

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION
METROPOLITAN POLICE DEPARTMENT**

August 20, 2014

Blanche Bruce
Interim Inspector General
Office of the Inspector General
717 4th Street, NW
Washington, DC 20005

Dear Ms. Bruce

We are writing in response to the Office of the Inspector General's (OIG's) *DRAFT Report of Special Evaluation: Parking and Automated Traffic Enforcement Tickets – Part I: Ticket Issuance Practices* (Report). This letter provides the responses to the Report from the Department of Transportation (DDOT) and the Metropolitan Police Department (MPD); the Department of Public Works (DPW) sent its responses in a separate letter.

The Report starts from the premise that the District of Columbia's Automated Traffic Enforcement (ATE) program is an inherently flawed traffic safety strategy, and builds upon that biased premise with editorializing, cherry-picked details, and unsubstantiated speculation that the program is solely about raising revenue. The Report ignores the strong public support for a program that ensures the safety of all roadway users and, instead, reads as if it were written to justify the flouting of traffic laws with impunity.

Indeed, the Report casually mentions the key aspect that clearly demonstrates the actual intent and value of the District's ATE program: In the past decade, while the District's population has increased by 13 percent,¹ fatalities resulting from traffic collisions have plummeted by more than 70 percent and injuries have dropped by one-third.² The District's growing population is both bringing more cars into the city, as well as increasing the reliance on travel by foot, bicycle, and scooter.³ In addition to increased travel on District roadways, new development and entertainment zones are emerging in different areas of the city. Once developed, these areas create more congestion day and night, which is why the safety of all road users is the paramount concern of traffic enforcement.

The Report's basic premise demonstrates a fundamental misunderstanding of the purpose of the ATE program and traffic safety enforcement in general: The goal is not to reduce traffic violations at a single location or time of day; the goal is to modify driver behavior throughout the District so that pedestrians, bicyclists, and other motorists are safer while using the roadways. And the indisputable facts show the ATE program is working: In addition to far fewer collision-related fatalities and injuries, speed-related traffic collisions are on a clear downward trend over

¹ District population in 2000: 572,059 (<http://censusviewer.com/city/DC/Washington>); District population estimate in 2013: 646,449 (http://www.washingtonpost.com/local/dc-region-continues-population-growth-us-census-finds/2014/03/27/81645516-b5c3-11e3-8020-b2d790b3c9e1_story.html).

² Traffic Safety Statistics Report for the District of Columbia (2010-2012), Figures 3.3 and 3.4.

³ http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/pedestrianmasterplan_2009.pdf

the past three years.⁴ This is essential to ensuring public safety because although speed accounts for only three percent of all traffic crashes, it accounts for 21 percent of all fatalities and nine percent of all injuries.⁵ And according to the National Highway Traffic Safety Administration, although pedestrians account for 27 percent of traffic fatalities nationwide, in the District, due to its purely urban environment, pedestrians account for almost half of all traffic fatalities.⁶

The ATE program is a highly valuable tool in slowing down drivers without needing a police officer to pull vehicles over, which contributes to traffic congestion and endangers officers and the general public. The value in slowing drivers down is not simply for their own safety, but also for the safety of all other roadway users. Having drivers moderate their speeds by just a few miles an hour increases pedestrian survival rates significantly. For example, an adult pedestrian hit by a car going 30 miles per hour (mph) has an 80 percent chance of living.⁷ If the car is going 40 mph, there is more than an 80 percent chance that the pedestrian will be fatally injured. Traffic safety is hugely important with the population and development in the District rising, and a larger number of vehicles, bicycles, and pedestrians sharing the roadways.

Although the Report purports to be concerned about the need to “instill public trust” and “increase program acceptance” in the ATE program, it ignores an April 2013 survey that found District residents support the ATE program by huge margins. In the survey conducted by the Insurance Institute for Highway Safety, some 90 percent of District residents said they considered drivers running red lights and stop signs, speeding, and not yielding to pedestrians to be serious threats to their personal safety.⁸ More than 90 percent of residents were aware of the District’s ATE program, with 87 percent supporting the red light cameras and 76 percent supporting speed limit ATE cameras. Complaints about the District’s ATE program generally come from those relatively few people who feel entitled to speed on District streets or run red lights without being held accountable for their endangerment of pedestrians, bicyclists, and other motorists.

