**Statement on behalf of the Committee on Pedestrian Safety**

**of the Council for Court Excellence**

**Before the D.C. Council Committee on the Judiciary**

**May 30, 2012**

Good morning, Chairman Mendelson and members of the Judiciary Committee. My name is Larry Hobart. I am accompanied today by Sam Harahan, a member of the Committee on Pedestrian Safety and former executive director of Council for Court Excellence (“CCE”). We are testifying today as members of the Committee on Pedestrian Safety of the Council for Court Excellence. We appear today as volunteer board members of the Council for Court Excellence and not on behalf of any client or in any other paid capacity.

The Council for Court Excellence is a non-profit organization founded in 1982 to improve the administration of justice in the District of Columbia and to foster greater public understanding of the judicial system. For 30 years, CCE has been a unique resource that brings together members of the civic, legal, business, and judicial communities to work in common purpose to identify and promote justice system reform, improve access to justice, and to increase public understanding and support of our justice system.

The Council for Court Excellence has worked closely with the DC Council Judiciary Committee on many issues, including the 1994 Probate Reform Act, the Advisory Commission Sentencing Establishment Act of 1998,

Office of Administrative Hearings Establishment Act of 2011 and subsequent amendments and the Criminal Record Sealing Act of 2006.

Our committee was formed in 2007—a year during which 25 pedestrians were killed in District of Columbia traffic accidents.

The purpose of our committee’s recently-completed investigation was to enhance safe passage for the Washington walker. Traffic accidents have multiple effects on pedestrians, including psychological trauma, incapacitating injury, and long-lasting impairment; disruption of family life; inability to work and loss of income; doctor, hospital, and legal expenses; and creation of debt. Public policy should seek to minimize incidents that create these potential problems on the District’s 1,100 miles of roadway with its 7,700 intersections and 13,000 city blocks.

Our 5-year study of causes and cures for pedestrian fatalities and injuries led us to the following conclusions:

1. Fines for traffic violations by motorists, bicyclists, and pedestrians should be set at levels that impose significant financial penalty for failure to comply with the law.

The DC Council is to be commended for raising to $250 the fine for four offenses involving motorists failing to give way to a pedestrian. Consideration should be given to bumping up to a similar level the fine for distracted driving violations—a steadily increasing problem. The DC Council should also examine the level of fines for violation of traffic laws by

bicyclists and pedestrians—both of whom can be the cause of accidents by failure to follow the rules of the road.

2. Steady, predictable, high-visibility enforcement of traffic safety laws, by police officers and by cameras, is essential to properly protect Washington pedestrians, to help educate the public, and to encourage a culture of consideration.

Year-round –rather than episodic—traffic safety enforcement should take place with deployment of personnel across Metropolitan Police Department districts coordinated by a central and adequately staffed MPD unit.

The DC Council should direct MPD to set specific yearly targets for reduction of pedestrian traffic injuries and fatalities, and the city should publish an annual report on pedestrian accidents and steps taken to improve the situation.

3. Electronic distractions are adversely affecting safe actions by motorists, bicyclists, and pedestrians. The DC Council should consider a citywide ban on use of cell phones and portable electronic devices in moving vehicles, barring of bicyclists from employing mobile phones and music players with ear buds or headsets while traveling on city sidewalks or roads, and a prohibition on use by pedestrians of such equipment while crossing streets.

Under the DC Distracted Driver Safety Act of 2004, the District Department of Transportation is required to annually “publish and submit to the Council a report containing statistics regarding the possible relationship between motor vehicle accidents in the District of

Columbia and the use of mobile telephones or other electronic devices by motor vehicle operators.” The DC Council should request DDOT to (a) recommend options for stopping drivers of moving vehicles from phone messaging, Internet use, video viewing, and social media browsing by establishing blocking mechanisms and/or legal barriers, (b) identify technical safeguards such as sensors, radar, cameras, or transmitters that might be required of cars driven in the District to advance pedestrian protection, and (c) investigate the possibility of field testing in the District of a “driverless car”, such as developed by Google, to assess its potential for improving traffic safety.

The DC Council, the Metropolitan Police Department, and the District Department of Transportation are all to be commended for steps taken in recent years to improve pedestrian safety. But the problem does not stand still. It is growing as the District’s population of walkers expands, and technology creates new opportunities and challenges . We believe our proposals would help us make progress.

Thank you and we would be happy to address any questions that you may have.