

**Testimony before the
Committee on Public Works and Environment
of the Council of the District of Columbia**

By

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My name is Edward Burger. I am speaking today on behalf of the Committee on Pedestrian Safety which was formed in April, 2007 under the auspices of the Council for Court Excellence, an organization composed of members of the judiciary, the legal community and civic participants which has been devoted to public interest causes involving the administration of justice in the District of Columbia for over 25 years. The committee is joined in its work by the AARP and the Medical Society of the District of Columbia.

Washington has experienced a marked increase in economic activity and vibrancy since the late 1970's. Accompanying this has been a marked increase in vehicular traffic. The record of ever more citizens and vehicles moving about the streets of the District, together with a rising accident and fatality rate, places a particular importance on what must be done to preserve the character of the area as a livable city.

In 2007, there were 54 traffic fatalities in the District of Columbia. Of that number, 25 were pedestrians – nearly 50%. Numerous other walkers were injured.

On average there were approximately 600 pedestrian collisions every year, according to crash data of the District's Department of Transportation. Over the five-year period 2001 through 2005, the number of pedestrian injuries ran from a low of 572 in 2002 to a high of 780 in 2005. There was an upward trend in both pedestrian fatalities and injuries.

Over the last 10 months, our committee has actively investigated how the level of pedestrian fatalities and injuries could be reduced, and what steps could be taken that might lead toward ultimate elimination of the situation as a significant problem.

In carrying out this task, the committee met with officials and officers of the Metropolitan Police Department, the Director and Pedestrian Safety Coordinator of the D.C. Department of Transportation, the Executive Director of the National Center for Bicycling and Walking, the Manager of the World Bank's Global Road Safety Facility, and representatives of the Washington Area Bicyclist Association. The committee has also reviewed studies by the Federal Highway Administration, the District's "Street Smart" workshop manual, the Montgomery County "Pedestrian Safety Initiative," and National Academy of Sciences "Benchmark" reviews and the Insurance Institute for Highway Safety evaluation of traffic cameras.

Conclusions Reached

As a result of its investigation, the committee arrived at three fundamental conclusions:

1. There are several cities in this country and abroad which exhibit better

records of pedestrian and traffic safety than the District of Columbia. Safety, “benchmark” countries and cities around the world aim at achievement of a “safe system” where complying citizens can expect that they will be protected from death or injury in traffic.

2. Rules for running such a system must balance risks and rewards to realize the goal of reducing danger as low as reasonably achievable.

3. A combination of education, engineering and enforcement is required to meet the objective.

Educational efforts are underway in the District in a variety of ways, including the PACE car program in which drivers pledge to limit speed in residential areas to posted maximums; speed indicator displays; “stop for pedestrians in crosswalk” signs; “Street Smart” brochures, “Crosswalk Law” cards, and “Smooth Operator” flyers.

However, there is a need for an additional public education effort to which I will return.

Engineering solutions will be advanced by the Pedestrian Master Plan now in the final stages of preparation by DDOT.

Enforcement is an area where the committee believes increased attention should be directed, specifically speeding, running red lights and failing to give right of way to pedestrians.

DDOT’s 2007 online survey of District residents asked what factors make it difficult or unpleasant to walk in the District. Among the 4,800 respondents, the top three out of four answers (with crime as #2) were drivers not stopping for pedestrians in crosswalks (#1 with nearly three times as many responses as #2), drivers running red lights (#3), and fast vehicle speeds (#4).

From our inquiry, two issues deserve special focus: (a) the importance of vehicle speed as a risk factor, and (b) the imperative of enforcement of appropriate laws and sanctions.

Speed kills

Speeding is a major problem. When steel hits flesh, speed kills. The faster drivers travel, the narrower their field of vision, the less their time to react, the greater the distance they require to stop. At 40 miles per hour, a car will travel 59 feet in a second. Studies show that a pedestrian struck by an automobile moving at that rate has a 90% chance of dying. On the other hand, at 25 miles per hour, there is a 90% chance of *survival*.

The attached chart depicts the difference speed makes.

It is estimated that speed is a factor in about one-third of all fatal crashes.

Photo radar speed cameras are a way of deterring speeders. Case studies from Australia and the United Kingdom offer documented evidence.

A 2005 World Health Organization document reported a rate of fatal traffic accidents in Britain of 5.6 people per 100,000 – a substantial difference from the United States where the rate is 15/100,000. There are 7.6 fatalities per billion kilometers driven in Britain compared with 9.4 in the United States.

Traffic injuries cost Britain 0.5 percent of the gross domestic product versus 2.3 percent in the United States which is on a par with Uganda.

Cameras work

In the realm of enforcement, cameras work.

The United Kingdom record is the result of a number of factors, including tough driving tests, vigorous ad campaigns, speed bumps – and cameras.

Australia went from 22.5 deaths/100,000 in 1980 to fewer than 9 deaths/100,000 in 2002, according to a study by the Federal Highway Administration. As reported in the *New York Times* in 2005, from nearly identical rates in 1980, the Australian rate has fallen to a point where it is now a little more than half the U.S. rate. Victoria is cited as an individual example within Australia. Victoria introduced speed cameras in 1989 and has steadily ramped up their use.