Additionally, the Metropolitan Police Department’s (MPD’s) ATE program staff regularly receives requests from Councilmembers, Advisory Neighborhood Commissions (ANCs), neighborhood associations, and community groups requesting installation of ATE cameras at specific locations because of traffic safety concerns. The January 2014 *Speed Limit and Safety Nexus Studies for Automated Enforcement Locations in the District of Columbia* (“2014 Safety Nexus Study”) submitted by the District Department of Transportation (DDOT) to the Council listed a number of proposed ATE locations that were suggested by District elected officials or the public and which were reviewed to determine if there was a safety nexus. Contrary to the Report’s flawed assumption, there is widespread support for the District’s ATE program among residents because they know it is the most efficient method of traffic safety enforcement, with no

⁴ Traffic Safety Statistics Report for the District of Columbia (2010-2012), pages 59-60.

⁵ Traffic Safety Statistics Report for the District of Columbia (2010-2012), pages 61-62.

⁶ National Highway Traffic Safety Administration Traffic Safety Facts, District of Columbia 2007-2011, http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/11_DC/2011/11_DC_2011.PDF.

⁷ *Killing Speed and Saving Lives*, UK Department of Transportation, London, England.

⁸ “D.C. residents agree red light cameras, speed cameras make streets safer in nation’s capital, IIHS survey reveals”, IIHS News, April 25, 2013 (<http://www.iihs.org/iihs/news/desktopnews/d-c-residents-agree-red-light-cameras-speed-cameras-make-streets-safer-in-nations-capital-iihs-survey-reveals>).

concerns that the ATE cameras are biased against a vehicle driver based on race, ethnicity, or type of car. The ATE cameras focus solely on whether a traffic violation has occurred.

The Report approvingly cites other jurisdictions' requirements that their ATE programs can only operate at a few locations or during a few hours on a few days of the week.⁹ However, the recent Traffic Safety Statistics Report for the District of Columbia (2010-2012), prepared by Howard University's Transportation Safety Data Center, makes clear that the kind of severely-limited ATE program that the Report advocates would be ineffective at ensuring safety in the District. Most traffic collisions in the District occur during the morning and evening rush hours at a variety of locations, as well as late at night on weekends. The traffic safety study also found that 68 percent of all traffic collisions occur at or within 100 feet of an intersection, with 38 percent occurring at or close to a signalized intersection.¹⁰ Limiting ATE cameras to a handful of locations would do nothing to ensure public safety and would instead encourage unsafe driving by significantly curtailing enforcement of traffic laws.

Although the Report raises the specter of "MPD's seemingly unbridled authority" in deploying ATE equipment throughout the District, using that same logic, it should have also recommended that an MPD officer's similar "unbridled authority" to issue citations for moving violations, or reckless driving, or littering from a vehicle, or drunk driving anywhere in the city should also only be done after a public notice and comment period and with sufficient warning signs posted along the roadways. Likewise, when law enforcement officers are deployed to deal with issues such as increases in robberies or burglaries, MPD doesn't first wait for the completion of a long bureaucratic review process; officers are deployed to deal with threats to public safety based on requests for service, data analysis, and expert assessments. The same concept applies to the ATE program and traffic violations.

Additionally, the Report argues that the ATE program's issuance of citations is fraught with uncertainty and arbitrariness, yet it also notes approvingly that the MPD review process exceeds national best practices standards,¹¹ catches many potential errors, and has evolved to respond to issues like "multiple vehicles" in the photograph. Although most would conclude that this is evidence of the ATE program staff continually refining their quality control processes to ensure consistent and fair enforcement results, the Report instead believes this demonstrates confusion.

While the Report is purportedly concerned with the ATE program's acceptance by the public, MPD's ATE program staff has received hundreds of requests over the past several years from community members asking for ATE camera installation in their neighborhood because of concerns over traffic violations. Some of the recent requests:¹²

⁹ The Report notes that Virginia prohibits ATE cameras that enforce speed limits and significantly restricts ATE cameras enforcing red light violations; Maryland allows speed limit ATE cameras only around schools and road work zones; Illinois and California prohibit speed limit ATE cameras; and New York City allows speed enforcement cameras only around a few school zones for a few hours a day.

¹⁰ Traffic Safety Statistics Report for the District of Columbia (2010-2012), page 56.

¹¹ See, Report 34-36. Also, the several additional quality assurance reports mentioned on page 36 of the Report are now being done.

¹² For residents who are not elected officials or the heads of organizations, we have used only their initials to protect their privacy.

