

Testimony of Commissioner Chuck Elkins, on behalf of the full ANC3D, before the Committee on
Transportation and the Environment

Oversight Hearing on the Department of Transportation

February 9, 2024

Mr. Chairman and Members of the Committee:

This testimony makes the following recommendations:

SAFETY

A. Safety Hazards on the District's Sidewalks

- 1: Reduce the target (SLA) to complete the small repair projects from 270 business days to 30 business days and carry out temporary repairs to mitigate any tripping hazards in the larger projects within the same 30 business days.
- 2: Increase funding and staffing as necessary to achieve Recommendation #1.
- 3: Create an annual sidewalk-monitoring program.
- 4: Collect data about sidewalk falls and injuries.
- 5: DDOT should work with ORM to make it more likely that residents will get reimbursement for injuries and other costs due to falls on DC sidewalks.
- 6: Study methods to reduce the number of sidewalk problems that need to be fixed and the costs to repair.

B. Crosswalks: Inspect and refresh all crosswalks yearly that have faded during the previous 12 months. Paint all crosswalks with the crosshatch pattern.

C. Construction of New Sidewalks: Speed up the filling of the 233 miles of sidewalk gaps by doubling the funding from the current \$5.6 million to \$11 million.

D. Vision Zero: Recreate a DDOT-specific Vision Zero staff to deal with safety issues as part of the broader District agency-wide Vision Zero effort directed by the Mayor.

E. Evaluation of the TSI program: Conduct an evaluation of the TSI 2.0 program now that it is a year old and has been subject to criticism.

F. Senior Safety Official: Create a position of Senior Safety Official at the top of the Department

NON-SAFETY ISSUES

G. Service Level Agreements (SLAs): Annually review the Service Level Agreements against which Departmental performance is measured and which partially determine the priorities within the Department.

H. Special and Heritage Trees: Implement current law that requires notice to prospective buyers of property of the presence of heritage trees on the property and the penalties for illegal removal.

My name is Chuck Elkins and I am the ANC Commissioner for Wesley Heights (ANC3D 01). I have served as Co-Chair of ANC3D's Transportation Committee for the past four years and have therefore had a great deal of interaction with both DDOT and with our residents about transportation issues. Today I want to focus primarily on safety issues, with special attention to pedestrian safety.

SAFETY

A. Fixing Our Unsafe Sidewalks

Almost every day all over the District, residents are alerting District officials to broken sidewalks that need to be fixed. Anecdotally, we know that many people are tripping on these sidewalk hazards before the District gets around to fixing them.

These falls often result in injuries, a few of which are life threatening; others leave residents permanently disabled in some way. DDOT could prevent many of these injuries if it would simply repair these hazards more quickly. However, they continue to fail to do so. This public health emergency has simply has not been a high priority within the Department.

We brought this issue to this Committee's attention at last year's oversight hearing. Director Lott assured the Committee that he would look at the long deadline of 270 business days—over a year—that the Department had set for sidewalk repair. We are back this year to tell you that the Department has kept the same 270 business day deadline for sidewalk repair and has not improved their performance very much even against this very long deadline. Last year they met this deadline of over a year only 53% of the time. This year, they got their performance up to 62%!

We are back this year, armed with a Report that looked at over 18,000 service requests via 311 and collected data on injuries from falls on these unrepaired sidewalks.¹ Perhaps last year everyone thought we were "Chicken Little" reporting that the sky was falling when actually everything was fine. Consequently, we brought indisputable facts that DDOT's inaction on sidewalk tripping hazards results directly in serious injuries to the District's residents. DDOT can no longer claim that it does not know about how their neglect is causing such serious health problems for people.

Here are some of those facts that you will find in our report:

¹ DC Residents' Report to Improve Sidewalk Safety, Capitol Hill Village

A recent survey was conducted of Capitol Hill Residents about sidewalk injuries. Here is what they found:²

473 households responded to the survey:

- 305 households reported that a member of their household fell on a sidewalk in the community over the past two years.
- One-third of the falls involved people who were younger than age 40.
- 263 injuries were reported with 114 instances needing medical care.

