

Prepared Testimony of Commissioner Noah Smith, ANC 2B09, before the DC Council  
Committee on Transportation – March 25, 2013

Good morning Councilmember Cheh and members of the Committee and thank you very much for the opportunity to testify.

My name is Noah Smith; I am here representing the Dupont Circle ANC on which I serve. Earlier this month we passed a resolution in support of the *Bicycle Safety Amendment Act of 2013*.

I should note that though I work for the Federal government, I am not representing the Federal government, and I am here on my own time.

The Dupont Circle ANC thanks members of the Council, particularly Councilmembers Cheh and Wells for working to improve bicycle safety in the District.

The safety of all road users, including bicyclists and pedestrians is a serious issue for residents and visitors of the District. In 2012 the Dupont and Logan Circle ANCs held joint listening sessions on public safety issues and bike and pedestrian safety was a top concern.

The Dupont ANC supports this bill, and has two recommendations to improve it further:

First, new laws governing the actions of drivers and bicyclists are only effective if properly enforced. Traffic enforcement is a specialized skill that must be taught and practiced. The City Council must fund and direct the Metropolitan Police Department to increase traffic enforcement efforts as part of the normal duties of all of its officers and increase initial and ongoing traffic enforcement training.

Second, the Council should include language in the *law* that more clearly defines the term “safe accommodation” as it relates to the proposed requirement for construction projects blocking sidewalks and bicycle lanes. More clarity is important to avoid unintended regulatory flexibility that could result in unsafe accommodations. That definition should include

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requirements to protect and cover pedestrians and that the accommodations not be unduly burdensome.

Though DDOT currently has a process in place to ensure protection of pedestrians when a project uses a sidewalk, that rule is not uniformly enforced. A prime example of this is in my own single member district, on 14<sup>th</sup> Street NW just south of U Street, where a construction project on the east side of the street has a protected and well lit wooden canopy walkway for pedestrians, while on the west side a construction project offers nothing more than a standard issue three foot high traffic barrier as protection.

DDOT's own 2007 Departmental Order (2008-OD-02) on the issue states "It is the general policy of DDOT that...traffic control plans should replicate the existing pedestrian pathway as nearly as practical..." but makes no mention of the term "safe accommodation".

We ask that you define that term in law, and that the definition include requirements to protect and cover pedestrians on the same side of the street as the construction.

Finally, we ask that two resolutions from ANC 2B be included in the record today, one in support of this bill and one from November 2012 requesting several infrastructure safety projects in the Dupont and Logan Circle neighborhoods that have yet to be addressed by DDOT.

Thank you for your initiative and I hope that this will be the first of several bills from the Council addressing traffic safety. I urge passage of this bill by the committee and by the full Council. I am happy to take any questions.