- “The [Pedestrian Advisory Council] supports expanding the District’s photo enforcement program as a way to ensure that drivers comply with speed limits, red lights, stop signs, and crosswalks, thereby creating a safer walking environment. The evidence has shown that this program has worked in incentivizing compliance across the city.” – Comments of the Pedestrian Advisory Council on moveDC, DDOT’s multimodal long range transportation plan.
- “ANC 6B seeks assistance with any and all measures to improve pedestrian safety at [8th and D Streets, SE]. We appreciate your assistance in quickly implementing the suggested camera.” – ANC Chairperson Brian Flahaven, ANC 6B.
- “Thank you for installing the traffic camera on North Portal. Please consider speed cameras along West Beach, Sudbury and Primrose since these are heavily used streets during the rush hour by speeding vehicles. Thank you for your dedicated work and your response to the North Portal neighbors expressed concerns regarding speeding vehicles, safety of our children and neighbors crossing North Portal.” – ANC Commissioner Acquenetta Anderson, SMD 4A01.
- “My constituents have a deep concern about speeding on Cathedral Avenue, on the portion of the road immediately west of Connecticut Avenue and up through 29th St., NW. The speeds commuting drivers use on this narrow road is totally unacceptable. I would ask you to consider placing a mobile speed camera on this stretch of road.” – ANC Commissioner Jeff Kaliel, SMD 3C03.
- “There is a stop sign at the corner of 28th and R, NW, which is often ignored. This is a busy street, with active vehicle and pedestrian (often with dogs) traffic. There is a hatched cross walk. Still, cars run that stop sign in both directions on a routine basis. The neighbors are concerned. I understand from MPD that the city does use stop sign cameras. Is this so? Can I apply for one on behalf of my constituents?” – ANC Commissioner Ellen Steury, SMD 2E07.
- “Given the number of senior citizens, mobility-impaired, and small children in the area, there is a tremendous amount of support in the community for making RIA-NE a more pedestrian-friendly zone. And yes, there is an automated speed unit at Thayer now. Thank you for that! Is it, by any chance, also catching the cars that ignore the pedestrian crosswalks? That is of equal (if not greater) concern as speed in that particular area.” – Kyle Todd, Rhode Island Avenue, NE Main Street.
- “I am writing to let you know that the 150 foot stretch of Nannie Helen Burroughs Ave. NE between Kenilworth Terrace and the southbound exit ramp from the Anacostia Freeway (DC-295) desperately needs photo enforcement to deter drivers from running red lights, blocking the box, and dangerously ignoring pedestrians' right of way. As a pedestrian who walks through all those intersections daily on my [way] to and from the Minnesota Ave Metrorail station, I can tell you it's scary.” – Dan Milstein, Eastland Gardens Civic Association.
- “Thanks for installing a camera on South Dakota Ave by the Perry Street and LAMB schools! This morning, the crossing guard told me that ‘it’s her best friend right now!’” – J.L., Ward 5 resident.
- “I chose my house because I liked the neighborhood and thought it would be safe for my family. Unfortunately, the traffic on Southern Avenue is frighteningly fast. I am afraid to get out of my car when I get home and I am often kept awake at night with the sounds of the speeding traffic including trucks and busses. It sometimes sounds like a drag race. I

also, understand that a child was hit by a car and killed in the past. I have been told by DC Department of Transportation, that it is not possible to install speed bumps on my street because it is a main thoroughfare. I am writing to you to obtain information about having speed cameras installed in my neighborhood. Please advise me of any next steps I need to take in order to start the process for speed camera installation.” – M.P., Ward 7 resident.

- “Please consider this request for a speed/radar car in the 2800 block of Monroe Street NE to monitor speeding vehicles. Due to the traffic lights at the intersection of Rhode Island Avenue, Monroe, and 28th Streets NE, drivers travel in both directions on Monroe and cross RI Ave. at high rates of speeds, mostly in attempts to make the traffic lights even though many cross the intersection when the lights are yellow and/or red. Drivers turn onto Monroe from RI or cross RI onto Monroe at such high speeds, that my neighbors and I are extremely concerned about the safety of the young children playing in our block, and getting into our driveways safely or just parking safely curbside.” – P.M.G., Ward 5 resident.
- “The Block Association is requesting complete four way stop sign cameras at the corners of Kansas Ave, NW Hamilton Sts. NW, and the 5100 and 5200 Blocks NW. The morning and evening rush hours have been very dangerous for us, the seniors and children.” – W.H., Ward 4 resident.
- “The other location in the neighborhood with absolutely excessive speeding (particularly after rush-hour and late at night) is both inbound (south) and outbound (north) on Michigan Avenue at its intersection with South Dakota. Routine red-light running and speeding to make the light are common, and it is a significant hazard for pedestrians. Both inbound and outbound could use speed cameras.” – T.L., Ward 5 resident.