Last month readers of a Washington Post article about the human cost of sidewalk injuries left the following comments about their injuries:³

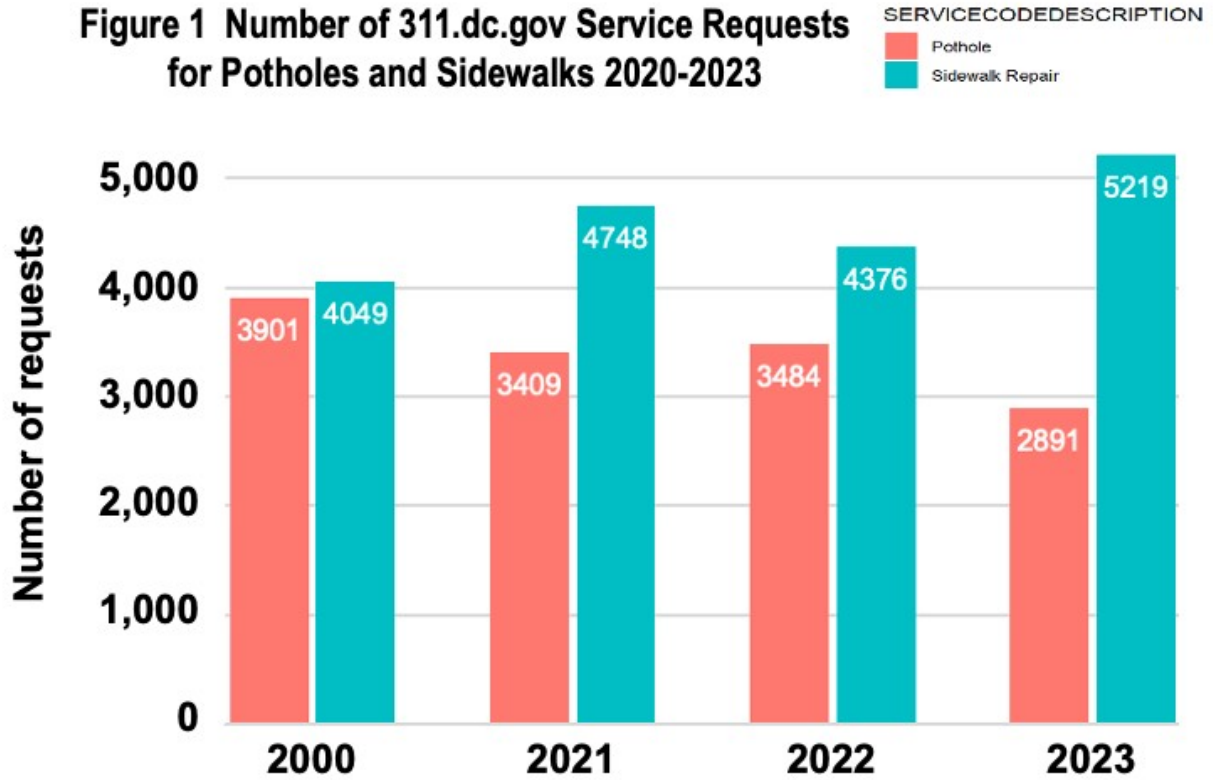
- *“My right elbow was smashed to smithereens. I cannot straighten my arm completely or turn my palm completely upward.”*
- *“I hurt my knee badly and ended up with a total knee replacement as a result!”*
- *“I broke an arm, and required surgery; I spent a few nights in a hospital and acquired permanent internal bling in the form of a titanium plate.”*
- *“I fell unevenly with most of my weight onto the palm of one hand. My hand stopped moving, but the bones in it did not. They ripped through my fingers like a broken glove.”*

This last year 311 requests to have sidewalks repaired were almost double the requests to have potholes repaired.