A copy of the *New York Times* article reporting these findings is attached.

Speed cameras are costly (\$100,000 each) but are extremely cost effective. In New Zealand, the cost/benefit ratio for cameras is estimated to be 150:1.

In the District of Columbia in fiscal year 2007, a total of 340,454 speeding tickets were issued through photo radar cameras, and a total of 102,627 tickets for moving violations were generated by police officers – a 3 to 1 differential which dramatically increased the reach of the law in dampening speeding and freed manpower for other police purposes.

Importantly, the aim of fines and speed cameras is not to raise money but to reduce accidents. In fact, the success of the program should be measured by a *decrease* in money resulting from fines.

There is strong evidence that speed cameras achieve results.

Fines are a deterrent

Fines can play an important role as a deterrent to infractions – if their level is sufficient to affect conduct.

A study which we undertook of D.C. financial penalties for traffic violations – by drivers, pedestrians and bicyclists – shows that they are (a) low compared to nearby jurisdictions, (b) do not match cities considered to be exemplary in protecting pedestrians, c) may fail to act as a deterrent, and (d) do not give police officers incentive to enforce because they see little value in apprehension.

We found that monetary penalties for the District were lower than those in other jurisdictions by as much as a factor of 10!

Attached to this statement is a chart which provides information on fines. It compares D.C. with Maryland and Virginia and with two “benchmark” municipalities – Seattle, Washington, and Portland, Oregon.

Also displayed on the chart are recommended increases in D.C. fines for particular violations related to pedestrian safety – an approach which is similar to legislation introduced by Councilmember Cheh to raise from \$50 to \$500 the penalty for failure to stop for a pedestrian in a crosswalk.

The proposed levels also seek some proportionality among drivers, pedestrians and bicyclists – all of whom may be the cause of an accident. MPD estimates that half of the pedestrian fatalities in 2007 were caused by “pedestrian error,” e.g. jay walking or crossing against the light.

While not shown on the chart, the committee believes that changes would be appropriate in the allocation of points for violations – two to four points per infraction. Understanding that violations may include a certain number of points as a penalty can encourage compliance.

Publicize Penalties

Fines are not a fee or a tax. They can be avoided by complying with the law. Failure to do so is a voluntary action. Public roads are not a private preserve. The privilege to use them is conditioned on respect for the rules and responsibility in following them.

Enforcement is Key

Enforcement is a key to compliance. MPD carries out targeted crosswalk enforcement operations, AKA “crosswalk stings,” in addition to regular policing. However, use of the tactic is dependent on other demands within the seven MPD districts. Periodic, city-wide enforcement campaigns are not a substitute for consistent, day-to-day efforts.

A good deterrence policy includes:

- High certainty of detection of offenders
- Integrity of the enforcement system. We should not enact laws that are not enforced.
- Quick and certain follow-through.

To make the process work, the public must know what the rules require and that those rules will be enforced. This is the additional and very important element of education to which I referred earlier.

It is essential that people recognize the possibilities of penalties. For that reason, the idea contained in Councilmember Cheh’s bill for posting signs reporting D.C. law on crosswalks and listing the penalty for violation is a good one. In addition to posting at crosswalks and intersections, such signs should be situated at the 19 ingress points for the District. The District’s daily workforce of more than 400,000 persons includes many who drive from Maryland and Virginia. Those drivers should be alerted to their responsibility.

Importance of a Dedicated Traffic Unit

Reported experience in other jurisdictions suggests that success in achieving traffic safety is strongly dependent on existence of (a) a designated and adequately funded government agency, (b) consistent and tough implementation of policies which encourage correct conduct, and c) a political will on the part of the legislative and executive bodies to support the effort on a continuing basis.

To make the system work, studies show there is need for a dedicated lead agency – an effective, dedicated traffic safety unit. That unit should be legally charged with road safety and held accountable for its performance in reaching specific targets.

All three of those elements appear present here. The District possesses multiple and capable resources to achieve safety goals. Under the leadership of Emeka Moneme, with the support of Pedestrian Safety Coordinator George Branyan, the District Department of Transportation is well equipped with experience and judgment. The Metropolitan Police Department has a highly competent individual in charge of

traffic safety in Assistant Chief Patrick Burke. Chief Burke has undertaken important initiatives moving toward coordination of city agencies as founder of the Multi-Agency Targeted Traffic Safety Sessions.

Success in this endeavor demands strong political leadership at the top.

Council Activities

The Council is increasingly involved in advancing effective approaches, including the Cheh proposal, the support for expansion of the role of traffic control personnel suggested by Councilmember Graham and supported by Chief Lanier, Councilmember Alexander's legislation to require new drivers under 21 to take a two-hour class on the dangers of driving under the influence of alcohol or drugs. There are other areas where the Council might investigate, including a review of the "distracted driving" rules for drivers and the provisions of "graduated driving" for teenagers.

It is sometimes said that we need a culture of safety before we can see results. The fact is that enforcement *is* education and need brings acceptance.

Other jurisdictions have demonstrated turnarounds and created successful records. We should make this a key component of the character of the District of Columbia.