Finally, the Report seems to argue that if only there were more traffic signs in the District, there would be little need for ATE cameras to catch violators. But this unsupported speculation rests on a mistaken belief that compliance without enforcement is a realistic outcome. Instead, the significant reductions in traffic collision-related fatalities and injuries, as well as the reduction in speeding on District roadways, clearly shows increased compliance with traffic laws results from changing driver behavior by ensuring that enforcement is consistent, widespread, and accurate.¹³

The agencies' specific responses to the Report's list of findings and recommendations follow. Please note that the Report's recommendations numbers 6 and 7 were addressed by DPW in its separate response.

1. ***A January 2014 report to the D.C. Council, which was intended to “instill public trust that speed cameras are installed by the D.C. government to improve safety and not just increase local revenues,” justified the need for speed cameras at all 241 planned/proposed locations that were studied. However, at nearly half of those locations, the 85th percentile speed—a common traffic engineering benchmark—was at or below the posted speed limit.***

¹³ Attached as an Addendum are responses by DDOT to specific ATE camera locations referred to in the Report.

- (1) *That the Chief of MPD (C/MPD) and the Director of DDOT (D/DDOT), to bolster public trust in the District's automated speed enforcement program, critically evaluate the January 2014 traffic safety study protocol and its results, and request and document further justification prior to installing ATE equipment at any of the planned or proposed locations addressed in the study.*

MPD and DDOT Responses:

Disagree. The methodology used in the 2014 Safety Nexus Study was thorough and accurately reflects the findings of traffic safety experts. Moreover, the Report fundamentally misunderstands the role of the 85th percentile speed analysis in determining whether a specific location should have an ATE camera.

While the District does use vehicular speed as a factor in its determination of whether to place an ATE camera at a location, this is not the sole factor in making traffic safety determinations. Instead, the study conducted a comprehensive review of speed data, accident data, injuries and fatalities resulting from collisions, speed-related crashes, site characteristics, bicycle and pedestrian traffic generators, and overall traffic operations.

The Report is critical about the presence of ATE cameras at locations where the average roadways speeds are at or below the 85th percentile.¹⁴ This is a curious complaint since any driver complying with the posted speed limits at that location does not run the risk of being ticketed for speeding. The Report fails to appreciate that a location with an ATE camera and vehicles traveling at the speed limit is evidence of modified driver behavior, which has resulted in lower – and safer – speeds on roadways. This is a clear indication that the ATE program is working as intended.

- (2) *That the D.C. Council, following collaboration with MPD, DDOT, and outside subject matter experts, amend the D.C. statute that authorizes the use of ATE to:*
 - (1) *Require a robust justification, accompanied by traffic data, of the need for an ATE device at a planned location;*
 - (2) *Within a reasonable period following installation of the device, require a statistical analysis of the impact of the device on traffic safety at the location; and*
 - (3) *Make all of these documents readily available to the public on DDOT's website.*

MPD and DDOT Responses:

(1) & (2) Agree in part. The 2014 Safety Nexus Study is a comprehensive technical report that identified factors between planned ATE locations and ensuring traffic safety.¹⁵ The methodology used to create the 2014 Safety Nexus Study was thorough and accurately reflected the findings of traffic safety experts, who utilized accepted standards and practices outlined in the following:

¹⁴ Of the 241 locations studied, 87 already had an ATE camera.

¹⁵ The Report is available on the DDOT website: <http://ddot.dc.gov/node/766092>.

- (a) Federal Highway Administration (FHWA) Manual on Uniform Traffic Devices;
- (b) American Associate of State Highway and Transportation Officials (AASHTO) Green Book;
- (c) Transportation Research Board/FHWA Highway Capacity Manual;
- (d) Institute of Transportation Engineers Standards and Guidance Documents;
- (e) AASHTO Highway Safety Manual; and
- f) DDOT Engineering/Design Manuals, Crash Statistics Report, Commercial Vehicle Crash Statistic Report, Traffic Count Data and Speed Studies.

DDOT and MPD agree that it would be helpful to provide the public with additional documentation for each of the proposed and planned ATE locations to more thoroughly explain the various traffic and safety engineering factors used in such analyses. MPD is working with the Office of the Chief Technology Officer (OCTO) to provide additional information for each of the ATE locations listed on OCTO's GIS webpage, which is publicly available at <http://atlasplus.dcgis.dc.gov>, including numbers of tickets issued.

However, the need to deploy resources to ensure public safety must continue to rest with the Chief of Police and transportation safety experts. Mandating burdensome and time-consuming reports, analyses, and additional layers of bureaucracy will not protect users of the District's roadways. Residents expect and demand safe streets, not a never-ending series of hyper-technical reports before any action can be taken. ATE cameras are public safety resources that are deployed in real time as the need arises and based on a review of community requests, history of traffic collisions, speeding factors, and safety considerations such as proximity to schools, parks or recreation centers, bike lanes, and crosswalks.