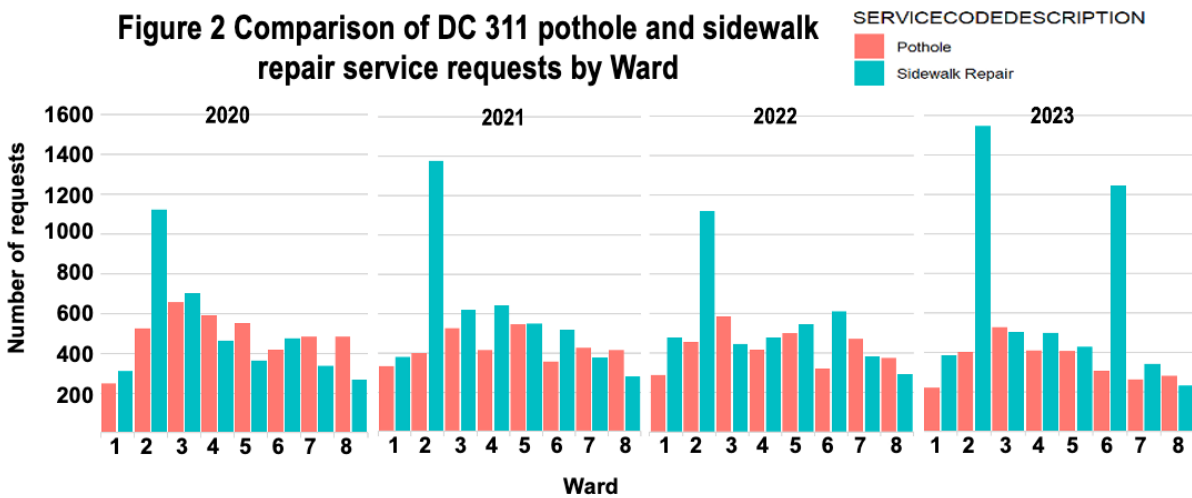
² Conducted by ANCs 6A, 6B, 6C, and the Capitol Hill Village

³ <https://www.washingtonpost.com/dc-md-va/2024/01/13/dc-sidewalk-pedestrian-safety>

Figure 1 Number of 311.dc.gov Service Requests for Potholes and Sidewalks 2020-2023



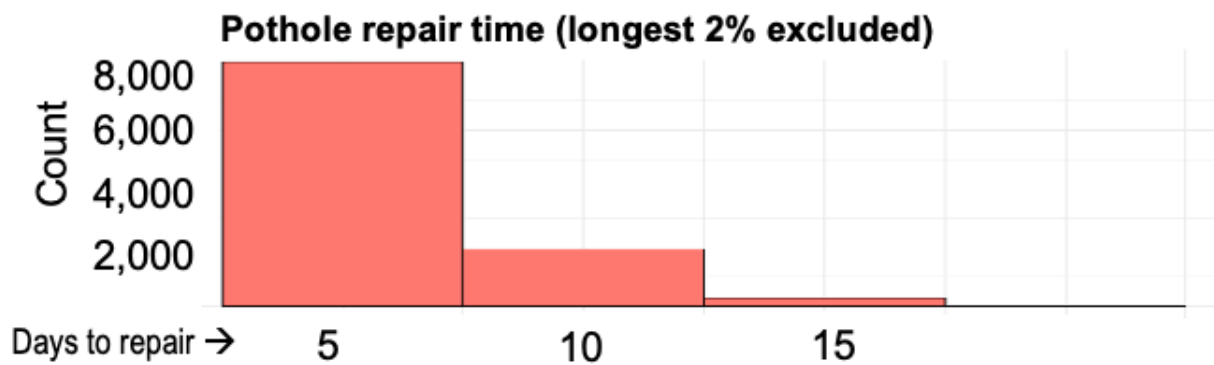
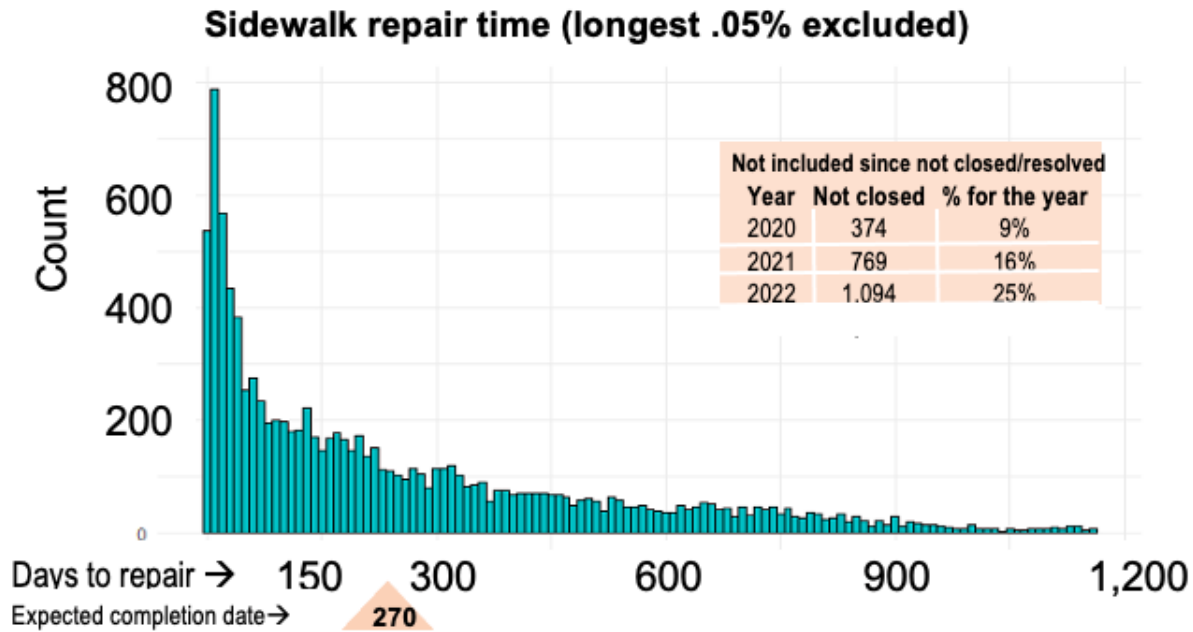
These requests came in from every Ward:



