

**2008-2009 OFFICERS AND
EXECUTIVE COMMITTEE**

CHAIRMAN OF THE BOARD
Marie C. Johns
L&L Consulting, LLC

PRESIDENT
Rodney E. Page, Esquire
Bryan Cave LLP

IMMEDIATE PAST PRESIDENT
Timothy J. May, Esquire
Patton Boggs LLP

VICE PRESIDENT
A. Stephen Hut, Jr., Esquire
*Wilmer Cutler Pickering Hale and
Dorr LLP*

SECRETARY
David J. Cynamon, Esquire
Pillsbury Winthrop Shaw Pittman LLP

TREASURER
Marc B. Sherman, CPA, Esquire
Huron Consulting Group

Frank J. Baltz, Esquire
Clark Construction Group, LLC

James D. Berry, Jr.

Linda L. Bostick

Beverly J. Burke, Esquire
Washington Gas Light Company

Marcia Calhoun
Davis Carter Scott

Steven D. Gordon, Esquire
Holland & Knight

Honorable Brook Hedge
*Superior Court of the District of
Columbia*

Larry E. Hinton, Esquire
GEICO

James H. Hulme, Esquire
Arent Fox LLP

Barbara L. Johnson, Esquire
Paul, Hastings, Janofsky & Walker LLP

Honorable Noel Anketell Kramer
District of Columbia Court of Appeals

William E. Lawler, Esquire
Vinson & Elkins

Eric Lieberman, Esquire
The Washington Post

Deborah Luxenberg, Esquire
Luxenberg, Johnson & Dickens, P.C.

Dwight D. Murray, Esquire
Jordan, Coyne & Savits

Honorable Richard W. Roberts
*United States District Court for the
District of Columbia*

Joan Strand, Esquire

Michael L. Waldman, Esquire
*Robbins, Russell, Englert, Orseck,
Untereiner & Sauber LLP*

FINANCE COMMITTEE CHAIR
Julia A. Matthews, J.D.
PNC Wealth Management

NOMINATING COMMITTEE CHAIR
Ronald C. Jessamy, Esquire
Law Office of Ronald C. Jessamy, PLLC

RESOURCE DEVELOPMENT
COMMITTEE CO-CHAIRS
Caryl S. Bernstein, Esquire
The Bernstein Law Firm, PLLC

James F. Lee, Jr., Esquire
Lee & McShane, PC

EXECUTIVE DIRECTOR
June B. Kress

COUNCIL FOR
COURT EXCELLENCE



1111 14th Street, NW
Suite 500
Washington, DC 20005
202.785.5917 Fax: 202.785.5922
<http://www.courtexcellence.org>

**Statement of
Edward J. Burger, Jr., M.D., Sc.D., FACP, Chairman
Committee on Pedestrian Safety
Council for Court Excellence
before the
Committee on Public Safety and the Judiciary
Council of the District of Columbia**

March 9, 2009

Mr. Chairman, members of the Committee, I am Dr. Edward Burger. I come before you as the chairman of a committee of the Council for Court Excellence concerned with pedestrian and traffic safety. We are joined in this effort by the regional AARP and the Medical Society of the District of Columbia. I should point out at the beginning that no judicial members of the Council have been involved in this work.

The Committee I represent was established two years ago because of concern for the increase over time of vehicular traffic in the District accompanying the increase in vibrancy of the region. A consequence of these trends was a clear increase in traffic accidents and fatalities among pedestrians. I won't revisit the full record of these trends. However, the record shows a rate of pedestrian fatalities per number of population markedly higher in Washington compared to other cities of comparable or larger size.

Of note is the particular vulnerability of elderly citizens to these risks. A number of recent pedestrian fatalities have involved elderly citizens. As the population ages, there is a growing need to take that factor into account in dealing with traffic safety. A New York study showed that persons over 64 were four times as likely as everyone else to be killed as pedestrians. As the report noted, the elderly are not as nimble, make more mistakes about timing



than when they were younger, and are less able to survive injuries. New York has launched an experimental program of “safe streets for seniors.” Washington should do the same.

Importantly, that record contrasts with experience in other jurisdictions in this country and abroad such as Seattle, Washington, Portland, Oregon, the State of California and New York City where particular attention and resources have been devoted to this issue. The most recent record of accidents involving fatalities in the District streets makes the case for concern and constructive action. Statistics reveal a serious trend building over a long period of time.

According to the records of the D.C. Department of Transportation, the pedestrian fatality rate in the District in 2005, for example, 2.9/ 100,000 population, far exceeds that of Boston, New York or San Francisco. With 25 pedestrian fatalities in 2007, and 40% of highway deaths in the District involving pedestrians (compared with 25% for the region) according to the Metropolitan Washington Council of Governments, there is a clear need to focus on this problem.

The universal conclusion of experts in this field is that three elements are essential for traffic and pedestrian safety – engineering, education and enforcement. Among these, enforcement stands out as preeminent. The World Bank department concerned with traffic safety declared that, worldwide experience has proved that enforcement was a first priority. Education without enforcement, for example, is of limited or no benefit.

In the course of our work, we visited with the several District agencies and departments which have responsibilities for the matter of traffic and pedestrian safety. Prominent among these is the Police Department.

The Committee met with Assistant Chief Gerald Burke and learned firsthand of his programs. He is to be highly commended for his initiatives. We considered with him the schedule of fines for infractions and the relationship between those fines as deterrents and the ability of the police to enforce the law. Partly as a result of those discussions, the Committee



undertook a body of research to compare the fines exacted in the District with those observed in contiguous regions of Virginia and Maryland and in other cities in this country.

Our findings revealed a substantial disparity of level of fines between the District and other regions – differences, in some cases of as much as a factor of 10! We presented these findings in testimony before the Committee on Public Works and Environment and these findings proved useful in a successful statutory change.

Experience in other jurisdictions argues that enforcement must concentrate on the behavior in all three sectors – vehicles, bicycles and pedestrians. There are examples of cities which have markedly improved their records from unfavorable to exemplary. A key ingredient necessary in every case was visible and strong leadership from the top of the government.

This city has a number of exceptional strengths devoted to traffic safety:

- The Pedestrian Master Plan, directed by Mr. George Branyan, Department of Transportation.
- The recently established traffic control personnel are clearly helpful when in place.
- The series of new signs and displays are a good addition.
- The initiatives taken by Assistant Chief Burke and his enthusiasm are highly commendable.

However, this is a collection of individual initiatives. The collective force of these resources is constrained because they are, in effect, individual initiatives. Experience in other jurisdictions argues that enforcement must concentrate on the behavior in all three sectors – motor vehicles, bicycles and pedestrians. There are examples of cities which have



markedly improved their records from unfavorable to exemplary. A key ingredient necessary in every case was visible and strong leadership from the top of the government.

Accordingly, the Committee recommends:

- Within the Metropolitan Police Department, a well staffed traffic safety division should be established to provide continuity through day-to-day focus on the issue as opposed to episodic emphasis.
- From experience elsewhere, selected technological additions to the armamentarium of the police – cameras and speed detectors – markedly assist enforcement activities. They should be given full consideration for the District.
- Explicit and visible attention should be devoted to this subject by the Office of the Mayor. Specifically, a deputy for traffic safety should be established in the Mayor's office to oversee city departments involved in dealing with pedestrians, bicyclists and motorists and to support further, needed reforms.

The District should strive toward nothing less than a cultural change toward a different level of respect for safety of pedestrians. This is the pattern followed by other, successful urban jurisdictions. This proposed strategy will go far toward preserving the traditional, civil environment of the Nation's capital. Thank you.