As we have repeatedly stated, the goal of the ATE program is not a one-time or short-term stationing of ATE equipment at a single location to operate for a few hours a day; the point is to modify driver behavior throughout the entire city by constant and effective enforcement of traffic violations. The simplest way for a driver to avoid a ticket for speeding, red light running, or running a stop sign is to just not do it.

(3) Agree. Both agencies agree that all existing documentation be made publicly available online – and this is currently done. The 2014 Safety Nexus Study is available on the DDOT website¹⁶ and MPD provides information on the type and location of every ATE camera in the District on its website.¹⁷

2. ***The D.C. Code and DCMR are silent with regard to other important ATE program issues that should be addressed in the statute or regulations, such as the confidentiality and retention of violation images, as well as limitations on camera operations and the information captured by them. That the D.C. Council, after conferring with MPD and DDOT, consider inserting language in the D.C. Code to codify key ATE program elements, including, but not limited to:***

¹⁶ <http://ddot.dc.gov/node/766092>.

¹⁷ <http://mpdc.dc.gov/page/dc-streetsafe-automated-traffic-enforcement>

- (1) *The confidentiality of and limitation on uses of all images and other information collected by the District's ATE program;*
- (2) *Guidelines and timeframes for the retention and destruction of all images and videos captured by the District's program equipment;*
- (3) *Limitations on the number of cameras that can be placed in the District and their hours of operation;*
- (4) *The requirement for a site-specific safety study prior to each new camera placement; and*
- (5) *The requirement for a sign at every location where ATE equipment is deployed.*

MPD and DDOT Responses:

(1) Agree in part. MPD is respectful of an individual's privacy and recently hired a Privacy Officer who will coordinate and manage the creation of strong privacy policies and protocols to implement new technological tools. The Department follows federal regulations¹⁸ on the retention of images with personally-identifiable information. Under these federal provisions, such images are destroyed after 90 days if there are no pending administrative hearings or any other matter involving a criminal predicate. MPD's Privacy Officer will review ATE policies to ensure it is in compliance with federal requirements.

(2) Agree in part. As noted in the previous response, MPD's policy on the retention of images with personally-identifiable information is governed by federal requirements. In situations where no citation is issued by MPD's ATE program staff, the ATE camera images are deleted after approximately 60 days. For situations where a citation is issued to a vehicle owner for traffic violations, the images of the violation are maintained by the Department of Motor Vehicles pursuant to its own retention policies. Additionally, while the ATE images are under the control of MPD, only ATE program staff and the program vendors have password-protected access to them. This protects confidentiality and limits access to the images by any non-ATE program personnel.

(3) Disagree. MPD and DDOT disagree with the OIG recommendations on limiting the number of ATE camera locations or hours of operation. We believe that this recommendation demonstrates a fundamental misunderstanding of the ATE program and how to effectively and consistently ensure traffic safety. As has been noted, the goal of the ATE program is not to reduce traffic violations at a single location or time of day; the goal is to modify driver behavior throughout the District so that pedestrians, bicyclists, and other motorists are safer while using all roadways. And the facts show the ATE program is working. The District has experienced significant reductions in collision-related fatalities and injuries, and speed-related collisions are on a clear downward trend.

(4) Disagree. As noted in the response to OIG Finding #1, the need to deploy resources to ensure public safety rests with the Chief of Police and transportation safety experts. While a site justification can be produced, mandating that the District government simply take no enforcement action until such a report is requested, procured, reviewed, released for public

¹⁸ 28 CFR Part 23.

comment, revised further, and then released in final format would be a severe impediment to the timely and necessary deployment of a public safety resource.

(5) Disagree. MPD and DDOT adhere to the requirements of D.C. Official Code § 50-2201.31, which require signs posted throughout the District to give notice to motorists that the District is a strict traffic enforcement zone and uses ATE cameras for moving violations. In addition to there being signs warning motorists of photo enforcement posted on many speed limit signs throughout the city, at each location where an ATE speed enforcement camera is deployed, there is a sign adjacent to the speed limit sign giving notice of automated enforcement.

3. ***Guidelines used by MPD reviewers to decide whether a speeding violation occurred lack precision and, in certain situations (e.g., when multiple vehicles are captured in an image), reviewers' decisions are arbitrary and inconsistent, which raises a concern that some photo-enforced speeding tickets are issued without a conclusive determination of the violating vehicle or that a violation has occurred.***

That the C/MPD instruct violation reviewers to not issue a speeding ticket in any instance where the violation images capture more than one vehicle traveling in the same direction; write and implement a more precise "multiple vehicles" business rule that clearly documents this policy; and confer with ATS and its other technology vendors to determine whether all currently deployed speed enforcement equipment can be used more precisely, e.g., to target only one lane of travel at an enforcement location.