However, DDOT’s response to these requests for sidewalk repair, many of them representing tripping hazards for the District’s pedestrians, has been tepid, at best. The Department does a great job of filling potholes to make driving more pleasant for the District’s drivers, but somehow does not seem to sense the public health urgency of protecting pedestrians from falling on its unrepaired sidewalks:

Figure 6: Comparison of DC 311 time to remedy pothole and sidewalk service requests for 2020-2022

Source: <https://opendata.dc.gov/search?collection=Dataset&sort=-created&tags=311>



To its credit, the Department did do considerably more quick fixes/patches this last year, but a quick fix does not mean it was done quickly. It just means that, once done, it helps to prevent falls. Note how many reported problems were taken care of within 30 days.

Figure 7: Comparison of time to remedy sidewalk service requests in first 30 days of the year

	2020	2021	2022	2023
# of new requests resolved within first 30 days	395	708	1,018	854
% of that year's total requests resolved within first 30 days	10%	15%	23%	16%

In our view, all tripping hazards should be taken care of in no more than 30 days. Even a ½ inch difference between two adjoining portions of a sidewalk can constitute a tripping hazard and should be repaired quickly, even if only temporarily until a more permanent repair can be done.

The good news is that DDOT’s neglect of this public health emergency can be easily remedied. We ask this Committee and DDOT not to let another year go by without taking these simple steps to reduce the injuries caused by the Department’s current poor performance.

Recommendation #1: Reduce the target (SLA) to complete the small repair projects from 270 business days to 30 business days and carry out temporary repairs to mitigate any tripping hazards in the larger projects within the same 30 business days.

Recommendation #2: Increase funding and staffing as necessary to achieve Recommendation #1.

Recommendation #3: Create an annual sidewalk-monitoring program.

Recommendation #4: Collect data about sidewalk falls and injuries.

Recommendation #5: DDOT work with ORM to make it more likely those residents will get reimbursement for injuries and other costs due to falls on DC sidewalks.

Recommendation #6: Study methods to reduce the number of sidewalk problems that need to be fixed and the costs to repair.

All of these recommendations are important, but I want to emphasize especially the first four (4) of these. In addition to immediately changing the program to repair all tripping hazards within 30 days, the Department needs to collect the data to support this program. DDOT’s current and welcome emphasis on the use of data to drive decisions, programs, like sidewalk repair, tend to be under-funded, because the Department lacks data on which sidewalks need repair and how many people are being injured as a result. The Department does have data on pedestrians injured in crashes, often at crosswalks, but apparently has no data on how many people are injured on the rest of the many miles of pedestrian infrastructure across the District.

B. Keeping Crosswalk Markings Fresh and Highly visible

Crosswalk markings are very important for keeping pedestrians safe at intersections. Yet, so many of the markings fade over time and thus are considerably less visible to drivers, especially at night and during bad weather. **We recommend that the Department do an annual inspection of all crosswalk markings and refresh all those that have faded during the previous 12 months. In addition, all crosswalks should be upgraded to the cross-hatching design to make them more visible.**

C. Construction of New Sidewalks

The Department is to be congratulated for creating a new system for managing the construction of new sidewalks and for increasing the funds so allocated. Essentially, the Department has evaluated each of the ~2500 sidewalk gaps that, added together, total 233 miles across the District. The Department has given each a score based on some initial criteria of need. In addition, the Department has made this process transparent by publishing a dashboard for the program. This is such a great improvement over the previous ad hoc approach to new sidewalk construction in past years.

