at 12:01 a.m. on December 18, 2012.

(e) This rulemaking will entirely circumvent pending Bill 19-1013, which is based on certain revenue assumptions that would be altered by the Mayor's emergency rulemaking.

(f) This emergency would implement all of the provisions of Bill 19-1013 as amended.

(g) It is necessary to implement Bill 19-1013 on an emergency basis in order to repeal the most recent emergency rulemaking changing several posted speed limits, and to prevent the Mayor from changing speeding fines and posted speed limits by emergency rulemaking without Council review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Safety-Based Traffic Enforcement Emergency Amendment Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.