MPD Response:

First, it is important to note that the ATE program staff carefully reviews any images containing multiple vehicles before approving the issuance of a citation. Citations are issued to vehicle owners only when the program staff can identify the vehicle they believe has committed a traffic law infraction.

Second, in a highly urbanized jurisdiction like the District, there are often multiple vehicles traveling on the same roadway. The Report urges the prohibition of any citations if any ATE camera photographs more than one vehicle in its frame. But if the District followed the Report's recommendation, it would become nearly impossible to enforce traffic violations against any vehicle unless that vehicle was the only vehicle on the roadway.¹⁹

MPD agrees on the need to use the best technology and to have sufficient quality control mechanisms in place to ensure accuracy and consistency. But not every instance of multiple vehicles in an image should automatically result in ticket dismissal. Instead of a blanket amnesty policy as recommended by the Report, new technology being deployed at ATE camera locations clearly shows which vehicle is the one detected speeding when more than one vehicle is captured in the image. MPD is deploying these ATE cameras at locations with more than one lane of traffic in either location, which will address the Report's concerns about "multiple vehicles" without providing a free pass to drivers committing traffic violations. For ATE cameras using the

¹⁹ Presumably, the Report's same logic would apply to any officer that observes traffic violations where there are multiple vehicles traveling close to one another.

older technology, they are deployed at locations with one lane of traffic in either direction. MPD believes this change in technology and policy addresses the Report's concerns about "multiple vehicles."

4. ***MPD issues a moving violation ticket even if the vehicle make and model information on the registration does not match the vehicle captured in the violation images. This practice can lead to the issuance of erroneous tickets; in similar instances, other jurisdictions do not issue tickets.***

That the C/MPD instruct MPD reviewers to not issue a ticket unless both the vehicle make and model in the violation images match the make and model information obtained through MPD's license plate search procedures; ensure that MPD's violation review business rules and all training materials clearly articulate this policy; the D.C. Council insert language into the D.C. Code and/or DCMR stating that if the make and model of a violating vehicle captured by ATE equipment does not match the make and model of the vehicle identified by license plate search procedures, then the District will not issue a ticket.

MPD Response:

Agree in part. On some occasions, ATE program staff may issue citations to a vehicle whose tags, make and model in the image do not match the make and model information in a vehicle registration database. In issuing citations for "mismatched" tags, the experience of MPD officers and ATE program staff has been that vehicle owners may switch their vehicle tags from one vehicle to another, often to avoid the consequences of driving an unregistered vehicle.

Although the Report states that it "frequently receives correspondence from out-of-state motorists insisting that their vehicle is not the violating vehicle", ATE program managers are unaware of any of these "frequent" complaints having been forwarded to them for review and resolution. Additionally, the Report fails to quantify the frequency with which OIG has received these types of complaints or how OIG has attempted to resolve them.

MPD will amend its ATE policy to require that when an image captures a vehicle with tags, make and model that do not match the information in the vehicle registration database, it shall be subject to a second level of review before a citation is issued to the vehicle owner. During the second level of review, staff will seek to determine the reason for the mismatch. If the cause of the mismatch can be identified and corrected (such as, for example, an erroneous recording of the tags or the vehicle's make or model, or the tags belong to the same owner as vehicle in the image), the citation will be issued. However, if the cause of the mismatch cannot be identified, then the citation will be dismissed by ATE program staff and not issued to the vehicle owner.

5. ***MPD officers who use handheld electronic devices to issue parking and moving violation tickets need written guidance on capturing photographic evidence.***

That the C/MPD mandates MPD officers' increased use of handheld devices to photograph and document parking and moving violations; submit proposed rulemaking to amend the DCMR to include provisions for when officers should

capture photographic evidence to document parking and moving violations; create and promulgate internal policies and procedures for capturing images and other information with the handheld devices to better document parking and moving violations; and train officers on any new policies and procedures.

MPD Response:

Agree in part. MPD does not agree that the Report's recommendation for mandating the use of handheld electronic devices to all officers is in the public interest or a responsible use of public funds.

For moving violations, mandating that an officer take a photograph of the violation as it is occurring while using a handheld device is neither feasible nor necessary. It would be impractical to expect an officer to be able to properly photograph speeding or red light running as the infraction is occurring. In addition, any ticket issued by an officer would be to the vehicle driver and would be based on the information contained on the individual's driver license; this negates concerns about incorrectly identified plates or the vehicle's make or model.

For parking violations, MPD will review the ATE program policy on the use of handheld electronic devices by MPD officers.