Most importantly, by estimating an average cost per foot of new sidewalk, the Department and the Council can now see the approximate cost of filling some or all of these sidewalk gaps and can determine how fast the District wants to be filling these gaps.

In 2024, DDOT is spending \$5.6 million to fill 80 sidewalk gaps that total approximately 7 miles. This is a big improvement over the ~\$2 million new sidewalk program in past years. However, it is a drop in the bucket of what needs to be built.

To fill all of these sidewalk gaps across the District DDOT estimates would cost \$174 million. However, many of these segments scored in the lower half of the 1 to 10 scoring system. To fill the sidewalk gaps that scored in the top half of the scoring system would cost about \$54 million. If DDOT were to continue to spend \$5.6 each year for the next 10 years, it could fill these most important sidewalk gaps in 10 years. However, 10 years is a long time for people to wait for a sidewalk so that they do not have to walk in the street with the traffic. **We recommend that the Council double DDOT's new sidewalk budget to \$11 million and complete eliminate these top-scoring gaps in 5 years.**

D. Vision Zero: Moving the Vision Zero to the Office of the Mayor makes sense because achieving the goals of this program requires the work of several executive office agencies and Departments. However, moving the staff leaves DDOT without the one single staff that was looking across the Department at safety. While Vision Zero should be in the Office of the Mayor, there should also be a Vision Zero staff within DDOT. **We recommend that DDOT and the Council recreate a DDOT-specific Vision Zero staff to deal with safety issues within the Department and to work with the Mayor's office.**

E. Traffic Safety Input Program (TSI 2.0)

Two years ago, the Department decided to revamp its Traffic Safety Investigations program and speed up the response time to requests. The Department found itself overwhelmed with requests from residents and ANCs for safety improvements and was unhappy with the lack of criteria to prioritize the requests. As a result, the Department, without consultation, revamped the system into the TSI 2.0 program, restricting the number of requests it would process each quarter, and completely cutting the ANCs out of the process.

Now that the TSI 2.0 program is over a year old, **we recommend that the Council and Department undertake an evaluation of the program, with the assistance of ANCs and other interested parties.**

Among the questions that we believe should be asked are:

- Are the criteria for choosing projects sound?
- Could ANCs help to prioritize projects for the Department, based on their knowledge of local conditions?
- Is the pot of money assigned to this important safety program sufficient to deal with the safety problems that remain in the District?
- Does the Department have the capacity to take on more of these safety projects?
- Should these safety projects be limited by the budget and the Department's current capacity, or should these be increased?

F. Make DDOT a Safety-First Department

The District's Transportation Department is filled with dedicated and hard working professionals and they turn out a lot of very good work.

However, DDOT states on its website that its mission is:

"to equitably deliver a safe, sustainable and reliable multimodal transportation network for all residents and visitors of the District of Columbia."

I am sorry to say that while the word "safe" is given first place in this recitation of DDOT's mission, I believe DDOT is not a safety-first Department. Don't get me wrong. Many officials within DDOT take safety very seriously. However, I do not believe that this safety ethic is embodied in the way in the Department's day-to-day operations. All too often, other priorities appear to preempt safety considerations. This is a very serious matter and people are being badly injured, if not killed, because of the less-than-top priority being given to safety by the Department. By analogy, we see the Boeing Company, one respected for its giving top priority to safety, is now suffering the consequences of a decline in their attention to safety—and their customers, and especially their passengers are suffering as a result. It is all too easy for safety to take a back seat in an organization. The consequences for the public can be very severe.

Of course, many of DDOT's decisions are complicated, with many competing priorities, so my conclusion about the lack of a safety-first culture within the Department is simply a judgment I have made after many years of working with DDOT. I could provide several examples, but ultimately the Council and the top DDOT officials need to reach their own conclusion about the culture at DDOT, based on their experience with DDOT decisions that they have witnessed.

Assuming that some members of the Council, once they think about it, may share my view that the Department is not a safety-first agency, I want to address how the Department's culture might be changed.

Changing the culture of an organization can prove very difficult. **I recommend, as a major first step, the creation of a top-level Safety Officer for the Department.** I believe there needs to be a person at the top of the Department who gets up every morning asking, “What can we do to make our transportation systems in the District safer?” Not, “how can I resurface more miles of the District’s streets—and, by the way, make them safer”. I believe it is important for at least one top official to have nothing but safety as their portfolio—and have enough power to do something about it throughout the Department.