Additionally, the use of photographic evidence program is simply a courtesy to vehicle owners. It does not – and should not – change the evidentiary requirements for establishing a prima facie case for parking violations.

8. *TCOs lack written instructions about key facets of ticketing operations, foremost being how they should take photographs of violating vehicles, which has led to glaring inconsistencies in TCOs' ticketing practices. The OIG team also noted numerous inconsistencies between DDOT's and DPW's ticketing operations.*

That the D/DDOT promulgate new, comprehensive policies and procedures that address situations commonly encountered by TCOs, including but not limited to: writing a ticket for a vehicle parked at a broken meter; documenting a violation after a motorist drives away before the TCO has finished writing the ticket; testing a meter before issuing a parking ticket; and reporting a broken parking meter.

DDOT Response:

Agree. Although DDOT's current Training Manual addresses all aspects of ticket-writing, including, but not limited to, photographing of violating vehicles; writing a ticket for a vehicle parked at a broken meter; documenting a violation after a motorist drives away before the Traffic Control Officer (TCO) has finished writing the ticket; testing a meter before issuing a parking ticket; and reporting a broken parking meter, an update of the TCO Training Manual and Standard Operating Procedures (SOP) has been initiated to provide a higher degree of standardization in procedures. This initiative will promote uniformity, streamline operations, and improve the quality of service to the public. The project, which started on May 30, 2014, has a

seven-month schedule. Final SOPs are scheduled to be delivered to DDOT in late January 2015.²⁰

As the recommendation pertains to photographing parking violations, it should be noted that the photographic evidence program was instituted mainly as a courtesy to motorists. It was not intended to change the evidentiary requirements for establishing a prima facie case for a parking violation. Once a motorist challenges the ticket, he or she may rebut the prima facie evidence by proving that the violation was issued in error through the adjudication process. As far as DDOT and DPW are aware, there is no jurisdiction in the country that requires parking officers to take pictures as part of the ticketing process.²¹

DDOT will work with DPW to ensure uniformity with DPW when applicable.

9. *TCOs are not required to take photographs that document parking and moving violations, nor do they have written procedures describing the types and number of photographs that would best support the violations they encounter.*

That D/DDOT promptly write and implement policies and procedures, and train TCOs on them, for photographing parking and moving violations. Further, to improve consistency and uniformity between DDOT's and DPW's ticket writing processes, D/DDOT should coordinate a review of the new policies and procedures by DPW's Parking Enforcement Management Administration. That way, regardless of whether the ticket for a particular parking violation is issued by DDOT or DPW, the photographic evidence presented to the motorist will be consistent.

DDOT Response:

Agree. DDOT will take corrective action to address training issues. DDOT is in the process of implementing a refresher training course as a performance goal for TCOs. Under the new TCO Performance Measurement Plan, when a supervisor identifies a deficiency in TCO performance, refresher training will be mandatory for that TCO.

In regards to photographing violations, each TCO is currently trained on how to take appropriate pictures in conjunction with writing tickets. When errors are found, the individual is counseled on how to take appropriate and accurate photographs through a retraining process. DDOT is currently working on updating TCO SOPs and training manual to address this issue. However, it

²⁰ Additionally, the Report indicates that certain exemptions for ticketing government vehicles have no basis in law or regulation. However, Traffic Control Officers (TCOs) follow D.C. Official Code § 50-2201.03 (which regulates Councilmember and Congressional parking), 18 DCMR § 2420.3 (which regulates ANC parking), and the DDOT memorandum, which is referenced in the Report and provides appropriate guidance for Congressional and Councilmember vehicles. DDOT is currently updating the TCO Training Manual and Standard Operating Procedures (SOP) to provide additional guidance to TCOs.

²¹ On page 7 of the Report, it states that “[v]iolation images are the only assurance a motorist has that his or her ticket was correctly issued”. However, the ticket itself provides adequate details regarding the elements of the violation. In addition, a ticketed motorist should be able to determine without photographs whether or not he or she violated a parking regulation because the ticket is placed on his or her vehicle, with the details of the violation, and he or she can then clearly see whether the citation is accurate.

needs to be reiterated yet again that the parking photographic evidence program was instituted mainly as a courtesy to motorists; it was not intended to change the evidentiary requirements for establishing a prima facie case of a parking violation. DDOT will work with DPW to ensure that uniformity of procedures is in place in regards to parking enforcement where appropriate.

10. ***DDOT does not closely monitor transaction fees paid to Parkmobile, or track and analyze Parkmobile complaint data.***

That the D/DDOT establish systems and assign responsibility for monitoring on a monthly basis: (1) the transaction fees paid to Parkmobile and (2) the number and types of complaints lodged with both the District's and Parkmobile's customer service entities.