Recently, this Council demonstrated how the creation of a top official position can make a big difference in the culture of a Department. The Council directed that DCRA be broken into two departments. The major difference between the old department and the new departments was the creation of a Strategic Enforcement Officer in each of the new Departments. In the case of DCRA, ensuring compliance with the District’s regulations through enforcement was not an important part of the Department’s culture. I can attest to this Council that now it becoming an important part of the Department of Buildings’ culture, and this has led to a major improvement in that Department’s performance this year. I believe the creation of a Top-level position of Safety Officer within DDOT would be likely to have a similar effect on that Department’s culture. In addition to searching every day for new initiatives to make our transportation systems safer, this senior official could be called upon to intervene where safety seems to be ignored in some Departmental actions.

OTHER NON-SAFETY RELATED RECOMMENDATIONS

G. Periodic Review of Service Level Agreements (SLA’s)

Our experience with the Service Level Agreement for repair of sidewalks (270 business days) has brought us to questioning the role of SLAs in setting priorities within the Department. Organizations within the Department are graded against the targets set by SLAs and as such, SLAs have a role in determining priorities about what gets done in a fiscal year.

When some of us asked a program manager why his SLA was set at a particular level, he said he had no idea. Does the current top management of the Department know why certain SLAs are set as they are? Does the Council?

We recommend that SLAs be reviewed by the Council with the top Department management every budget year, as a way of agreeing on what the priorities are for the Department and how, therefore, limited resources should be allocated within the Department. In addition, where the Department seriously fails to meet a particular SLA during the past year, we suggest this should be a specific focus of the annual oversight review.

Take a look at this year’s performance of the Department against these SLAs:

311 Service Requests Closed in FY23 (regardless of date initiated)			
SLA Status			
SR Type	Current SLA (business days)	Closed Met SLA	Closed Missed SLA
Alley Repair Investigation	270	31%	69%
Bicycle Services	60	90%	10%
Bus/Rail Issues	60	91%	9%
Dockless Vehicle Parking Complaint*	2	100%	
Parking Meter Repair	5	66%	34%
Pothole	3	87%	13%
Resident Parking Permit	60	97%	3%
Roadway Repair	270	52%	48%
Roadway Signs	130	69%	31%
Roadway Striping / Markings	270	60%	40%
Sidewalk Repair	270	62%	38%
Streetlight Repair Investigation	7	83%	17%
Traffic Safety Input*	130	84%	16%
Traffic Signal Issue	2	85%	15%
Tree Inspection	5	99%	1%
Tree Planting	500	99%	1%
Tree Pruning	180	94%	6%
Tree Removal	180	94%	6%
Utility Repair Issue	60	98%	2%

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Note that parking meters are to be repaired in 5 business days, streetlights repaired in 7, tree inspection within 5. Compared to the 270 days allowed for sidewalk repairs, resident parking permits are handled in 60 days and roadway signs in 130. Do these targets reflect the priority that should be placed on each of these? Of course, these targets are not always met on time, as the data shows, but these are the targets against which the staff is working. Something this important set of targets for how the Department gets its work done is certainly worthy of a yearly review by the Council and the Department. As indicated previously in this testimony, we are suggesting that, the target for sidewalk repairs be changed this year.

H. Protecting our Special and Heritage Trees

We were disappointed to see that the new legislation the Council passed a couple of years ago to increase the penalties for illegal removal of heritage trees has not been entirely successful. According to the Department, 20 heritage trees were cut down without a permit last year. Apparently, the increase penalties were not sufficient. The same amendments that the Council approved to increase the penalties also included a provision to prevent situations where persons feel they must chop down a heritage tree. This is the provision that persons buying a property on which a heritage tree is located be informed ahead of time of the presence of the heritage tree and the difficulty of gaining approval to cut them down. Persons who have illegally cut down heritage trees have been quoted as saying that “if

they had known about the presence of a heritage tree and the difficulties of obtaining permission to remove the tree, they would never have purchased the property.” The recent amendments to the act provided the Division a simple no-cost way of having that information included in notices that sellers must include in the information provided to prospective buyers. **We recommend that the Committee to ask DDOT to work with other responsible parties in the realty industry to implement this important provision more effectively. We believe that this could save at least some of these heritage trees from destruction.**

Thank you for the opportunity to present this testimony.