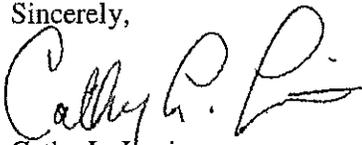
DDOT Response:

(1) Agree. Since the release of the Report, DDOT has established a specified reporting arrangement with the OCFO to review revenue deposit statements, automatically delivered from Parkmobile's Merchant of Record, Heartland Services. On a monthly basis, the Merchant of Record will be required to deliver a reconciliation report verifying that all associated transaction fees from Parkmobile meter payment services match daily deposit totals. The OCFO has assigned an Accounting Officer to closely monitor Parkmobile's reporting and will advise DDOT on activities and discrepancies.

(2) Agree. DDOT will coordinate with the Parkmobile and the District's customer service divisions (i.e., 311) to develop a schedule and procedure for documenting all complaints.

We appreciate the opportunity to provide this information to you. Should you have additional questions, please feel free to contact us.

Sincerely,



Cathy L. Lanier
Chief of Police
Metropolitan Police Department



Matthew T. Brown
Acting Director
District Department of Transportation

Addendum:
DDOT Responses to Specific ATE Camera Locations
Referred to in the Report

Report page 20, DDOT Study Intended to “Instill Public Trust” in Speed Cameras

Reached:

4800 Texas Avenue, SE

The OIG comments regarding 4800 Texas Avenue SE appear to be critical of the use of non-speed related justifications for ATE placement. The comments fail to recognize that there are numerous variables that are associated with ATE placement. To discount six injury-related accidents over the course of a three-year period demonstrates the Report’s fundamental misunderstanding of the 85th percentile speeds as the sole determinant of whether a location merits an ATE camera.

Report page 21, DDOT Study Intended to “Instill Public Trust” in Speed Cameras

Reached:

700 block of 26th Street, NE

As mentioned in DDOT Comment #2, the 2014 Safety Nexus Study utilized many factors in making a determination on ATE placement. For this particular location, the following site characteristics provided a weighted finding. There are five (5) schools in the area: Spingarn High School, Browne Education Campus, Phelps ACE High School, Young Elementary School, and Friendship Public Charter School – Blow Pierce Jr. Academy. Schools are known traffic generators and under the Federal Highway Administration (FHWA)’s Safe Routes to School Program,²² a two-mile buffer from elementary and middle schools are designated Safe Routes.

In addition to being located near schools, the location is in close proximity to the new H Street/Benning Road Streetcar Line. The introduction of this new mode of transportation alone deemed this to be a determination of safety, as all modes of transportation will need to adjust their behaviors to ensure the safe and efficient travel.

Report page 21, DDOT Study Intended to “Instill Public Trust” in Speed Cameras

Reached:

27th and K Streets, NW

²² *SAFE ROUTES TO SCHOOL PROGRAM* is a federal program that was created to enable and encourage children, including those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

Note: While the SRTS was eliminated by Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141), the Transportation Alternatives Program (TAP) was created and makes eligible SRTS activities and projects. These projects and activities must follow the TAP requirements. However, previously apportioned SRTS funds will continue to be available for their specified period of availability under the same terms and conditions in effect prior to the effective date of MAP-21 until they are obligated, rescinded, or expended.

<http://www.fhwa.dot.gov/federalaid/projects.pdf>

The audit report cited school distances of more than one mile as being too great of a distance to be considered a factor in ATE placement. Again, it should be noted that FHWA - Safe Routes to School Program defines a safe route as being within two miles of an elementary or middle school. The OIG Report is correct in its assessment of the "*Fashion Institute of Design*" as not a traditional academic campus; however, this revelation does not impact the overall analysis of the site. As this location also had a high crash frequency (nine automobile crashes) that were injury related. There is also significant pedestrian activity in this location due to its proximity to the Rock Creek Park trail system.

Report page 21, DDOT Study Intended to "Instill Public Trust" in Speed Cameras Reached:

6500 block of Western Avenue, NW

The OIG report accurately mentions that speeding and crashes were not major factors at this location; however, the report does not accurately weigh other site specific characteristics associated with traffic safety. These have been outlined in the Executive Summary of the 2014 Safety Nexus Study. This site is residential in nature and there are bus stops nearby, these factors support pedestrian traffic safety. As mentioned previously, although pedestrians account for 27 percent of traffic fatalities nationwide, in the District, pedestrians account for almost half of all traffic fatalities.²³

²³ National Highway Traffic Safety Administration Traffic Safety Facts, District of Columbia 2007-2011, http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/11_DC/2011/11_DC_2011.PDF.